



Appeal Decision

Site visit made on 3 February 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2020

Appeal Ref: APP/H4505/W/19/3238204

Meynell House, Dipwood Road, Rowlands Gill, NE39 1DA

- 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 Mrs Irene Carmichael against the decision of Gateshead Council.
 - The application, Ref DC/19/00001/FUL, dated 12 December 2018, was refused by notice 4 April 2019.
 - The development proposed is a detached 5-bedroom house in garden of dwellinghouse, new vehicle and pedestrian access onto Derwent Avenue, demolition of existing garage and shed buildings.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached 5-bedroom house in garden of dwellinghouse, new vehicle and pedestrian access onto Derwent Avenue, demolition of existing garage and shed buildings at Meynell House, Dipwood Road, Rowlands Gill, NE39 1DA, in accordance with the terms of the application, Ref DC/19/00001/FUL, dated 12 December 2018, subject to the conditions as set out in schedule 1.

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.
3. An application for costs has been made by Mrs Irene Carmichael against the decision of Gateshead Council, this is the subject of a separate decision.

Main Issue

4. The effect of the proposed development on the character or appearance of the Rowlands Gill Conservation Area (CA).

Reasons for the Recommendation

5. The appeal site is part of the garden associated with Meynell house, a large semi-detached two storey dwelling set in an equally large plot located on the corner of Dipwood Road and Derwent Avenue.
 6. The proposal seeks to develop a detached 5-bedroom dwelling which would front Derwent Avenue. The proposal would require the demolition of an existing garage
-

and several outbuildings associated with Meynell House and would result in the sub-division of the curtilage of Meynell House into two smaller plots, each similar in size to others seen throughout the CA.

7. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Rowlands Gill CA. The site sits on the eastern periphery of the CA where properties are generally larger and spaciouly laid out with the highway flanked by trees.
8. From observations made during my site visit, I noted that properties in the area vary in design and size although there is a common palette of materials which gives the area a consistent appearance. The properties in the locality are a mix of large detached and semi-detached properties, set back from the highway in various sized plots. Meynell House sits within one of the larger plots, whilst others nearby are proportionally smaller. Despite this variation, there is a sense of unity throughout the area derived from the similar materials and the separation between properties which is typically infilled by mature trees, hedgerows and shrubbery. Cumulatively these factors all contribute to the leafy, suburban, character of the CA.
9. Although the appeal proposal would result in the sub-division of the garden of the donor property and the introduction of an additional dwelling, the pattern of development in this locality would be maintained and the resulting plot and dwelling sizes would be in keeping with others in the locality.
10. The proposed dwelling would be set at right angles to Meynell House with its north facing flank wall set back from the front building line of the donor property. The orientation, with the principal elevation facing onto Derwent Avenue, would mirror that of The Poplars which is located on the opposite side of the junction such that the alignment would not look out of place. Due to its siting and the demolition of the existing garage and other outbuildings, the green and spacious area to the front of Meynell House, which is prominent in views along Dipwood Road and Derwent Avenue would be preserved. In particular, the development would not result in the loss of any of the pine trees which form part of an attractive avenue of mature pines running alongside Dipwood Road which add significantly to the character of the area.
11. Policy EN10 of the Gateshead Unitary Development Plan 2007 (UDP), seeks to protect against the subdivision of gardens that contribute to the character of the CA. Having regard to the above findings, whilst the proposal would result in the sub division of the garden and that this would be in conflict with the aims of the Policy EN10, the retention of the green and spacious frontage along both Dipwood Road and Derwent Avenue which are contributory factors in the CA character and appearance would not be lost for the reasons outline above.
12. My attention has been drawn to two previous appeals. The first¹, which was dismissed, related to the development of the current appeal site for a single dwelling. The Inspector in that case noted that a common feature throughout the CA were the generous gardens in proportion to their size with buildings set back from the road resulting in a leafy garden suburb characterised by widely spaced dwellings with mature trees, shrubs and hedges lining the road. Much of this is consistent with what I observed. However, since that appeal was dismissed, a

¹ APP/H4505/A/03/1127765

subsequent appeal relating to the neighbouring plot at The Poplars has been allowed which granted planning permission for the subdivision of the plot and erection of a dwelling². Although that appeal was allowed as the evidence indicated that the large size of plot occupied by The Poplars resulted from two building plots being sold together, but only one of the plots having been developed, the wide spacious plots that once were a key distinguishing feature, have subsequently changed in character as a result of the sub-division of its once characteristic large plot. The character and appearance of the area has therefore changed since the previous appeal decision relating to the appeal site. In addition, the design of the proposed dwelling in the previous appeal was notably different to that before me in this instance. The previous design was for a 'mock' barn with agricultural style opening and asymmetrical roof which would not have been as consistent with the suburban character of the surrounding area as the current proposal. Whilst the findings of the previous Inspector are material and there is a need for consistency in the planning process, there are differences between the two proposals, particularly in regard to the pattern of development and character and appearance of the CA that the previous Inspector observed at that time to what I observed at my site visit.

13. The development within the grounds of The Poplars resulted in two plots similar in size to many others in the locality, thus changing the pattern of development. Whilst the proposal before me would see the existing garden associated with Meynell House reduced, as noted above, the plot size, along with the siting of the proposed new dwelling would be commensurate with the existing urban grain that can be seen throughout the CA.
14. The Council do not object to the overall scale and design of the proposed dwelling albeit that they do refer to the scale of the roof which would be dominant in their view. However, I am satisfied that the design and scale are suitable in the context of a suburban area which contains properties of a range of scales. The materials would be appropriate subject to the windows being fabricated in timber rather than uPVC. Whilst I observed other properties in the locality with uPVC windows, timber framed windows and doors are prevalent and these are more in keeping with the character and appearance of the CA. This, alongside both Meynell House and the proposed dwelling being located in plots of similar size to each other and those that surround it, would respond positively to the local distinctiveness and character. A tree survey has also been submitted which shows the existing trees on the site that are to be retained. Whilst the proposal would see a number of trees located along Derwent Avenue felled, the loss of these trees would not dilute the contribution the remaining trees and hedgerows have upon the character and appearance of the area. The development would not, therefore, erode the spaciousness and openness of the area, thereby having a neutral effect on the CA, and leaving the character and appearance of the CA preserved.
15. I also note that the Council consider that the proposed development would have no impact on the living conditions of surrounding occupants and would provide suitable living conditions for the future occupiers.
16. Reference has been made to other developments in the area which the appellant considers are material to the appeal and which set precedents for similar proposal. I do not have the specific details of these applications before me, however, I do not

² APP/H4505/A08/2073618

think a general approach should be taken when considering proposals of this type as each application should be considered on its own individual merits and having regard to the specific site context of the appeal site, for the reasons detailed above, has been found to have a neutral effect on the character of the CA.

17. A number of representations in support of the proposal have been submitted. The points material to the proposal have been addressed in the above findings.
18. I therefore conclude that the proposed development would not cause harm to the character and appearance of the CA. It would comply with the relevant requirement of Policy EN10 of the UDP which seeks to protect the character and appearance of the CA and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015), which seeks to secure high quality design that responds positively to local distinctiveness and character. As the significance of the CA would not be harmed, the development would also avoid conflict with the National Planning Policy Frameworks historic environment conservation requirements.

Conditions

19. I have had regard to the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity. The Council has sought a number of pre-commencement conditions. Advice in the Planning Practice Guidance is clear that such conditions should only be used where there is a clear justification and that the timing for the submission of details is fundamental to the decision. Having considered the suggested conditions, not all of the details appear to be genuinely necessary 'prior to commencement'. Where they have been considered necessary, I have amended the suggested wording and where they are not, I have amended the suggested wording to require the submission of details at an appropriate stage. The Council have suggested a number of separate implementation conditions, where a condition is deemed necessary, I have included the implementation requirement within the tailpiece of the condition.
20. I have attached a condition specifying the relevant drawings as this provides certainty as to what has been allowed. Whilst an indication of the external materials is given, the precise appearance of those materials is not apparent and a condition is necessary to ensure that the details of the materials are submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area. It is also considered necessary and reasonable to attach a condition specifying that all windows and doors within the proposal are fabricated from timber, this is considered necessary to protect the character and appearance of the CA.
21. The proposed condition that seeks only the trees and hedges, as identified in the Arboricultural Impact Assessment Report, are to be felled is considered reasonable and necessary to protect the character and appearance of the CA, this condition has been reworded for clarity. The Council propose a pre commencement condition which seeks protection measures and details to be submitted to ensure that the trees and hedges to be retained as part of the development are safeguarded during the construction phase. It is necessary that this condition is a pre commencement condition to ensure that the trees are protected before and during construction.

22. A condition which seeks to secure the details of the piling construction method prior to works starting on the foundations is necessary and reasonable in the interest of tree health and the character and appearance of the CA.
23. The Council has sought conditions that seek the off-site highway works to be approved. Whilst it is necessary to protect the highway, I have reworded the proposed condition to ensure that the development hereby approved shall not be occupied until such time as the works to close off the existing access from Derwent Avenue and reinstating of existing footway and full kerbs has been completed in accordance with a detailed scheme that shall have first been submitted to and approved in writing by the local planning authority.
24. The Council has suggested a number of conditions to protect against possible ground contamination. No substantive evidence is before me that suggests that there are significant levels of contamination on the site. On the basis of the ground investigation report, I do not consider that it is reasonable and necessary to attach the conditions suggested by the Council, however, it is reasonable and necessary to impose a condition which would cover for any unexpected contamination.
25. I am satisfied due to the nature of the area that there is a reasonable probability that bats would be present, therefore it is considered reasonable and necessary to attach a condition specifying that bat boxes are necessary.
26. In addition to the above conditions, the Council has also suggested a number of informative notes. Whilst these are not added to appeal decisions, through the Council's evidence, the appellant is now aware of these.

Conclusion

27. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

28. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be allowed.

Chris Preston

INSPECTOR

Condition schedule 1

- 1) The development to which this permission relates must be commenced not later than 3 years from the date of this permission.
- 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed: Site location plan, proposed site plan project number GK-C418 Sheet 02C, proposed elevations drawing number C418.04 – Rev B, proposed floor plans drawing number C418.03 Rev B.
- 3) Notwithstanding the submitted drawings, no external materials shall be used on any part of the development hereby approved until samples of the materials, colours and finishes to be used on that part of the external surface of the development have been made available for inspection and are subsequently approved in writing by the local planning authority.
- 4) Notwithstanding the submitted drawings, all windows and doors shall be fabricated in timber and thereafter retained.
- 5) Only trees identified as T9, T10, T11 shall be felled/removed as part of this development as identified in the Arboricultural Impact Assessment Report Rev A dated 6 December 2018 by All About Trees and as shown on drawing – Existing Trees Shown on Existing Layout AMS EX1.
- 6) No works shall commence on site until the tree protection measures detailed in the Arboricultural Method Statement For Trees at Meynell House, Rowlands Gill, Revision A, produced by All About Trees and the Arboricultural Impact Assessment dated 6th December 2018 and Drawing Ref AIA EX1, Drawing Ref. AMS TPP Revision A, Drawing Ref. AIA TPP Revision A, have been implemented and said measures shall be retained for the duration of the construction works. If any unforeseen, additional or alternative measures required to protect the health and retention of the trees and hedges are identified during the construction phase that have not been identified in the above documents and drawings, work on site shall cease and a meeting on site shall first take place with the local planning authority to agree the additional measures and approval shall be given in writing by the local planning authority. The approved scheme shall be carried out before the development is resumed or continued and the agreed measures shall be retained thereafter.
- 7) Details of the pile foundation construction method shall be submitted to and agreed by the local planning authority prior to works being carried out on the foundations of the development hereby approved. The design must be based on the principles recommended in the All About Trees Arboricultural Method Statement Rev A. The approved scheme shall be implemented as approved and thereafter retained.
- 8) The dwelling shall not be occupied until the works to close off the existing access from Derwent Avenue and reinstating of existing footway and full kerbs has been completed in accordance with a detailed scheme that shall have first been submitted to and approved in writing by the local planning authority and thereafter retained.
- 9) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to

the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

- 10) Details of a minimum of 2 no. integral bat roost features to be provided as part of the dwelling, including number, specification and precise location illustrated on a suitable elevational drawing(s), shall be submitted to and approved in writing by the local planning authority prior to the construction of the development hereby approved above first floor level. The development shall be thereafter carried out in accordance with the approved details and thereafter retained.