
Appeal Decision

Site visit made on 17 June 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2020

Appeal Ref: APP/H0724/W/20/3244541

Elwick Studios, 1 Bathgate Terrace, Elwick Road, Hartlepool TS24 7QW

- 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 Geoff Lucas of Elwick Studios against the decision of Hartlepool Borough Council.
 - The application Ref: H/2019/0164, dated 3 April 2019, was refused by notice dated 22 November 2019.
 - The development proposed is a single storey extension to side.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to side at Elwick Studios, 1 Bathgate Terrace, Elwick Road, Hartlepool TS24 7QW in accordance with the terms of the application Ref: H/2019/0164, dated 3 April 2019 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; Existing and Proposed Plans – Drawing Number A101 Rev A, Proposed Plan – Drawing Number A102, Elevations as Proposed – Drawing Number A104 Rev A, Existing and Proposed Side and Rear Elevations – Drawing Number A106.
 - 3) No development shall take place until details of all external finishing materials have been submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written

approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is a more precise description of development.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Stranton Conservation Area (CA).

Reasons

4. The appeal property is an end of terrace commercial property. It is set back from the highway at the front by a small garden area which contains a number of substantial trees. There are boundary walls to the front and side of the property, with the front boundary incorporating railings and the side boundary being of solid construction.
5. The appeal site is located within the Stranton Conservation Area which is characterised by a range of commercial, industrial and residential land uses. Key features of the CA include the brewery, All Saints Church and an area of open space containing a number of mature trees adjacent to a curved shopping parade.
6. The appeal proposal involves the construction of a single storey extension to the side of the property. It replicates the features of a two-storey off-shoot to the side of the property in relation to materials, fenestration and the incorporation of a flat roof. Due to its design, scale and siting, the extension would not appear as a dominant feature or detract from the contribution that the existing building makes to the CA. The use of matching materials and fenestration would ensure a successful harmonisation with the existing building that would ensure the extension would not harm the appearance of the property.
7. Although the proposal would be constructed in front of an existing window that is located in the side elevation of the property, and would remove a small area at the side of the property that is currently open, I consider that neither of these existing features are of particular significance in the CA. Additionally, they are largely obscured by the boundary wall to the side of the property and the trees on the side boundary. For these reasons, the obscuring of the window and the removal of the existing gap, would not cause harm.
8. I therefore find that the extension has a neutral impact on, and thereby preserves, the character and appearance of the CA. Thus, it complies with Policies QP4, HE1 and HE3 of the Hartlepool Local Plan (2018) which seek, amongst other things, that proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.
9. The proposal would also comply with guidance contained in the National Planning Policy Framework (the Framework) (2019), which requires, amongst

other things, that development is of high-quality design, sympathetic to local character whilst sustaining and enhancing the significance of heritage assets.

10. In reaching my findings, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CA in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

11. In their decision, the Local Planning Authority has referred to the failure of the appellant to demonstrate that the less than substantial harm they found with the proposal would be outweighed by any public benefits of the proposal. As I have found that the proposal would preserve the character and appearance of the conservation area, and not cause harm, it is not necessary for public benefits to be demonstrated.
12. The Local Planning Authority have referred me to a number of policies in the Local Plan which they consider to be relevant to the appeal. Of those listed, I find that Policies LS1, QP3, QP5, QP6, QP7, RC5 and SUS1 are not pertinent to the main issue before me. Similarly, I do not find that the sections of the Framework which the Council consider are relevant to the appeal, other than those relating to design and heritage assets, are pertinent to the main issue.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
14. It is necessary to impose a planning condition requiring the submission of details/samples of external materials. The reason for this condition, and its requirement to be prior to commencement, is in the interests of amenity and the character and appearance of the CA.
15. It is also necessary to impose a planning condition requiring the submission of a scheme for the protection of trees to be retained. Such a condition is necessary in order to protect landscape features that are to be retained, in the interests of the character and appearance of the CA. It is necessary that tree protection measures are approved and installed prior to commencement of development to ensure the protection of landscape features for the duration of the construction phase.

Conclusion

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR