



Appeal Decision

Site visit made on 16 September 2019 by Ifeanyi Chukwujekwu BSc MSc PIEMA
RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2019

Appeal Ref: APP/W4515/W/19/3231991

Rear 36 Beverley Terrace, Cullercoats, North Tyneside, NE30 4NU¹

- 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 Council.
 - The application Ref 19/00341/FUL, dated 6 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed is demolition of existing garages and construction of 4 new-build coach houses with off street parking and rear gardens.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary/Procedural Matters

3. The Council's refusal reason 2 relates to the impact on protected species because insufficient information was submitted to demonstrate that the proposal would not have an adverse impact on bats.
4. An Ecology and Bat Risk Assessment² has been submitted as part of the Appellant's case which confirms that no potential bat hibernation sites were identified in the building. It confirms that the buildings have negligible conservation significance for bats as a roost site. The Council have had the opportunity to review this document and are of the view that the additional information provided by the Appellant has largely addressed their concerns regarding the impact on bats. The Council no longer consider that the development would have an unacceptable impact on protected species, subject to appropriately worded conditions being imposed. As a result, the Council has withdrawn its second reason for refusal. Consequently, consideration of this appeal does not include any potential impact on bats.

Main Issue

5. The appeal site is located within the Cullercoats Conservation Area (the 'CA'). The issue is whether the proposal would preserve or enhance the character or appearance of the CA.

¹ Taken from appeal form.

² 'Ecology and Bat Risk Assessment Report' June 2019.

Reasons for the Recommendation

6. A previous application for five dwellings at the same site³ was refused by the Council, and subsequent appeal for that application was dismissed.⁴ This proposal which is subject of the appeal before me is materially different given the proposed design and layout. It would involve the construction of two pairs of semi-detached mews style houses with gardens at the back. Also proposed is asphalt surfacing to the front and rear to provide for parking of vehicles, and in-between the pair to provide vehicular access to and from the rear. The proposed asphalt surfacing to the front would set the proposed dwellings back by 6 metres, and the 3-metre-wide access would give a clear view into the rear of the property from the back street.
7. 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 site is accessed. The site currently accommodates a few flat roofed garages and outbuildings. The site is bounded at the rear by Cullercoats Primary School and on either side by adjoining garages, outbuildings and residential gardens. The area is predominantly residential, and the distinctive character of the CA is, in part, derived from ancillary service buildings to the rear of large dwellings on Beverley Terrace. In contrast, the development would be visible from the public realm and would appear out-of-keeping with the setting of the CA and the pattern of settlement. The Council has granted planning permission for garages and ancillary buildings in the area. However, given the proposed layout of residential plots, the development would erode the relationship between the large properties on Beverley Terrace and the subservient garages and ancillary buildings within the garden areas. The proposal would have a visually harmful effect and undermine the distinctive quality of the CA.
8. The Appellant argues that the appeal site is not in the same ownership as any of the main properties on Beverley Terrace, and that the proposal represents careful infill development. Nevertheless, the large properties with outhouses across the back lane continue to be a distinct feature of the CA. Furthermore, the Appellant argues that the Council has granted planning permission for similar development in the locality,⁵ and that many of the recently built garages are already being used as residential accommodation. The Council assert that planning permission has been given for the demolition and rebuild of several garages along the street. These permissions relate to garages and other ancillary buildings and many of the permissions are subject to conditions preventing use as residential dwellings. These other examples are not the appeal before me, neither do they justify harmful development. In any event, the appeal should be determined on its individual merits and, in that context, the nature of the development proposed would have a harmful visual effect on the character and appearance of the CA.
9. The harm caused is less than substantial given the visual effect on localised views. Nevertheless, it is of considerable importance and weight. The argument is that the proposal would be a betterment in visual terms when compared to the existing condition of the appeal site. That the removal of the existing garages, which detract from the street scene and character of the conservation area would enhance the quality of the CA. The Council state that planning permission has been given to demolish the garages and construct 4no replacement garages. Therefore, the proposed development is not required to secure improvements to the appearance of the site. Improvements to the site would benefit the appellant but limited weight is placed on this argument.

³ 17/00154/FUL

⁴ APP/W4515/W/17/3181839

⁵ 18/00861/FUL

10. Another benefit of the proposal as suggested by the Appellant is the provision of additional homes in accordance with the National Planning Policy Framework (the 'NPPF') which states that a key Government objective is to significantly boost the supply of new homes. However, the Council assert that their March 2019 five-year Housing Land Supply Summary identifies a surplus against the Local Plan requirement. The Council is not dependent upon the proposal to achieve a five-year housing land supply. 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.
11. The available evidence is that the Council can demonstrate a five-year housing land supply. The appellant argues that the development would provide 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 contribution made to the local housing stock would be limited yet there would be environmental harm to the heritage asset.
12. Taking all the above points together, I find that the proposed development would fail to preserve the character or appearance of the CA. The other considerations advanced do not outweigh the harm caused by the development. Accordingly, there is conflict with the aims and objectives to Policies DM6.1 and DM6.6 of the North Tyneside Local Plan (2017), the Cullercoats Conservation Area Character Appraisal (2009) and the relevant sections of the Framework.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

Appeals Planning Officer

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I too agree and conclude that the appeal should be dismissed.

A U Ghafoor

INSPECTOR