



Appeal Decision

Site visit made on 3 December 2019

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/J4525/W/19/3236281
114 Hylton Road, Sunderland SR4 7XS

- 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 Kam Huseyin (Syanna Ltd) against the decision of Sunderland City Council.
 - The application Ref 18/02141/FUL, dated 29 November 2018, was refused by notice dated 29 March 2019.
 - The development proposed was originally described as 'change of use from existing pub and 1st floor flat to 6no. flats.'
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use from public house to 6no. flats and external works to include 2nd storey and alterations to all elevations at 114 Hylton Road, Sunderland SR4 7XS in accordance with the terms of the application, Ref 18/02141/FUL, dated 29 November 2018, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan NP/10110-100
Site Plan NP/10110-102 Rev A
Proposed Plans and Elevations NP/10110-151 Rev B
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. NP/10110-151 Rev B.
 - 4) The development hereby permitted shall not be occupied until the bin stores have been provided in accordance with details shown on plan no. NP/10110-151 Rev B. Thereafter, the bin stores shall be retained at all times.
 - 5) Prior to first occupation of the development hereby permitted, a scheme for protecting the proposed flats from externally generated noise shall be submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any part of the development hereby permitted is occupied and shall be retained thereafter.

Procedural Matter

2. The description of development set out in the banner heading of this Decision is taken from the application form. However, both the Council's decision notice and the appeal form describe the proposal as 'Change of use from public house to 6no. flats and external works to include 2nd storey and alterations to all elevations.' This revised description more appropriately describes the proposed development, and I have therefore considered the appeal on that basis as no party would be prejudiced or caused any injustice by my doing so.

Main Issue

3. The effect of the proposed development on highway safety.

Reasons

4. Policy T14 of the City of Sunderland Unitary Development Plan (UDP) requires, inter alia, that proposals for new development should be readily accessible by pedestrians and cyclists as well as users of public and private transport and should not cause traffic congestion or highways safety problems on existing roads. The policy also requires development proposals to 'indicate how parking requirements will be accommodated'.
5. UDP Policy T22 sets out that, 'in deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to: (i) development type (e.g. scale, use, catchment, user characteristics); (ii) locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character).'
6. Neither of these policies require new development to include parking or refer to parking standards. The Council's Delegated Report and Statement of Case make reference to 'Sunderland City Council Guidelines' in relation to parking, however I have not been provided with any details of these guidelines and so am not able to take them into account. The Council's Statement of Case also refers to emerging Core Strategy and Development Plan Policy ST3 although I have not been provided with a copy and so cannot reach a view as to its relevance to the appeal proposal. I note that the supporting text to Policy T22 of the UDP states 'there may be circumstances, such as where new housing is built close to the City Centre, when the provision of no car parking may be acceptable.'
7. The proposed development would not provide any parking. However, there are restrictions preventing parking on Hylton Road to the front of the site which would ensure there was no conflict between vehicles associated with the development and traffic using this busy main road. The streets to the north and east of the appeal site are lightly trafficked and predominantly residential, and I noted during my site visit that ample on-street parking was available directly to the north on Close Street. Whilst there are single yellow lines on both sides of Close Street near the junction with Hylton Road, these only restrict parking between 08:00 and 18:00 Monday to Saturday, and so would provide further on-street parking for residents wishing to park overnight or on Sundays when they would be more likely to be at home.
8. The site is in an accessible location, with a bus stop directly to the front and Millfield Metro station opposite and there are facilities including a medical centre, supermarket, shops and other services in the immediate vicinity.

Moreover, Sunderland city centre, the university, hospital and mainline rail connections are within easy walking or cycling distance.

9. There is no evidence before me to demonstrate that there are existing highway safety problems in the area around the appeal site. Nor do I have any evidence to suggest that the proposed development of 6 fairly small flats in this highly accessible location would generate traffic or associated parking likely to give rise to any highway safety concerns.
10. For the reasons set out above, I conclude that the proposed development would not have a harmful effect on highway safety and would accord with the sustainable transport aims of UDP Policies T14 and T22.

Other Matter

11. I note the representation from an interested party which states they do not wish the scheme to go ahead as there are 'enough run down flats in this area'. However, the quality of existing surrounding residential development does not have a bearing on the planning merits of the appeal proposal. I therefore give this matter little weight.

Conditions

12. To ensure certainty, a condition requiring the development to be carried out in accordance with approved plans is necessary. A condition requiring the external surfaces of the development to be constructed in the materials shown on the approved plan is necessary in the interests of the design quality of the area. In the interests of the health and living conditions of future occupants I have imposed conditions relating to provision of bin stores and noise attenuation.

Conclusion

13. For the foregoing reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

CL Humphrey

INSPECTOR