



Appeal Decision

Site visit made on 1 October 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th October 2019

Appeal Ref: APP/A4520/W/19/3226714

42 Front Street, Cleadon SR6 7PG

- 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 Sean McCann against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/0742/18/FUL, dated 17 November 2018, was refused by notice dated 1 February 2019.
 - The development is outdoor seating area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development that is the subject of the appeal has been completed, and I have considered the case on that basis.

Main Issues

3. The main issues are the effect of the development on
 - the setting of the Grade II* listed Cleadon House and Grade II listed walls (and associated gate piers), and;
 - the significance of the Cleadon Conservation Area.

Reasons

4. The appeal site at 42 Front Street comprises an unlisted building that is located in the Cleadon Conservation Area (CA). The CA comprises distinct character areas, including the Cleadon Plantation, which is dominated by early 20th century housing, and the Cleadon Lane area, which encompasses the earliest surviving remnants of the late medieval layout of Cleadon and its rural hinterland. Linking these two areas is the commercial core and shopping centre of the settlement, where the appeal site is located.
5. Adjacent to No 42 is the grade II* listed Cleadon House, which was built for John Dagnia, a glass manufacturer. The house stands at two storeys high, with a five bay frontage that is set back from the street. It dates from approximately 1738, according to the list description. In addition to its intrinsic architectural quality and historic value, the house is a handsome addition to the street and the CA.

6. The gate piers and wall to the north of Cleadon House are grade II listed in their own right. They comprise a series of brick and stone piers with intermediate walls to the front of the house, with a low side entrance immediately adjacent to the appeal site. These structures define the boundary of the front garden and frame the house. They thus make a valuable contribution to the setting of the house, and also to the significance of the CA.
7. The Council's adopted 'Cleadon Conservation Area Character Appraisal' refers to the appeal site as one of a series of unremarkable modern shop fronts. In longer views, the boxy form of the appeal building itself is not particularly sympathetic in terms of its relationship to the hipped-roof range behind. However, in shorter views from the pavement immediately in front of the appeal site, its brick façade and stone dressings, at upper level, go some way towards reflecting the materials of Cleadon House. In particular, I saw on my visit that the shop front at No 42 is well designed and traditional in appearance, and this in itself makes a positive contribution to the character of the CA.
8. The development comprises outdoor seating constructed from timber railway sleepers. The use of this area for seating outside the café has been established and is not in dispute in this appeal. Therefore, it is necessary to consider the visual impact of the existing seating on the CA and the setting of the listed buildings.
9. The appellant states that the railway sleepers have been stained to age them, and to make them more in keeping with the local area. My attention has been drawn to other uses of railway sleepers in the area for planting, and also for seating at a property located in the East Boldon Conservation Area. However, these isolated instances suggest that railway sleepers are not characteristic of the built form in the area. My own observations suggest that stained timber is not a prevalent material in the CA.
10. I have been provided with a photograph of the previous business, 'happyorganic', which shows a number of freestanding tables and chairs on the forecourt of the premises. These allowed visual permeability of the area, and did not significantly obstruct views along the pavement towards the listed buildings.
11. By contrast, the new seating is bulky in appearance and crude in its design, in comparison to the fine detailing of the shopfront. It adds clutter to the streetscene, which is already dominated by items such as planters, seats and bins. As a result, it draws the eye away from the high quality appearance of Cleadon House and the listed walls and gate piers. Due to its solid character, the seating partially impedes views of the historic walls as one approaches Cleadon House from the east along Front Street, harming the ability to appreciate and experience them. Furthermore, the back of the seating is located immediately adjacent to the frontage of No 42, obscuring the lower sections of the shopfront, which detracts from its attractive appearance.
12. Taking these factors in combination, I consider that the development harms the setting of the listed structures, and also fails to preserve or enhance the character of the CA as a whole.
13. Accordingly, therefore, the development conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation

- Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). In addition, the scheme fails to accord with Policy DM6 of the South Tyneside Local Development Framework Development Management Policies (DMP), which seeks to protect heritage assets and their settings.
14. Further conflict arises with Policy EA1 of the South Tyneside Local Development Framework Core Strategy, insofar as it seeks to preserve the special and separate characters of the urban fringe villages, including Cleadon, and DMP Policy DM1, which amongst other things, requires development to convey sensitive consideration of its surroundings.
15. Although serious, the harm to the significance of the heritage assets in this case is less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
16. I have taken into account the positive aspects of the seating arrangements, including ease of access for disabled customers, and convenience for those customers who want to bring their dogs. However, I see no reason why such benefits could not be achieved through a seating scheme of a more sympathetic design. Whilst the existing seating may or may not be considered temporary, it could stay in place for some considerable time. In view of the ongoing harm to the setting of the listed buildings and the character and appearance of the CA, I can give little weight to the possibility that this harm might cease at an unspecified time in the future.
17. I therefore find that insufficient public benefits have been identified that justify or outweigh the harm I have identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the conservation of assets, irrespective of whether any harm amounts to substantial harm, total loss or less than substantial harm to significance.

Conclusion

18. For the reasons above, the development is contrary to the development plan as a whole, and so the appeal is dismissed.

Elaine Gray

INSPECTOR