



Appeal Decision

Site Visit made on 2 November 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/P2935/D/21/3278688

7 First Avenue, Blyth, Northumberland NE24 2SB

- 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 Peter Saleem against the decision of Northumberland County Council.
 - The application Ref 21/01393/FUL, dated 5 April 2021, was refused by notice dated 9 June 2021.
 - The development proposed is a single-storey, flat-roofed, garage to rear of back garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area, including the appeal property.

Reasons

3. Policies DC1 and DC28 of the Blyth Valley District Local Development Framework : Development Control Policies Development Plan Document (the DP) seek, amongst other matters, that new development be of a high standard of design and is well related to the existing area.
4. The appeal scheme seeks consent for a significant garage building occupying approximately half of the rear garden of 7 First Avenue, backing on to and taking access from the existing garage parking area situated behind. The proposed garage is shown on the submitted plans as being the full width of the rear garden and some 4 metres high with a flat roof.
5. At the site visit I saw that the scale of other buildings in the area was generally domestic in scale consisting of dwellings, smaller garages and other domestic paraphernalia.
6. As a result of the significant size of the proposed garage building both in it self and in proportion to the domestic scale of other buildings in the area, I find that the appeal scheme would harm the character and appearance of the area.
7. For the reasons detailed above I find that the appeal scheme would harm the character and appearance of the area contrary to Policies DC1 and DC28 of the DP.

Other Matters

8. The Appellant details that the appeal scheme would remove a large vehicle, the appellant's motor home, from the street. I saw at the site visit that the roads in the area were not wide and accommodated many parked cars. As such, the removal of a large vehicle from the street is a benefit to highway safety but it does not outweigh the harm I have identified previously.
9. The Appellant details that a "permitted development fallback could be much larger in footprint". Submitted plans detail a large building of some 121.55m² in area, 2.5m high and the full width of the appeal site. The plan is annotated to detail that such a development is "just under 50%" of the site. The Officer's report states that this scheme does not comply with the conditions of Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended), though no specific reasons are detailed, and it is not disputed that the appellant could use Permitted Development rights to construct a building.
10. It is not the purpose of this appeal to determine whether or not the construction of the fallback scheme would be lawful, it remains open to the Appellant to seek a formal determination by a lawful certificate application. Nonetheless, on the basis of the evidence before me and in the absence of any substantive evidence from the Council, I am satisfied that the fall-back scheme could be constructed using Permitted Development Rights.
11. However, the Design and Access Statement states "The applicant would like to be able to store a motorhome in the garage, hence the height of the proposed structure". The Permitted Development rights referred to previously limit the height of the building to 2.5m, significant less than the 4m that the Appellant needs to accommodate the motorhome as shown on the submitted plans. On this basis I am not satisfied that there is there greater than a theoretical possibility that the fallback development might take place because it does not appear to meet the primary need of the Appellant.
12. Furthermore, the fallback scheme is shown on the submitted plan as being substantial longer than the appeal scheme but only 2.5m high. Therefore, I am not satisfied that it is more harmful to the character and appearance of the area than the appeal scheme before me.
13. As such while I afford the fallback position presented by the Appellant some weight, it does not outweigh the harm I have identified previously.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR