



Appeal Decision

Site visit made on 17 September 2019

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/P2935/C/18/3218915

55 Woodhorn Road, Ashington, Northumberland NE63 9AS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Gurjit Ladhar against an enforcement notice issued by Northumberland County Council.
- The enforcement notice was issued on 22 November 2018.
- The breach of planning control as alleged in the notice is without planning permission, the change of use from retail (Class A1) to a residential dwelling (Class C3) including alterations to the external brickwork and openings.
- The requirements of the notice are:
 - a) Cease the use of the Land as a residential dwelling;
 - b) Remove the external openings on the north and east elevations and restore the elevations to those shown on the attached drawing EX55WOODRD PLAN OF EXISTING submitted as part of planning application 17/03232/COU;
 - c) Replace the bricks to the North elevation so that they match the existing bricks on the property.
- The period for compliance with the requirements is:
 - a) 1 week;
 - b) 8 weeks
 - c) 8 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act as amended.

Summary of Decision: The appeal is allowed, the enforcement notice is quashed and planning permission is granted in the terms set out below in the Formal Decision.

The Notice

1. The notice is directed at a material change of use from retail to residential. The allegation includes operational development comprising alterations to the brickwork and openings. Although the notice does not identify the operational development as a separate breach, the alterations to the external brickwork and openings are integral to and solely for the purpose of facilitating the unauthorised use. As such, a notice directed at a material change of use may require the removal of such works.

The appeal on ground (a)

Preliminary Matter

2. The deemed planning application is derived from the allegation, hence planning permission is sought for the change of use of the premises from retail (Class A1) to a residential dwelling (Class C3), including alterations to the external brickwork and openings.

3. I am aware that alterations have been made to the premises since the refusal of the most recent planning application in June 2018¹. This includes alterations to the window design, the installation of cills below the front windows and colour matched brickwork. It is not clear to me whether the notice was served after the alterations were made.
4. In any event, the appeal is made under ground (a) and permission may be granted for an alternative scheme provided it forms part of the development enforced against. In this case, the works since the refusal are relatively minor. It is appropriate for me to consider the alterations as an alternative scheme, even if they had not been implemented at the date of the notice. Therefore, for the avoidance of doubt, I have considered the deemed planning application on the basis of the works that have been completed, as shown on plan reference PR55WOODHRD-D dated 23 August 2017.

Main Issue

5. The Council's objections to the development concern the operational development and not the change of use.
6. Therefore, the main issue is the effect of the external alterations on the character and appearance of the host building and the surrounding locality.

Reasons

7. The appeal property forms the ground floor of a corner end terrace building, located within a predominantly residential area. There is a separate residential property on the first floor, which I understand is No 55a. The properties within the terrace have a consistent scale and form, with varied window designs. I saw that red brick is the main facing material, but the use of render/cladding is also evident in the vicinity.
8. The appeal premises was previously a retail unit but has been vacant for some time. Prior to the building works there was a shop front with related signage and shutter boxes. The building works consisted of the removal of the shop front and bricking up the openings on the front elevation. Two ground floor windows have been inserted, along with additional ground floor windows and a door on the gable.
9. The Council considers that the external brickwork does not match the original. However, I saw from my visit that the brickwork is a relatively close match in terms of colour, bond and mortar. The materials do not appear incongruous or out-of-character.
10. While the fenestration does not replicate the traditional arrangement, in terms of the position and size of the window openings on the front elevation, the impact on the appearance of the host building is marginal. The terraced row contains variations in the fenestration as the buildings have evolved over time. Some of the houses retain the historic symmetry and vertical emphasis of the windows, but there are noticeable variations and UPVC is the main material. In consequence, the alterations to the appeal property do not stand out in the wider street scene due to their design and materials. The window openings in the gable are similarly acceptable as they have a very limited impact on the appearance of the host building or the locality.

¹ Ref 18/00595/COU.

11. To conclude on this main issue, I find that the external alterations do not have an adverse effect on the character and appearance of the host building and the surrounding locality, in accordance with Policy GP30 of the Wansbeck District Local Plan (2007), which seeks to resist development that causes significant harm to the character or quality of the surrounding environment. The development accords with the National Planning Policy Framework insofar as it seeks to promote opportunities to improve the character and quality of an area and the way it functions.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on grounds (f) and (g) does not therefore need to be considered.
13. The Council has not suggested any conditions and I do not consider that any are necessary in this instance.

Formal Decision

14. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the change of use from retail (Class A1) to a residential dwelling (Class C3) including alterations to the external brickwork and openings on land at 55 Woodhorn Road, Ashington, Northumberland NE63 9AS referred to in the notice.

Debbie Moore

Inspector