



Appeal Decision

Site Visit made on 13 October 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/A4520/W/21/3279962

51 Nevinston Avenue, South Shields NE34 8NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr John Stark against the decision of South Tyneside Council.
 - The application Ref ST/0339/21/HFUL, dated 21 April 2021, was approved on 9 July 2021 and planning permission was granted subject to conditions.
 - The development permitted is front, side and rear single storey extensions. Proposed dropped kerb to the front of the property to provide vehicle access.
 - The condition in dispute is No. 3 which states that:
Notwithstanding the information provided as part of this planning application and excluding the proposed rear extension which cannot be seen from the public realm and which is to be constructed using grey coloured cladding and a grey tiled roof (or red facing brickwork and red roof tiles), the remaining elements of the development which can be seen from the public realm i.e. the proposed front and side elevations shall be constructed using similar facing materials to those used in the construction of the exterior of the existing building (i.e. red brick and red roof tiles) on which the extensions will form part. Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.
 - The reason given for the condition is:
To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.
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Decision

1. The appeal is allowed and the planning permission Ref ST/0339/21/HFUL for front, side and rear single storey extensions. Proposed dropped kerb to the front of the property to provide vehicle access at 51 Nevinston Avenue, South Shields NE34 8NB granted on 9 July 2021 by South Tyneside Council, is varied by deleting condition 3.

Preliminary Matters

2. Planning permission was granted for a single storey front, side and rear 'wraparound' extension at the appeal property. Although No. 51 is constructed of red brick under a concrete-tiled roof, the approved extension's walls were shown on the submitted plans as being faced with 'grey coloured composite cladding timber effect' panels.
3. Whilst the Council considered the proposal to be acceptable and granted planning permission accordingly, the disputed condition seeks to prohibit the use of the specified cladding on the extension's front and side elevations and instead to secure the use of similar materials to those used in the construction of the main house on those elevations. Despite making revisions to the proposal during the course of the application, the incorporation of cladding to

the elevations was a consistent feature of the proposal through its various iterations and was not, the appellant has stated, queried by the Council.

4. The extension in question has been largely completed, with the exception of the disputed elevation materials which are the subject of this appeal.

Main Issue

5. Thus, having regard to the matters set out above, the main issue is whether the condition is necessary and reasonable, in the interests of character and appearance.

Reasons

6. The appeal property is an end-of-terrace property located within one of a number of similar, short, terraced blocks fronting on to Nevinson Avenue. As a consequence of its end-of-terrace location, there is a gap between the appeal property and the neighbouring property which opens up limited views of the extension's side elevation.
7. The proposed grey coloured composite 'timber effect' cladding would give the extension a clean, contemporary appearance. The cladding would, I agree, be a significant deviation from the red facing bricks from which the existing house, and those around it, are generally constructed from. However, I saw there to be a wide variety of porch additions of varying sizes and construction materials along Nevinson Avenue.
8. The use of the coloured cladding would, without the disputed condition, merely add further variation to the Nevinson Avenue streetscene. Large expanses of glazing and stark, white cladding are typical aspects of the varied porch extensions and are significant features within the streetscene and as such there is already significant deviation from the use of traditional red brick in the front elevations of properties along the street.
9. Nor would it be disruptive to the prevailing character or appearance of the street. I accept that it would be more obvious in some views than in others, particularly when viewed in close proximity. However, in longer views along the street frontage, the use of the coloured cladding as proposed would merely add a further variation to the already varied character and appearance of properties here.
10. With regard to the use of grey roof tiles, there is a similar degree of variation in terms of profile and colours of tiles along the street. What may typically have started off as red tiles have inevitably faded over time, and so grey tiles on the roof of the extension would be a modest and moderate variation on a theme.
11. Policy DM1 of the Development Management Policies document (DMP) seeks to ensure, amongst other things, that proposals are designed to convey sensitive consideration of their surroundings and local setting, having regard to use of materials and architectural detailing. The approved extension, insofar as it is visible from the Nevinson Avenue street frontage, reflects the varied form and palette of materials evident amongst properties on both sides of the street, whilst the use of grey coloured cladding, admittedly not common amongst other alterations and additions, would nevertheless not be unduly incongruous or jarring within the streetscene.

12. I am also satisfied that the approved plans provide sufficient clarity regarding the proposed materials and thus, for the reasons I have set out above, I conclude that the disputed condition is neither necessary nor reasonable to achieve a satisfactory form of development having given consideration to the appeal property's surroundings and setting. The use of the coloured cladding would not cause harm to the character or appearance of the appeal property or the surrounding area and there would be no conflict with DMP policy DM1 as a consequence of development proceeding without the disputed condition.

Other Matters

13. The permission to which the disputed condition related also included reference to a dropped kerb in its description of development. As the disputed condition refers solely to the materials to be used in the construction of the extension, other matters within the scope of the permission are not before me and I have not considered them further.

Conditions

14. The appeal relates only to the disputed condition. I have no evidence before me that would lead me to conclude that the remaining conditions fail to satisfy the tests of conditions set out in the Framework and Planning Practice Guidance and so I have not considered those matters any further.

Conclusion

15. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed and the planning permission for the construction of the front, side and rear single storey extensions and proposed dropped kerb to the front of the property to provide vehicle access be varied by the deletion of the disputed condition.

G Robbie

INSPECTOR