
Appeal Decision

Site visit made on 21 November 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/H4505/W/17/3181897
Land at Ellison Terrace, Greenside

- 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 ISM Properties Ltd against the decision of Gateshead Council.
 - The application Ref DC/16/01182/FUL, dated 7 November 2016, was refused by notice dated 20 April 2017.
 - The development proposed is the construction of 3 houses.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 3 houses at Land at Ellison Terrace, Greenside in accordance with the terms of the application, Ref DC/16/01182/FUL, dated 7 November 2016, subject to the conditions set out in the Schedule to this decision.

Preliminary Matters

2. The proposal was amended following submission to the Council but prior to its determination. I am satisfied that all relevant parties have been made aware of the amendments and would not be prejudiced. Therefore, I have determined the appeal on the basis of the amended proposal.
3. I have also dealt with another appeal (APP/H4505/W/17/3181898) on this site. That appeal is the subject of a separate decision.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to the Greenside Area of Special Character.

Reasons

5. The appeal site is located on Rockwood Hill Road between the two storey terraced houses of Ellison Terrace and the two storey detached property of Ivy House. The site is presently vacant and somewhat overgrown, containing as it does a dilapidated stone barn and concrete garage with low level stone walls to the front.
6. It is located in a predominately residential area within the village of Greenside, which is identified within the Gateshead Placemaking Guide Supplementary Planning Document 2012 (GPSPD) as an Area of Special Character (ASC) where positive and unique characteristics should be retained, enhanced and protected. The GPSPD indicates that ACS's in rural villages are characterised

- by predominately two storey buildings with a smaller footprint and limited height, whilst taller buildings are restricted to churches and older properties.
7. Opposite the site are pairs of two storey semi-detached houses with hipped roofs. Those properties are elevated above street level. To the west of those is a short terrace of four, two storey dwellings. There is a, therefore, a general character of two storey houses in the area with a wide variation in style and appearance. Nevertheless, there is consistency in the linear pattern of development here. On the appeal site side of the road, most dwellings are sited either close to the footway or set back not more than 4-5m from it. In addition, the roofline of both sides of the road broadly replicates the rather steep topography.
 8. It is proposed to develop a terrace of three dwellings on the appeal site. The Council considers the dwellings would be too high relative to existing dwellings in the area. The closest property on Ellison Terrace has a ridge height of around 8.8m whilst Ivy House has a ridge height of around 8.1m. In contrast, the proposed dwellings would have a ridge height of around 10m with a step down of around 0.3m between each to reflect the topography. The proposed dwellings would therefore be clearly higher than the properties either side.
 9. However, the dwellings would be sited around 19-20m from Ellison Terrace and around 13.4m from Ivy House. Due to the separation and topography, the greater height of the proposed dwellings would not be significantly apparent within the street scene, particularly when viewed from certain vantage points to the east and west. Indeed, the proposed height step down of around 2.5m between the appeal site and Ellison Terrace would be consistent with other properties in the area. Moreover, the fact that the dwellings would not be the same height as neighbouring properties need not necessarily equate to harm. In my view, the extent of the increase in height would not be so significant that the proposed dwellings would appear as dominant or obtrusive features.
 10. Whilst the dwellings would have some semblance of townhouses due to the depth of the roof and the use of rooflights to the front, the proposed dormers would be located on the rear roof slope and would not be widely perceptible within the street scene. Furthermore, although the stone used in other nearby dwellings would not be incorporated into the scheme, the design of the dwellings would be broadly consistent with the terraced properties of Ellison Terrace through the use of similar materials and fenestration, including stone cills and heads. Likewise the narrow width would result in a pronounced vertical emphasis, reflecting that of neighbouring properties.
 11. Furthermore, whilst I note the Council's concerns regarding the proximity of the dwellings to the footpath, they would be set back around 0.4m to 1m from the front boundary of the site. That would broadly reflect the approximate 1m set back of Ellison Terrace. I note that the proposal would not replicate the 4m set back of Ivy House or indeed the larger setbacks of the houses opposite. However, notwithstanding the gap to Ellison Terrace, given the design and siting of the proposed dwellings, they would in my view be read more as a continuation of the terraced, linear built form of Ellison Terrace than they would in the context of Ivy House or the properties opposite.
 12. As a result, I find the proposed dwellings would not appear as dominant or obtrusive features within the street scene. Indeed, I find the scale, massing, design, appearance and siting of the dwellings would make a positive

contribution to the established character and identity of the area, would respond positively to the distinctiveness of the ASC and would not constitute overdevelopment of the site.

13. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area with particular regard to the Greenside Area of Special Character. Consequently, the proposal would comply with Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) which states that development will be required to respond positively to local distinctiveness and character. It would also accord with Saved Policy ENV3 of the Gateshead Unitary Development Plan (2007) which states that the design, density and scale of new development should make a positive contribution to the established character and identity of its locality, whilst all development will be expected to recognise established design principles such as scale, massing, height and materials.

Other Matters

14. The proposal would provide one off-street parking space for each dwelling. I note the concerns of Councillors and local residents in respect of the proposed parking arrangements. However, no substantive evidence has been provided which demonstrates that there are existing on-street parking problems. Indeed, whilst only a snapshot, my own observations were that on-street parking levels were not unduly high, with several available spaces and a number of properties with driveways and other forms of off-street parking. Furthermore, the traffic volumes I observed were not so significant that the level of additional on-street parking that would likely arise from the development would be harmful to highway safety. In the absence of any substantive, contrary evidence, I have no reason to believe my observations were not representative of regular traffic conditions in the area and thus, that the proposal would have a harmful impact on highway safety.
15. I have also had regard to the concerns of local residents in respect of the effect of the proposal on the privacy of neighbours. Whilst windows are proposed in the flank walls at either end of the terrace, the windows would serve staircases and a ground floor bathroom. The plans show the bathroom windows would be obscurely glazed. Given the non-habitable nature of those windows and the separation distance to the closest windows in the closest neighbouring properties, I am satisfied the proposal would not result in an undue loss of privacy for neighbouring occupiers.
16. The proposal is supported by a Bat Survey Report. Although dated 2014, I have no substantive evidence to suggest that the findings of the report are no longer relevant or in any way inaccurate. The report concludes that the existing building on the site has medium potential to contain roosting bats whilst the surrounding habitat offers good foraging potential. The proposal therefore incorporates bat roost features whilst nesting provision for house sparrows would also be provided. I consider these measures to be reasonable and necessary and can therefore be secured by condition.
17. Concerns have also been raised by neighbouring residents in respect of the retention of access to their boundaries. However, any legal rights which may exist in that respect are a separate matter and are, as such, a consideration to which I can afford no more than very little weight

Conditions

18. In addition to the standard time limit, a condition relating to the approved plans is necessary to provide certainty. I have imposed a condition requiring the development to be constructed in accordance with the materials shown on the approved plans. Nevertheless, I agree with the Council that the provision of red brick and natural slate roof tiles are necessary to protect the character and appearance of the area and I have therefore imposed a requirement for samples of the materials to be submitted to and agreed by the Council. I also agree a condition requiring 100mm reveals on all openings is necessary to reflect the character of the surrounding area.
19. A condition relating to contamination is necessary to ensure the development would not pose an unacceptable risk to surrounding receptors. Similarly, given the legacy of coal mining in the area, it is necessary to impose a condition requiring site investigations to be undertaken to ensure that any potential land stability issues can be properly mitigated.
20. A condition relating to working hours is necessary to protect the living conditions of neighbouring residents with regard to noise and disturbance. To ensure the development does not increase the risk of flooding or result in harm to the water environment, a condition relating to foul and surface water is necessary.
21. A condition to ensure the installation of bat roosting features and nesting provision is necessary in the interests of ecology and biodiversity. To protect the character and appearance of the area, a condition is necessary for details relating to the front boundary wall to be agreed. Finally, a condition to ensure that the windows shown to be obscured on the approved plans are installed with obscure glazing to protect the living conditions of neighbouring residents.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 15034 OS, 15034 P-01; 15034 P-02; 15034-P10 Rev B; 15034 P-11; 15034 P-12 Rev C; and, 15034 P-13.
- 3) No development shall commence until details of the materials to be used in the construction of the external walls and roof coverings of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. All other external surfaces of the development hereby permitted shall be constructed in accordance with the materials shown on plan no. 15034 P12-Rev C.
- 4) All openings in the dwellings hereby permitted shall be set back from the external face of the wall by at least 100mm and retained as such for the lifetime of the development hereby permitted.
- 5) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale and a scheme of monitoring, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 6) No development shall commence until a report of intrusive site investigations in relation to coal mining legacy, including the results of gas monitoring and, where required, measures and timescales for remediation, monitoring and verification reports, has been submitted to and agreed in writing by the local planning authority. The remediation and monitoring measures shall be implemented in accordance with the approved details and timescales, and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.
- 7) All external works and ancillary operations in connection with the construction of the development hereby permitted, including deliveries to

the site, shall be carried out only between 0800 and 1700 Mondays to Saturdays and at no time on Sundays, Bank or Public Holidays.

- 8) No development shall commence until a detailed scheme for the disposal of foul and surface water from the development hereby permitted has been submitted to and approved in writing by the local planning authority. The schemes shall be fully implemented in accordance with the approved details before first occupation of the development and retained as such for the lifetime of the development.
- 9) The bat roost features and nesting provision for house sparrows shown on approved plan 15034 P-12 Rev C shall be implemented before first occupation of the development hereby permitted and retained in accordance with the approved details for the lifetime of the development.
- 10) No works to the existing northern boundary wall shall commence until final details of the appearance, including materials, of the northern boundary treatment, which shall be not more than 1m above ground level, have been submitted to and approved in writing by the local planning authority. Thereafter the boundary treatment shall be constructed in accordance with the approved details before first occupation of the development and retained in accordance with the approved details of the lifetime of the development.
- 11) The development hereby permitted shall not be occupied until all windows serving bathrooms, en-suites and WCs have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.