
Appeal Decision

Site visit made on 12 April 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 17 May 2017

Appeal Ref: APP/J4525/W/17/3167855

Jubilee House, Front Street, Hetton-Le-Hole, Houghton Le Spring DH5 9PE

- 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 Mr Sean Wood against the decision of Sunderland City Council.
 - The application Ref 16/01767/FUL, dated 23 September 2016, was refused by notice dated 23 November 2016.
 - The development proposed is change of use to three flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site is given as 'Front Street, Hetton-le-Hole...' on the application form. The address given on the appeal form includes 'Jubilee House', which more accurately locates the site, and so I have amended the address above accordingly.

Main Issues

3. The main issues are: the effect of the proposal on the character of the surrounding area; whether the development would provide satisfactory living conditions for future residents, with particular regard to outlook and outdoor space; the effect of the proposal on highway safety, and; whether satisfactory bin storage would be provided.

Reasons

Character of the surrounding area

4. The appeal site comprises the upper floors of the property at Jubilee House, which is located within the main commercial centre of Hetton. The site was last used as office accommodation, and was vacant at the time of my visit. The proposal would create three new one-bedroom flats, two within the main building, and one within the existing flat-roofed rear extension.
 5. The Council is concerned that the proposal would result in the loss of a commercial use from the town centre. Policy S2 of the City of Sunderland Unitary Development Plan (UDP, 1998) seeks to sustain and enhance the vitality, viability and appropriate diversification of existing centres in the area, including Hetton, and thereby facilitate their regeneration. The policy lists dwellings above ground floor level as a use which will be considered acceptable in centres providing it complements the retailing function. B1 uses are also
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listed in the same category. There is nothing in the policy to suggest that B1 business uses should be favoured over C3 residential uses.

6. The planning officer's report confirms that there are other instances of residential uses above shops in the area, and there is no evidence before me to suggest that the proposed change of use would be incompatible with the town centre. It would bring benefits such as natural surveillance of the area at night, and the occupants would be likely to support the nearby businesses. I therefore conclude that the development would not harm the character of the surrounding area. As such, there would be no conflict with UDP Policy S2.

Living conditions

7. Turning to living conditions, the Council's concern relates to the outlook from the proposed Flat 3, which would be accommodated within the existing rear extension. The Council's document entitled 'Supplementary Planning Guidance – Development Control Guidelines' (SPG, June 2000) sets out requirements for conversion to flats. It states that main living rooms should have a reasonable outlook, and that the windows of habitable rooms should not be in close proximity to high boundary or gable walls.
8. The new bedroom and living room of Flat 3 would have windows facing over the adjacent single storey extension and the pitched roof of the toilet block. Although the pitched roof would not entirely block the outlook, views from Flat 3 would be restricted by its presence. As the flat would be single aspect, I am concerned that the habitable rooms would feel unacceptably constrained and claustrophobic as a result of the limited outlook. As a result, I conclude that the proposal would fail to provide satisfactory living conditions for future residents. It would thus conflict with UDP Policy H18, insofar as it aims to ensure satisfactory living accommodation.
9. Although the proposal would not provide outdoor space, this is often the case for upper floor flats in built up town centre locations. I am mindful that there are a number of leisure facilities close at hand in the area, for example, the swimming pool located close to the rear of Jubilee House, and the Hetton Lyons Park, which is located at around 400m away. I therefore consider that the lack of provision of outdoor space in this instance would not be so harmful in itself as to warrant the withholding of planning permission.

Highway safety

10. Topic 13 of the SPG sets out requirements for parking spaces for new dwellings, and normally recommends one space per flat. However, the notes state that parking for developments within local shopping centres will be determined on an individual basis by balancing such provision with commercial viability and environmental impact, including road safety and traffic congestion.
11. In this case, there is no land available within the red line boundary for the provision of dedicated parking for the development. However, this is not unusual in a town centre location. Topic 13 further states that the provisions are guidelines only, and that a number of factors should be taken into account, including the accessibility of public car parking and public transport. Whilst public car parking in the immediate area is limited, the occupants would have access to public transport and local services. I therefore consider that the lack of dedicated car parking would not be unacceptably harmful in this case.

12. The Council is concerned that the development would attract vehicles to and from the site, which, in the absence of off-street parking, would be prejudicial to highway safety. However, no detailed evidence has been provided to show how the development would give rise to these particular issues. I am mindful of the provisions of the National Planning Policy Framework, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
13. In the absence of any substantive evidence to the contrary, I am not convinced that the effect of the development on highway safety would be so harmful as to warrant the withholding of permission. I therefore find no conflict with UDP Policy T22, which sets out requirements for private parking associated with development proposals, or UDP Policy T14, insofar as it seeks to avoid traffic congestion or highways safety problems on existing roads, or with the provisions of the SPG.

Bin storage

14. The SPG states that bin storage should be at the rear of the building or, if this is not possible, a suitably designed structure should be provided. An area for the storage of bins for the development would be designated on the footway just outside the main entrance to the property.
15. At the time of my site visit, this area was occupied by a commercial wheelie bin and a large grey metal box, which appeared to be associated with the adjacent Post Office. Whilst I acknowledge the Council's concern over visual amenity, it is clear that the area in question already attracts storage of a utilitarian appearance. If the wheelie bin and grey box were to be replaced with domestic bins, the effect on the visual amenity of the area would be broadly similar.
16. However, I am concerned that the submitted plans do not specify the number or size of bins that would be required for the three new flats. If, for example, separate waste and recycling bins were required for each unit, it might be difficult to accommodate all of these in the allocated space. In the absence of this information, I am unable to be certain that the development would provide satisfactory bin storage. Also, although the Council alludes to the issue of highway safety within the fourth reason for refusal, it is unclear how this would be compromised in this particular case. However, these matters are not determinative, as I have found the proposal to be unacceptably harmful in terms of living conditions, for the reasons given above.

Conclusion

17. I have found in the appellant's favour in terms of the effect of the proposal on the character of the area, and in terms of highway safety, but I have been unable to reach a conclusion regarding bin storage. Nonetheless, I have concluded that the proposal would fail to provide adequate living conditions for future occupants. Therefore, taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR