



Appeal Decision

Site Visit made on 29 July 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2021

Appeal Ref: APP/J4525/W/21/3272245

Land North West Of 23 Tintern Close, Houghton-le-Spring DH4 4XX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Place against the decision of Sunderland City Council.
 - The application Ref 20/02184/OUT, dated 18 November 2020, was refused by notice dated 22 January 2021.
 - The development proposed is erection of 4 dwellings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is in outline with all matters reserved for future consideration. I have therefore treated the submitted site layout plan as only indicative of how the appeal site might potentially be developed.
3. The appeal was accompanied by a draft planning obligation in the form of a Unilateral Undertaking to provide a financial contribution towards improving greenspace in the area. The appellant was given the opportunity to submit a completed obligation, but whilst it appears that the appellant has been working with the Council very late in the appeal process to address this matter, a completed obligation is not before me.
4. The appeal scheme is a resubmission of the same proposal that was recently dismissed at appeal (Appeal ref: APP/J4525/W/20/3246281). Whilst the previous appeal decision is an important material consideration, I have determined this appeal on its own merits based on the evidence before me and my own observations.
5. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore no parties have been prejudiced by its publication.

Main Issue

6. The main issue is whether the appeal site is a suitable location for housing, having particular regard to greenspace and the character and appearance of the area.

Reasons

7. The appeal site is an area of amenity greenspace within a residential estate of closely-spaced semi-detached and terraced houses. The Council's Greenspace Audit (2020) identifies that the primary function of amenity greenspace is the provision of amenity (e.g. visual enhancement or informal recreation) to local residents, workers or passers-by.
8. My attention has been drawn to a number of similar amenity greenspaces in the vicinity, as well as a range of formal recreational facilities within the wider area, including play parks, sports fields and formal parks and gardens. I am also informed that the quantity of amenity green space at the ward level is slightly above the city average. Together, these factors indicate that the recreational value of the appeal site is limited and that its loss would have a negligible effect on recreational opportunities in the area.
9. Notwithstanding this, amenity greenspaces like the appeal site are a distinctive feature of the estate. Irrespective of whether they have been purposely designed, or are a result of left over space, they all help to soften the dense nature of the urban fabric of the estate, albeit to varying degrees.
10. The appeal site lies at the head of a cul-de-sac adjacent to housing and a large row of garages. It is also backed by a methodist church building. In this built-up context, the open, undeveloped character of the appeal site and the positive visual break it provides between the surrounding built form, makes a significant positive contribution to the character and appearance of the area and to the distinctiveness of the wider estate as a whole. Therefore, despite the appellant's assertion otherwise, the appeal site has significant public/community value in terms of the visual enhancement function that amenity greenspace is additionally recognised for.
11. The appeal proposal is in outline so that the exact scale, layout and landscaping of the development is not before me. Nevertheless, a development of 4 dwellings with associated gardens, enclosures, footways and parking areas would inevitably result in loss of the open, undeveloped character of the site to the detriment of its amenity value and the character and appearance of the area. I am not persuaded that the negative effect of this could be suitably mitigated by the set back of the houses, or any landscaping that could be secured at the front of the site.
12. The appellant contends that there would be some visual benefit in screening the rear of the methodist church. However, its condition is not such that it significantly detracts from the appearance of the area. Solid boundary treatment and landscaping would be sufficient to make an appreciable improvement in this regard, so I do not consider that the proposal is the only or less harmful means by which this could be achieved. In regard to security improvements, I have no substantive evidence of any existing security issues related to the site. Accordingly, I attach very limited weight to these matters.
13. A financial contribution in line with the Council's requirements could potentially result in improvements to the quality of other greenspaces in the area and the appellant has indicated agreement to make such a contribution. However, as was the case with the previous appeal, there is no completed obligation before me to provide a formal mechanism to ensure this contribution. For the same

reasons given by the previous Inspector, it would not be appropriate to address this matter by use of a planning condition.

14. However, notwithstanding any potential contribution and the limited recreational function of the site, when having regard to all functions that this greenspace performs, particularly the positive contribution it makes to the visual amenity and character of the area, together with the absence of any firm evidence of wide community support for the proposal, I am not satisfied that the site should be considered surplus to requirements. Because of its amenity value in visual terms, use of the site as amenity greenspace already represents an efficient use of land. Furthermore, there would be a significant adverse effect on the character and appearance of the area from the loss of this amenity greenspace.
15. For these reasons, I conclude that the appeal site is not a suitable location for housing. The proposal conflicts with Policy NE4 of Sunderland's Core Strategy and Development Plan (2020) (the CS), which seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace. Furthermore, although not specifically cited in the Council's refusal reasons, there is also conflict with CS Policies SP1 and BH1, which have been listed in the Council's officer report and were provided with the appeal. Among other things, these seek to protect Sunderland's character and environmental assets including greenspaces, and requires development which respects and enhances the positive qualities of the locality.

Other Matters

16. The Government's objective is to significantly boost the supply of housing and the proposal would provide 4 homes in a location with convenient access to shops, community facilities and services, including by public transport. The Framework further recognises that small and medium sized sites can make an important contribution to meeting housing supply as they are often built out relatively quickly by smaller housebuilders. However, given the small scale of the proposal and the undisputed supply of deliverable sites in the City, the benefits arising from provision of the additional housing attracts modest weight and would not outweigh the significant harm that I have identified and the proposal's failure to comply with the development plan when read as a whole.
17. Notwithstanding third party representations, impacts on the living conditions of neighbouring occupiers could be addressed at the reserved matters stage and I have no substantive evidence to support highway safety and ecology concerns. Issues relating to ground contamination and drainage could be addressed by planning conditions. The dwellings could be designed to respect the surrounding built development. However, these are all requirements of the development plan and they do not weigh in favour of the scheme.

Conclusion

18. For the reasons given, the proposal would conflict with the development plan as a whole and there are no considerations, including the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR