



Appeal Decision

Site visit made on 10 April 2018

by J A Murray LLB (Hons), Dip.Plan Env, DMS, Solicitor

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

Decision date: 24 April 2018

Appeal Ref: APP/J4525/C/17/3180758

Land at Abi Madu Convenience Store, 1 Model Terrace, Penshaw, Houghton le Spring, DH4 7JH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Aramugam Jayaratnam against an enforcement notice issued by Sunderland City Council.
 - The enforcement notice was issued on 9 June 2017.
 - The breach of planning control as alleged in the notice is without planning permission the siting of a storage container (photograph attached¹) to the rear of the premises, the approximate location of which is shown hatched on the attached location plan.
 - The requirement of the notice is to remove the storage container from the land.
 - The period for compliance with the requirements is one calendar month after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - neighbours' living conditions in terms of outlook and disturbance.

Reasons

3. Although there are industrial and commercial premises to the west of Coxgreen Road, the appeal site is located in a predominantly residential area, characterised mainly by terraced housing. The appellant's shop premises are prominently located on the corner of Langdale Road and Model Terrace. The customer access to the shop is from Langdale Road and the storage container is sited beyond an extension in the paved area, effectively to the rear of the shop, which gives onto Model Terrace. However, Model Terrace provides access to the dwellings on either side and includes allocated parking bays for the houses. These are separated by small landscaped areas and a number of ornamental trees and shrubs. This arrangement provides a pleasant and open environment for the occupiers of the terraces.

¹ Attached to the notice.

4. Just a low wall and railings separate the appellant's paved area from Langdale Road and it is open to Model Terrace, such that the container is conspicuous in public views. A door at the western end of the storage container faces one at the rear of the shop extension. That door was open at the time of my visit and, notwithstanding the "Lanchester Dairies Ltd" legend on the side of the container, I could see from the pavement that it was being used to store a variety of goods for the shop, such as bottles and cans of drink.
5. Apart from the coloured lettering and logo on the side of the container, it is a large, featureless white box. Being sited right at the entrance to Model Terrace, it dominates the view into an otherwise attractive area. Given its form, design and size, the container is obtrusive and incongruous in the residential street scene, being more suited to a commercial or industrial environment.
6. The development therefore causes unacceptable harm to the character and appearance of the area and results in conflict with saved Policy B2 of the City of Sunderland Unitary Development Plan, adopted 1998. Among other things, this requires the scale, massing, layout and setting of new development to respect and enhance the best qualities of nearby properties and the locality. Despite its age, this policy fully accords with the National Planning Policy Framework, which stresses the importance of good design as a key aspect of sustainable development and states that development should contribute positively to making places better for people.
7. Turning to neighbours' living conditions, the people most closely affected in terms of outlook are the occupiers of the adjoining dwelling to the south. However, given the extension on the east elevation of that property, the storage container will have limited impact on their outlook and will not be unduly overbearing. The main effect is the visual intrusion, due to the nature of the container, which will affect all the neighbouring residents. However, this is not really separate from the issue of impact on character and appearance.
8. Neighbours also complain about increased comings and goings, as goods are delivered to and distributed from the container. I do not have much compelling detail regarding the frequency of such activity, over and above what one might expect in relation to the shop in any event, but I accept that this factor is likely to result in a degree of irritation. I am not persuaded that the effect on neighbours' overall living conditions is sufficient in itself to justify dismissal of the appeal. However, it exacerbates the impact on the character and appearance of the area, which is sufficient on its own to warrant dismissal.
9. The appellant states that a large van could be parked on the site and indeed an old one was there until 2015. He contends that the container looks better. If a large unsightly van became a permanent feature on the site, the Council would have to consider what action it might take. However, the possibility of that occurring in this case is not sufficient to outweigh the clear and present harm caused by the existing development. Given that harm and the resulting conflict with the development plan, I conclude that the appeal should be dismissed.

J A Murray

INSPECTOR