
Appeal Decision

Site visit made on 21 November 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 4th January 2018

Appeal Ref: APP/W4515/W/17/3181839

Rear of 37-38 Beverley Terrace, Cullercoats, Tyne and Wear NE30 4NU

- 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 Colin Aitken against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 17/00154/FUL, dated 14 January 2017, was refused by notice dated 13 June 2017.
 - The development proposed is five dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council determined the original application against policies within the adopted North Tyneside Unitary Development Plan 2002 (UDP). However, the Council has since adopted the North Tyneside Local Development Plan (LDP) on 20 July 2017. As a result, the identified policies within the UDP no longer apply in this case. Therefore, I have given no significant weight to Policies E16/2, H11, DCPS No.8 and DCPS No.14 of the UDP as they no longer form part of the development plan. The relevant policies and guidance in relation to this appeal are now Policies DM6.1, DM6.6 and DM7.4 of the LDP, LDD12 Transport and Highways Supplementary Planning Document (SPD), the Cullercoats CA Character Appraisal and the National Planning Policy Framework (the Framework). Accordingly, I have assessed and determined the appeal in that context.

Background and Main Issues

3. Since the original decision to refuse planning permission, the appellant submitted further information to the Council regarding parking and highway safety, specifically relating to the size of the reversing area on site. In light of this, the Council has confirmed that its concerns regarding such matters can now be satisfied, subject to appropriately worded conditions being imposed. As a result, the Council has withdrawn its second reason for refusal. Notwithstanding this, concerns about parking and highway safety have also been raised by an interested party who resides at a nearby property. Having carefully considered those concerns, I find that such matters continue to constitute a main issue in this case.
4. Therefore, I consider the main issues to be the effect of the proposed development on the character and appearance of the surrounding area, with particular regard to the Cullercoats Conservation Area (CA), and on parking and highway safety.

Reasons

Character and appearance

5. Policy DM6.1 of the LDP states that development should demonstrate a positive relationship to neighbouring buildings and spaces and should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area. Policy DM6.6 of the LDP states that the alteration, extension or restoration of heritage assets and development that affects their setting, will be permitted where it sustains, conserves and, where appropriate, enhances the significance, appearance, character and setting of heritage assets in an appropriate manner.
6. The appeal site is located to the rear of 36 – 38 Beverley Terrace and is separated from these properties by a narrow lane from which the appeal site is accessed. The site currently accommodates a number of flat roofed garages and outbuildings. To the west is Cullercoats Primary School and to the north and south there are adjoining garages, outbuildings and residential gardens. The site is located within the Cullercoats CA and the immediate area predominantly residential and is characterised by several ancillary service buildings to the rear of large dwellings on Beverley Terrace.
7. Since the designation of the CA in 2009, there has been a number of proposals to demolish ancillary buildings on the rear lane and replace them with larger garages and storage buildings which are arranged parallel to the public highway and main properties. Where this has been approved, the Council states that conditions have been imposed to prevent such buildings being occupied as independent dwellings. Furthermore, the height and scale of these buildings has been controlled with development restricted to a maximum height of around 5.6 metres to ridge level.
8. The proposed scheme consists of five dwellings, which would be between 2 - 2.5 storeys in height and would form a terrace at 90 degrees to the existing residential properties on Beverley Terrace and the majority of the ancillary buildings in the area. Furthermore, the proposed dwellings would have a ridge level of between 8 and 9 metres and therefore would be substantially taller than the surrounding buildings. Whilst the proposal would visually improve the currently underused site, the introduction of overtly residential properties of the scale and height proposed within the rear garden areas would erode the relationship between the large properties on Beverley Terrace and the subservient garages and ancillary buildings within the garden areas.
9. The appellant argues that if the scheme were allowed, it would encourage the similar development of other nearby sites which would result in the character of the area change and evolve. Whilst this may well occur, particularly where rear plots are no longer in the same ownership as the main properties on Beverley Terrace, I find that such an approach would only exacerbate the harm caused by the erosion of the above relationship.
10. The appellant points to a number of developments for ancillary use along the rear lane of Beverley Terrace and states that, in their view, it is likely that many of these structures are now in residential use, although initially they were proposed for garage and ancillary use. As such, the appellant argues that particular consideration and weight should be given to these developments and to their number in the area. At the site visit, I saw a range of these developments and I note that they vary in size and scale and, when viewed from within the appeal site, some appear to be in residential use rather than ancillary buildings. However, I do

not have full details of these other developments before me and therefore I give only limited weight to them in determining this appeal.

11. Nonetheless, I note the appellant's point regarding the presence of such developments and the suggested impact they have on the character of the area. However, I find that these buildings retain the appearance of garages and outbuildings in public view. In contrast, the proposed development would clearly appear as a small terrace of residential properties which would be of a considerable scale and height to their surroundings and would be orientated at a right angle to the prevailing pattern of development in the area. In addition, the Council has stated that in the cases relating to the surrounding buildings, planning permission was granted for garages and ancillary buildings and it is confirmed that none of the buildings in those cases have been granted residential use.
12. The appellant argues that the character of the area is changing and becoming more residential rather than remaining as an area of back garden space and outbuildings. From what I have seen, I find that the area retains the character and appearance of the latter. Although there has been recent development on similar sites to the appeal proposal, when viewed from the rear lane and the upper floors of the properties on Beverley Terrace, I find that their ancillary appearance does not significantly detract from the prevailing character and appearance of the area. The design, scale and orientation of the proposed development would result in a more prominent, dominant and incongruous development within the locality.
13. Furthermore, it is argued that the garages and buildings on the appeal site are in such a poor condition that they detract from the character and appearance of the CA. As such, the proposed scheme would enhance the CA. In my view, I would agree that the removal of the existing garages and outbuildings would have no detrimental impact on the local area. However, whilst I acknowledge that the layout of the proposed scheme is intended to minimise privacy concerns for neighbouring occupiers, I find that its orientation, appearance and resulting relationship with its surroundings would not maintain, conserve or enhance the character or appearance of the CA.
14. Consequently, I conclude that the proposed development would have a significant detrimental impact on the character of the surrounding area and would be inappropriate in terms of its form and scale. Furthermore, it would not maintain, conserve or enhance the character or appearance of the CA, as a designated heritage asset. Therefore, it would be contrary to Policies DM6.1 and DM6.6 of the LDP, the Cullercoats CA Character Appraisal and the relevant sections of the Framework. Amongst other matters, these policies and guidance seek to ensure that development has no detrimental impact on the character or appearance of its surroundings, including designated heritage assets such as conservation areas.

Parking and highway safety

15. Seven parking spaces are proposed to serve the five dwellings of the scheme and these would be located along the northern boundary of the site. The Council indicated in its original assessment of the application that the spaces and turning area on the site would not be large enough to manoeuvre cars in and out of the spaces freely. Notwithstanding this, the appellant states that the parking standards set out in the SPD are maximum dimensions and sizes and as such the scheme would be compliant with the guidance of the SPD.
16. As identified above, the appellant submitted further information to the Council in order to address concerns regarding the impact of the proposal on parking and highway safety. As such, subject to the amendments provided by the appellant

and the imposition of suitably worded conditions, the Council has indicated that it is satisfied the proposal is acceptable in this regard and has conceded its second reason for refusal. Notwithstanding this, having had due regard to all relevant submissions and the evidence before me, I must give further consideration to these matters in determining this appeal.

17. From evidence submitted by an interested nearby resident, I note that due to the limited availability of off-street parking in the area for a number of properties, there is a high demand for on-street parking. Furthermore, from the site visit I have seen that the level of off-street parking available for nearby properties, particularly those closest to the appeal site, is limited and that this often results in cars being parked on the public highway, including on the rear lane opposite the proposed access to the appeal site. In such circumstances, I find that vehicles seeking to enter or exit the appeal site would encounter difficulties in doing so.
18. The five dwellings proposed would result in additional vehicles seeking to access the site via the rear lane of Beverley Terrace. Furthermore, these vehicles would be required to make a 90 degree turn into and out of the site via the lane. In addition, I note that the rear lane is a designated Play Street during daylight hours as indicated by signs around the local area. As a result, having had regard to the number of residential properties in the area and the proximity of Cullercoats Primary School, it is reasonable to consider that there is potential for children and pedestrians to be present in the rear lane around the proposed access to the site. Moreover, due to the proposal generating an increase in vehicles using the rear lane and taking into account its relatively narrow nature, I find that the proposal would increase the potential for conflict between vehicles and pedestrians within the designated Play Street and harm to the safety of all road users.
19. I appreciate that the proposed parking provision would be acceptable to the Council, subject to conditions, and that in quantitative terms the proposal would meet the published parking standards set out within the SPD. I also acknowledge that the appeal site is within a reasonable distance of public transport links and other services and facilities. However, such matters do not, in my view, deter from the fact that there would be an increase in the amount of vehicles using the rear lane to get into and out of the appeal site. Furthermore, having considered all representations before me, I am not persuaded that the safety of all road users within the Play Street setting of the rear lane would be maintained to existing levels or enhanced.
20. Therefore, I find that the proposal would have a detrimental impact on highway safety, particularly relating to pedestrians and children in the area. Furthermore, I am not convinced that planning conditions could be applied to suitably address such concerns and make the scheme acceptable in planning terms.
21. Consequently, I conclude that the proposal would have a material harmful impact on highway safety, with particular regard to pedestrians, including children playing, in the designated 'Play Street'. Therefore, it would be contrary to Policies DM6.1 and DM7.4 of the LDP, LDD12 of the SPD and the relevant sections of the Framework. Amongst other matters, these policies and guidance seek to ensure that development has no detrimental impact on parking or diminishes the safety of all road users in the locality.

Other considerations

22. The appellant refers to the Framework which states that a key Government objective is to significantly boost the supply of new homes. The Council has confirmed that it has a five year housing supply (5.56 years as at December 2016).

However, the appellant states that much of that supply is on very large sites to be built out according to the needs of large developers. Furthermore, it is argued that the Council needs to ensure choice and competition in the market for land.

23. Notwithstanding the above, I must focus on the merits of the proposal and the evidence before me. As such, it is evident to me that both parties agree that the Council can demonstrate a five year housing land supply. I note the appellant's points regarding choice and competition, a windfall allowance for housing delivery and how such development would help to fill the shortfall against the housing target. However, the fact remains that the Council has a sufficient supply of deliverable housing land to meet its needs. Furthermore, the inclusion of sites such as that which is the subject of this appeal must be balanced against the impact that such development would have on the site and its surroundings.

The Planning Balance

24. The proposed scheme would provide five new dwellings in an established residential area which would be built in sympathetic materials to their surroundings. Furthermore, it would be in an accessible location and close to local services and facilities and would bring economic benefits through the provision of local construction jobs during the construction period.
25. Notwithstanding the above, the height, scale, orientation and domestic residential appearance of the proposed dwellings would be visually incongruous in this location. The scheme would appear at odds with the existing street scene and the overall pattern of development where buildings predominantly face the public highway. As such, the proposal would result in significant and demonstrable harm to the character and appearance of the locality and would not conserve or enhance the character or appearance of the CA, as a designated heritage asset.
26. I note that the Council is satisfied with the proposal in terms of parking and highway safety, subject to imposing suitably worded planning conditions. However, based on the evidence before me, I find that increased vehicle movements likely to arise from the scheme would be significantly detrimental to the safety of all road users, including children, with regard to the designation of the rear lane as a 'Play Street' during daylight hours. Furthermore, there are concerns relating to on-street parking in the area, particularly in the rear lane, and its effect on the free access and egress of vehicles to and from the appeal site.
27. As a result, and having given careful consideration to all of the above, I find there to be no wider public benefits resulting from the proposed scheme which, when considered individually and cumulatively, would clearly and demonstrably outweigh the significant harm I have identified.

Conclusion

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

Andrew McCormack

INSPECTOR