
Appeal Decision

Site visit made on 14 January 2022

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/P2935/W/21/3285662

**Site of former The Bungalow, Hight Pit Road, Cramlington,
Northumberland NE23 6RA**

- 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 Andy Mahmood, Black Knight t/a AF Tyres & Exhausts against the decision of Northumberland County Council.
 - The application Ref 21/01660/FUL, dated 21 April 2021, was refused by notice dated 30 September 2021.
 - The development proposed is the erection of perimeter fencing & gates.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Andy Mahmood, Black Knight t/a AF Tyres & Exhausts against Northumberland County Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue raised by this appeal is the effect the proposal would have on the character and appearance of the area.

Reasons

4. The appeal site comprises a vacant plot in a relatively prominent situation at a junction in an area of largely suburban character. At the time of my site inspection the low brick wall shown on the drawings and photographs had been removed and the site enclosed by temporary mesh panel fencing.
5. Gates forming part of the proposed enclosure would immediately abut the boundary wall and railings alongside the Evergreen Court housing next door. They consist of brick walls with substantial brick piers with railings in between. A similar arrangement runs alongside the Klondyke Street part of the Evergreen Court complex which is separated from the site on that side by the open forecourt of a take-away premises.
6. Set within this context the 2m high railings set directly on the ground would take on a more utilitarian and functional appearance than the enclosures on either side and appear incongruous with them. Their noticeable projection forward of the line of the Evergreen Court enclosure along High Pit Road and exclusively metal arrangement would harmfully exacerbate their difference

from the predominant form of enclosure in the vicinity of the site to the north of High Pit Road.

7. Their height and appearance as shown on the elevation drawing would make them appear broadly similar to the enclosure of the car sales forecourt on the opposite side of High Pit Road. However, there is a distinct change of character to the south of the site where commercial and military buildings are enclosed by tall railings and security fencing in contrast to the predominantly residential character which exists to the north side of High Pit Road. Where enclosures exist to houses and other properties opposite, they are largely formed of low brick walls and even those railings bounding the car sales site are set on a dwarf wall for the section fronting Klondyke Street.
8. Even if the railings were to be of a type shown in the appellant's photographs, as an alternative to the basic and industrial wire mesh panels illustrated as part of the application drawings, this would only go some way to providing a visually more appropriate enclosure. Those examples have the appearance of well-proportioned railings. However, considered in their proposed context their height, extent, situation and contrast with existing boundary treatments would mean that they would harm the character and appearance of the area and as such cannot be considered to be of a high quality design. Whilst the site's undeveloped appearance with temporary fencing clearly has scope for improvement this does not justify the particular scheme proposed.
9. The development would not respect or add to the qualities of the suburban townscape nor result in good quality boundary treatment. Consequently, it would be contrary to Cramlington Neighbourhood Plan (2020) Policy CNP3. Although it does not explicitly refer to enclosures, the proposal nevertheless would not accord with Development Control¹ Policy DC1 which, amongst other criteria, expects development to be of a high standard of design taking account of the surrounding area. A criterion of Policy DC1 also seeks to minimise crime risk through design. A permanent and secure enclosure may well prevent some forms of crime, however there is no substantive evidence that a scheme of the proposed appearance, siting and dimensions would be the only way to do so. The development would conflict with Development Control Policy DC1 considered overall.
10. The proposal would be contrary to the National Planning Policy Framework's (the Framework) requirement that developments should add to the overall quality of the area and are sympathetic to local character. The Framework also requires significant weight be given to the support for economic growth and productivity and encourages making effective use of land. Notwithstanding the appellant's intention that securing the site is a precursor to its sale or redevelopment, in the absence of substantive evidence as to the proposed re-use of the site and how this might support economic growth or promote its re-use, this can only carry limited weight. It has not been clearly demonstrated that in the absence of the proposed development those Framework policies could not be achieved. The Framework points out that the presumption in favour of sustainable development does not change the statutory status of the development plan and that permission should not usually be granted for proposals that conflict with an up-to-date development plan. The development would conflict with the Framework as a whole.

¹ 'a Future for Blyth Valley' Blyth Valley Local Development Framework – Development Control Policies Development Plan Document, 2007.

11. It follows that as the development would not represent high quality design it would run contrary to the National Design Guide's purpose of encouraging well designed places. The National Model Design Code is less pertinent to the appeal given the scope and coverage of that guidance and its focus on design code preparation, albeit that this is neutral in effect and does not lend support to the proposal.
12. The appellant points out that an enclosure of up to 1m high could be erected under permitted development rights. However, even though the Council would have no control over its colour, materials or appearance, a boundary treatment of that height would have a materially different effect on the character and appearance of the area to that of the appeal proposal, not least obviously in respect of its height. Such a notional fall back does not weigh in favour of the proposal.
13. I can appreciate that the appellant wishes to demarcate their ownership and prevent unauthorised access and activity on the site. However, I am not convinced that a scheme of the details proposed would be the only way in which to achieve these aims and it therefore carries limited weight.
14. It appears that the discussion between the Council and appellant during the consideration of the application was focussed on resolving concerns over the visibility and highway implications of the proposal, with the Council raising design and appearance concerns much later in its consideration. Nevertheless, this was the reason for refusal and the basis on which I have determined the appeal.

Conclusion

15. The proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR