
Appeal Decision

Site visit made on 11 November 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2020

Appeal Ref: APP/W4515/W/20/3257034

36B Percy Gardens, Tynemouth, Tyne and Wear NE30 4HQ

- 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 Miss Alison Claire Gladstone against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 19/01592/FUL, dated 26 November 2019, was refused by notice dated 3 February 2020.
 - The development proposed is the installation of a small railing/balustrade primarily as a health and safety measure.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's Decision Notice as this is more precise.
3. The development has been undertaken. I am therefore considering the appeal retrospectively.

Main Issue

4. The main issue is whether the development preserves or enhances the character or appearance of the Tynemouth Village Conservation Area (CA).

Reasons

5. Percy Gardens is a grand crescent of terraced properties occupying a highly prominent position in Tynemouth overlooking the seafront. It is set back behind formal gardens and is situated within the Tynemouth Village Conservation Area (CA). The CA is characterised by its evolution across its range of areas, notably the village core and the seafront which includes Percy Gardens. Percy Gardens is also included on the Council's Local Register which recognises, amongst other things, buildings of local significance.
6. The building in which the appeal property is located is notable for its decorative stonework features, which include the prominent entrance portico, which is a double feature shared with the neighbour, onto which the railing has been installed.

7. I observed that many of the properties in the crescent have various metalwork features, including those on the appeal building that sit above and below the prominent bay windows. The existing metalwork on the appeal building contains ornate patterns with small finials, however, due to their low level, they appear subtle and discreet. They are replicated on the adjoining property which gives a pleasant degree of symmetry between the buildings.
8. In terms of the appeal proposal, despite being of metal and decorative, due to its design and material, it does not offer the same quality, or positively contribute in the same manner. It is neither an honest facsimile of an original feature in a traditional material, nor is it a high-quality contemporary addition. It is a poor attempt to replicate an historic style and design and through its siting, it unbalances the portico feature with the neighbouring property.
9. I therefore conclude that the development has a harmful impact on the character and appearance of the CA and thereby fails to preserve or enhance the character or appearance. It is contrary to Policies DM6.1, S6.5 and DM6.6 of the North Tyneside Local Plan (2017). Collectively, these policies seek to ensure good quality design and resist development that would have a detrimental impact on heritage assets and their significance.
10. The development is also contrary to the aims of the Tynemouth Village Conservation Area Management Strategy Supplementary Planning Document (SPD) (2014) and the Register of Buildings and Parks of Local Architectural and Historic Interest SPD (2018). These documents require, amongst other things, that developments conserve and enhance the character and appearance of the conservation area, are good quality traditional-style design or good quality modern design and remain sympathetic and are of high quality.

Other Matters

11. I note that the appellant outlines that the railing is required in the interests of health and safety. Whilst I accept these reasons, the same could be achieved using a more appropriate design and material. It does not override the harm I have identified.
12. I am referred to other alterations to properties in the area including railings. Whilst I do not have full details of the background to these examples, some of them serve to confirm the harm that alterations of inappropriate design and materials can have. They do not justify allowing further harm to be caused. I have in any event determined the appeal on its own individual planning merits.
13. I appreciate that the appellant may have made a genuine error in undertaking the installation without the necessary consent, however this is not a factor that would justify allowing the appeal.
14. The appellant has requested that as part of the appeal process, they wish to be informed when all the individual modern balconies were installed in the gardens, which have planning permission and what grounds they were granted this. I do not hold such information, and this would be a matter for the Council to respond to.

Planning Balance and Conclusion

15. Having regard to paragraph 196 of the National Planning Policy Framework (2019) I find that the harm to the CA is relatively localised and therefore the

development causes less than substantial harm to the significance of the CA. I do not, however, find that this harm is outweighed by any public benefits of the development.

16. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR