



Appeal Decision

Site Visit made on 31 March 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 April 2021

Appeal Ref: APP/A4520/W/20/3263230

The Mill Tavern, Mill Lane, Hebburn NE31 2EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mrs A Davison (Mill Tavern Public House) against South Tyneside Council.
 - The application Ref ST/0297/20/FUL, is dated 23 April 2020.
 - The development proposed is described as retrospective consent for storage container and covered walkway to container.
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Decision

1. The appeal is allowed and planning permission is granted for a storage container and covered walkway to container at The Mill Tavern, Mill Lane, Hebburn NE31 2EU in accordance with the terms of the application Ref ST/0297/20/FUL, dated 23 April 2020, and the plans submitted with it, including the location plan, amended site plan, amended proposed elevations, amended roof plan and amended floor plan, subject to the following condition:
 - 1) The external colour finish of the development hereby permitted shall at all times match that of the rear of the existing building.

Application for costs

2. An application for costs was made by Mrs A Davison against South Tyneside Council. This application is the subject of a separate Decision.

Preliminary Matters

3. I have considered the appeal on the basis that the development is already in place. However, in my formal Decision I have omitted the reference to 'retrospective' from the description as it is not an act of development.

Main Issue

4. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. Since the appeal was submitted the Council has indicated that had it been in a position to determine the application it would have refused planning permission. The Council's appeal statement refers to concerns regarding the effect of the development on the character and appearance of the street scene.
5. Accordingly, I identify that the **main issue** in this appeal is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site is occupied by a public house, which is set within a sizeable plot between Mill Lane and College Road. The large two-storey building fronts onto Mill Lane and has an expansive car park at the rear. The car park is enclosed on the College Road boundary by a low brick wall with railings above and some low level landscaping behind. The eastern boundary is open due to the boundary railings, whereas the western boundary contains a dense hedge along its length.
7. The development comprises a portacabin/container and short linking structure, which is located at the rear of the building. The metal portacabin/container is clearly identifiable as such, and in that respect, contrasts with the materials of the public house and surrounding housing. Nonetheless, its visual impact is significantly reduced by its colour treatment, which matches the mostly rendered rear elevation it is seen against. It is also positioned neatly up against the building and does not extend beyond the side and rear elevations. In addition, its form is reflective of the much larger single storey flat roof extension it is physically adjoined to, and overall, it appears as a relatively small feature in relation to the building and site as a whole.
8. Furthermore, as the development is located at the rear of the building it is not visible from Mill Lane. Whilst it is visible from College Road and the linking footpath to the east, it is set well back from the road such that it is not a prominent feature within the College Road street scene. I am also mindful that during business hours it is likely to be partly obscured by parked cars.
9. Overall, I am satisfied that the development is not visually intrusive or unduly incongruous in its context, despite its nature and materials. Therefore, I conclude that the development does not have a harmful effect on the character and appearance of the area. Accordingly, the development complies in overall terms with Policy DM1(A) of the South Tyneside Local Development Framework Development Management Policies (2011), which among other things, requires that development is sensitive to its surroundings, having regard to matters such as scale, proportions, alignment, and form. The proposal also complies with paragraph 127 of the National Planning Policy Framework in this regard.

Other Matters

10. The development would provide an extended storage area to the kitchen and would therefore help to support the commercial operations of the business and aid its recovery from the Covid-19 pandemic. This is a benefit, which given my finding on the main issue, lends weight to the view that planning permission should be granted.

Conditions

11. As the development is already in situ, the Council's suggested timescale and approved plans conditions are not necessary, so they are not imposed. However, a condition to ensure that the colour finish of the development matches the rear of the existing building against which it is seen is necessary to ensure a satisfactory appearance of the development.

Conclusion

12. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be allowed and planning permission should be granted.

A Caines

INSPECTOR