



Appeal Decision

Site visit made on 4 February 2020

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/J4525/D/19/3241286

The Garth, Rowan Avenue, Washington, Tyne & Wear NE38 9BP

- 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 David Harewood against the decision of Sunderland City Council.
 - The application Ref 19/01037/FU4, dated 27 June 2019, was refused by notice dated 02 September 2019.
 - The development proposed is double detached garage of garden land of The Garth and associated works in the creation of drive access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In January 2020, after the application was determined, the Council adopted the Core Strategy and Development Plan 2015-2033 (the CS). Therefore, the policies in the City of Sunderland Unitary Development Plan (1998) are no longer relevant. The parties have been given the opportunity to comment on the policies in the CS in so far as they are relevant to the appeal. Therefore, I am satisfied that no party would be prejudiced by my determining the appeal in accordance with the current development plan.
3. At the time of my visit, I saw that the appeal site has been cleared of vegetation and preparatory works have been carried out. In addition, a tall close-boarded timber fence with vehicular gates has been erected behind the boundary wall. There appear to be inconsistencies between what is shown on the application plans and what I observed, including in relation to the boundary treatment and the retained trees. However, the scheme has not been completed and I have therefore determined the appeal on the basis of what is shown on the plans that were considered by the Council.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is part of the garden of The Garth, a detached single storey dwelling in a large plot at the corner of Rowan Avenue and Vigo Lane. The access is from Rowan Avenue and it serves The Garth and a detached annexe

building that was originally in use as a garage. It is on the outskirts of Washington, where the densely built urban form gives way to the countryside. The immediate street scene along both roads is characterised by detached properties set back from the street in generous mature plots with significant tree cover. Boundary treatments are varied but are predominantly formed by low stone walls.

6. The garage would be less than 1 metre from the boundary with Vigo Lane, and it would not be much further from the boundary with Rowan Avenue. It would be a substantial square building with a dual pitch roof and it would be conspicuously taller than the boundary walls. It would be smaller than the appeal property and the annexe and it would be constructed in materials to match. Nevertheless, by virtue of its size and separation it would not relate well to the surrounding built environment. Moreover, it would be discordant in the context of the less densely developed and verdant character of the area.
7. By virtue of roadside location, it would be visually obtrusive when viewed from the surrounding area. It would be sited immediately adjacent to the footway, and therefore out of keeping with the pattern of built environment in the area. Consequently, it would be prominent both at close range, and from more distant viewpoints along Vigo Lane. There would also be cumulative adverse effects in combination with the adjacent substation building.
8. The new vehicular access would be an approximately 3.6 metres wide gap in the boundary wall. It would be within 8 to 9 metres of the existing access which would be retained. No further details of the proposed automated gate have been provided. However, in combination with the existing access, the loss of part of the wall and the grass verge, the new gated access would contribute to the cumulative adverse visual impacts of the scheme. While the plot is relatively large, the proposal would increase the hard built environment and it would have an urbanising effect in this location. Therefore, it would not make a positive contribution to local distinctiveness.
9. The site has been cleared of vegetation, although the plans indicate that some of the existing mature trees would be retained. The plans also illustrate that the proposal is away from the canopies, and by implication the root zones, of retained trees. However, at the time of my visit I saw that preparatory works, including excavation and deposition of material, has taken place close to trees including those adjacent to the substation and the new access. I also saw exposed and severed roots.
10. Irrespective of their individual significance, the existing and removed trees would have made a positive contribution to the verdant character of the street scene and to the network of green infrastructure at the edge of the settlement. Consequently, the clearance of vegetation and the opening up of the site to views will have adversely affected the character of the area. I appreciate that the trees in the garden of The Garth are not protected by Tree Preservation. Nevertheless, the evidence indicates that they were cleared in the expectation that planning permission would be granted.
11. Based on what I observed, it appears that the numbers and canopy spreads of the trees currently on the site, and their locations and relationship with the proposal, do not correspond well with the plans. No tree survey or arboricultural impact assessment has been provided and the proposed site plan does not appear sufficiently accurate to be relied upon in this regard.

Therefore, in the absence of a tree survey carried out in accordance with best practice guidance, it is not possible to assess the extent of impacts on trees, the need for protection during works or long-term management or to demonstrate that adequate replacement planting could be achieved at this site.

12. The low boundary walls and the small number of trees that would be retained adjacent to Rowan Avenue would not function to screen the proposal. Moreover, although no landscape planting is proposed, given the width of the access and the proximity of the garage to the boundaries, it seems unlikely that any meaningful planting could be accommodated. Therefore, the proposal would not be integrated into its surroundings.
13. My attention has been drawn to a building on the opposite side of Vigo Lane at this point, which has planning permission for a 2 storey extension to the street elevation. However, in the absence of full details of the permission, there is no substantive evidence that the 2 schemes are in any way comparable or that it provides a justification for the appeal proposal.
14. Therefore, the proposed development would result in significant harm to the character and appearance of the area. It would conflict with Policies BH1, NE3 and NE4 of the CS. These require, among other things, that development has regard to local context and distinctiveness and that it respects and enhances the positive qualities of the locality. Development is expected to conserve green infrastructure, considering the contribution of trees to amenity and the broader landscape setting.

Other Matters

15. The proposal would not result in adverse impacts on the living conditions of neighbouring residential occupiers and there were no third party objections. Notwithstanding policies in the National Planning Policy Framework that relate to the effective use of land, neither the private benefit nor compliance with some policies in the Framework weigh in favour of the scheme.

Conclusion

16. The proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. For this reason, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR