
Appeal Decision

Site visit made on 30 January 2017

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th February 2017

Appeal Ref: APP/J4525/W/16/3162537

Land adjacent to 16 Queen Alexandra Road, Sunderland, Tyne and Wear

Grid Ref Easting: 440470 Grid Ref Northing: 554763

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Lindsey Thompson against the decision of Sunderland City Council.
 - The application Ref 16/00440/FUL, dated 15 March 2016, was refused by notice dated 30 June 2016.
 - The development proposed is 'erection of 3 storey dwelling house and garage.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address given on the application form is Queen Alexandra Road. However, it is clear from the submitted plans and appeal form that the appeal relates to land adjacent to 16 Queen Alexandra Road. I have therefore taken the full appeal site address from the appeal form rather than the application form.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance and biodiversity of the area.

Reasons

4. The appeal site is open space located in a predominantly residential area on the north side of Queen Alexandra Road, a wide street with mature trees set in grass verges on both sides. The site is opposite the junction with the southern section of Woodstock Avenue. A public footpath leading to the northern section of Woodstock Avenue and the shops and services on Ryhope Road runs along the western boundary of the site. The houses on the northern section of Woodstock Avenue overlook the road and the public footpath, and have a strong front building line set behind front gardens with low boundaries. The 4 early mature cherry trees and well maintained grass give the appeal site a verdant appearance and the low timber fence along its western and southern boundaries allows views across it, thus providing an attractive setting to the pedestrian route and making a positive contribution to the street scene of both Queen Alexandra Road and the northern section of Woodstock Avenue.
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5. The proposed development would be a substantial detached 2 storey house with accommodation in the roof and an attached single garage to the eastern elevation.
6. The infill development at 20 Queen Alexandra Road to the west of the appeal site is located to ensure that the side gable does not extend forward of the front south west corner of the house at 32 Woodstock Avenue, immediately to the north, thereby respecting the building line along the street. By contrast, the side and much of the rear elevation of the proposed dwelling would project significantly forward of the front building line formed by the semi-detached pair of houses at 17 and 19 Woodstock Avenue to the north east of the appeal site. This would have the effect of closing what is currently an attractive open vista from both the north and south, and the development would effectively turn its back on Woodstock Avenue contrary to the prevailing urban form.
7. The submitted plans indicate that a 1.8m high fence would be erected along approximately 14m of the boundary with the public footpath. Although this fence would be of a similar height to the side boundaries of the adjacent houses at Nos 16 and 19, it would not reflect the open nature of the existing front boundaries along the public footpath and Woodstock Avenue, and would further exacerbate the enclosing effect of the proposed development identified above. As such, it would reduce the attractiveness and appeal of the public realm and pedestrian environment.
8. All the existing trees on the site would be removed. The submitted tree survey and arboricultural assessment conclude that, with the exception of tree T3 in the south east corner of the site, the trees are in good condition and provide landscape amenity to the immediate area. Although replacements are shown on the submitted drawings they would not be of the same size as the existing trees and, due to the considerable footprint of the proposed dwelling, would be set in a much smaller area. Consequently the proposed development would significantly reduce the contribution the site makes to the landscape quality of the street scene.
9. The arboricultural assessment states that the trees on the appeal site do not provide the features required by roosting bats. However, no investigations or desk based studies have been carried out. I note that the Council validated the application without an ecology survey, and that the Council's delegated report does not make reference to any consultation response from an ecology specialist. Notwithstanding this, although the appeal site is located in a residential area, it is nevertheless within a wildlife corridor and therefore the loss of the trees and the development of a significant part of the site could have an adverse effect upon biodiversity. Based upon the limited evidence before me, I cannot be satisfied that the appeal scheme would put in place adequate measures to avoid or mitigate potential adverse effects upon biodiversity.
10. The appellant states that the appeal site is in private ownership and could, under permitted development rights, be enclosed by a 2m high wall or fence. It is further stated that, because the site is not in a Conservation Area and they are not subject to a Tree Preservation Order, the trees could be removed without consent. However, there are no details before me to show in what way the site could be enclosed without the need to apply for planning permission. Furthermore, I have no substantive evidence to indicate that the site would be

enclosed in such a way or that the trees would be removed should the appeal be dismissed. I therefore attach very little weight to these matters.

11. My attention has been drawn to a newly built detached house to the south of the appeal site. I have not been provided with details of the planning history of this scheme. However, based upon the submitted evidence, whilst the development may be similar in design and scale to the appeal proposal it differs considerably in terms of its situation. Whereas the appeal site is located in a prominent position adjacent to a road and public footpath, the other site is surrounded by buildings and has no road frontage and is therefore far less conspicuous. As such, the circumstances of that scheme are not directly comparable with the proposed development and therefore I have afforded it limited weight. In any event, I must determine the appeal on its own merits.
12. Overall, the siting, scale and design of the appeal proposal would fail to respect the established development pattern in the surrounding area and would appear as an excessively dominant, oppressive and incongruous feature when viewed from Queen Alexandra Road, both the northern and southern sections of Woodstock Avenue and the public footpath that bounds the site. Also, the loss of the open space and trees would significantly erode the spacious and verdant nature of the site, and would potentially result in the loss of habitat.
13. For the reasons set out above, I conclude that the proposed development would have a harmful effect upon the character and appearance of the area and could have a harmful effect upon the biodiversity of the area. As such, it would conflict with the design, landscape and nature conservation aims of UDP Policies B2, B3, CN17, CN18, CN22, CN23 and R1.
14. The first reason for refusal set out on the Council's decision notice cites conflict with UDP Policies H1 and H8 which relate to new housing development and windfall sites. UDP Policy H1 sets out a number of criteria for the provision and location of new housing and seeks to secure the re-use of vacant and derelict land wherever possible, in accordance with the 8th core planning principle set out in paragraph 17 of the Framework. UDP Policy H8 stipulates that proposals for housing development on windfall sites must normally be in accord with other policies and proposals of the development plan. The appeal site is not previously developed land and the proposed development would fail to accord with a number of development plan policies as set out above. As such, I find that the appeal proposal would also conflict with the aims of Policies H1 and H8 of the UDP in these regards.
15. The Council makes reference to conflict with UDP Policy EN10 in the second reason for refusal set out on the decision notice. However, I note this policy states that, where the plan does not indicate any proposals for change, the existing pattern of land use is intended to remain and that proposals for development in such areas will need to be compatible with the principal use of the neighbourhood. The appeal site is located in a predominantly residential area and the proposed development is a house. I therefore do not find conflict with UDP Policy EN10.
16. In addition to the development plan policies referred to above, I have had regard to the presumption in favour of sustainable development set out in paragraph 14 of the Framework, to the core planning principles which the Framework sets out in paragraph 17 and to the policy aims in respect of building a strong, competitive economy, promoting sustainable transport,

delivering a wide choice of high quality homes, requiring good design, promoting healthy communities and conserving and enhancing the natural environment set out in Parts 1, 4, 6, 7, 8 and 11 of the Framework.

17. For the reasons set out above, the proposed development would not create a high quality built environment and would fail to protect and enhance the natural environment as required by the social and environmental roles set out in paragraph 7 of the Framework. The three dimensions of sustainable development are mutually dependent, and I consider that the conflict with the social and environmental dimensions would outweigh any positive contributions the appeal proposal would make towards the economic dimension through the provision of an additional dwelling house in a residential area within walking distance of shops, services and public transport facilities. As such, the proposal would not constitute sustainable development when assessed against the policies contained within the Framework as a whole.

Other matters

18. The appeal site has a pedestrian access gate on the western boundary with the public footpath. During my site visit I did not observe anyone using the site, although I note representations from local residents which state that it is used by local children for informal play. However, there is a large recreational play area located within walking distance of the appeal site on Westheath Avenue. As such, the appeal proposal would not significantly reduce the opportunities for informal recreation in the local area. Nevertheless, this relatively minor matter does not persuade me to find the appeal scheme acceptable overall

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

C L Humphrey

INSPECTOR