
Appeal Decision

Site visit made on 1 March 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2022

Appeal Ref: APP/J4525/W/22/3290599

145 The Broadway, Grindon, Sunderland SR4 8HE

- 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 Wayne Surtees against the decision of Sunderland City Council.
 - The application Ref 21/00154/FUL, dated 25 January 2021, was refused by notice dated 11 November 2021.
 - The development proposed is described on the application form as 'Proposed new four bed detached dwelling house'.
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Decision

1. The appeal is allowed and planning permission is granted for Erection of 3no. bed detached dwelling house (Amended description and plans received 19.10.21) at 145 The Broadway, Grindon, Sunderland SR4 8HE in accordance with the terms of the application, Ref 21/00154/FUL, dated 25 January 2021, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The Council have described the development as 'Erection of 3no. bed detached dwelling house (Amended description and plans received 19.10.21)'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.
3. When on my site visit, I observed that the appeal site had been fenced-off from the rest of the rear garden to no. 145. Notwithstanding this fencing being in place, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the street scene.

Reasons

5. The appeal site is situated within the sizeable back garden of a detached 1.5 storey dwelling at the junction of the Broadway (A183) and Grindon Gardens. The surrounding area is predominately residential with the other properties

being a mixture of dwellings of varied sizes and types. No. 145 fronts onto the A183 as do several other properties. Likewise, most of the properties on the other side of the appeal site i.e., to the rear of no. 145, front onto Grindon Gardens.

6. The proposed dwelling would be of size, type and style like these other properties and would also front onto Grindon Gardens in the same way. The proposal's materials would also be very similar to the external material finishes of these nearby properties. Furthermore, the proposal's front garden/drive and rear garden would also be comparable to those of these nearby properties.
7. Consequently, and based on the evidence before me, including the submitted plans I consider that the proposal would be in keeping with the size, style, layout of the dwellings nearby and that its position in relation to the site and its plot to building ratio would also be in keeping with the prevailing pattern of development in the area. For similar reasons I also consider that the proposal would not constitute overdevelopment of the appeal site.
8. I therefore conclude that the proposed development would not materially harm the character and appearance of the area. Accordingly, it would not conflict with the relevant requirements of policies BH1 and H7 of the adopted Core Strategy and Development Plan.

Other Matters

9. I note that several objections were submitted by interested parties which raised concerns relating to drainage, loss of privacy and highway safety. However, according to the officer report, no concerns were raised by the Highway Authority or other statutory consultees in relation to the proposal and from the evidence before me I see no reason to disagree. I also have no substantive evidence before me to suggest that the proposal would cause any unacceptable harm in relation to these matters. As a result, these matters are not of sufficient weight to warrant refusal of the proposal.
10. I also note that an interested party has raised a concern in relation to potential noise and disturbance that could arise during the proposal's construction. However, given the scale of the proposal I am satisfied that any potential issue in this regard could be adequately mitigated via the imposition of suitably worded conditions restricting the hours of construction and delivery activities.

Conditions

11. I have imposed conditions as set out in the attached schedule in light of the use of planning conditions set out in the National Planning Policy Framework and Planning Practice Guidance. Consequently, in the interests of precision and clarity I have undertaken some minor editing and rationalisation of the conditions as suggested by the Council in their officer report. In addition to the standard implementation condition, I have imposed a necessary condition to define the plans with which the scheme should accord in the interest of precision.
12. In their officer report the Council suggested a condition which specified that the proposed materials matched the existing building. However, as the proposal would be a new dwelling and building in its own right, I have instead imposed a condition specifying that the materials be in accordance with those shown on

the approved plans in the interests of the character and appearance of the area.

13. In the interest of minimising risks from contaminated land I have also imposed conditions similar to those suggested by the Council in relation to potential contamination given the issues highlighted in their officer report.
14. I have also imposed conditions limiting the hours of construction activities and associated deliveries in the interest of the living conditions of neighbouring occupiers similar to the condition suggested by the appellant.

Conclusion

15. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing no. AL (90) 1000; Existing Site Plan Drawing no. AL (00) 0100 Revision B; Proposed Site Plan Drawing no. AL (90) 0200 Revision D; Proposed Site Section Drawing no. AL (90) 0500; Proposed Plan Level 01 Drawing no. AL (00) 0200 Revision A; Proposed Plan Level 00 Drawing No. AL (00) 0100 Revision A; Proposed Elevations Drawing no. AL (00) 0010 Revision A.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plan Proposed Elevations Drawing no. AL (00) 0010 Revision A.
- 4) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied.
- 6) Demolition or construction works shall take place only between 08:00 – 18:00 Mondays to Fridays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Deliveries shall be taken at or despatched from the site only between 08:00 – 18:00 Mondays to Fridays and shall not take place at any time on Sundays or on Bank or Public Holidays.

End of Schedule