
Appeal Decision

Site visit made on 13 September 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2022

Appeal Ref: APP/P2935/D/22/3302311

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 Shahzad Saleem against the decision of Northumberland County Council.
 - The application Ref 21/04673/FUL, dated 1 December 2021, was refused by notice dated 1 July 2022.
 - 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.

Procedural Matters

2. The description of the proposal differs from the application form to the decision notice. That above has been taken from the application form, which adequately describes the proposal albeit I have omitted wording that is not a description of development and wording which references previous submissions.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The proposal relates to part of the rear garden area at the appeal property. Whilst the property fronts onto the residential First Avenue, the garage would be accessed from a court of garages set closely to the east.
5. A mature tree sits immediately to the south of the appeal site within the grass verge of a pedestrian access which links First Avenue with the garage court. Along with other trees, it contributes to the verdant appearance of the public realm on and adjacent to First Avenue. The site is not within a Conservation Area.
6. The existing buildings within the area are of generally domestic scale and appearance, consisting of dwellings, small garages, other modest ancillary buildings and sheds.

7. Despite the reduction in height from that previously proposed under the earlier dismissed appeal¹, the flat roofed garage, by reason of its height, would be clearly visible from the pedestrian access and garage court above the existing boundary treatment. It would be both a wide and a deep structure, extending into the garden from the rear boundary by 10m whilst covering its full width.
8. Whilst there are taller structures locally, its large, bulky, and commercial appearance would contrast markedly with the generally modest scale of residential development and other garages within the area. This would detract from the character and appearance of the area.
9. Further, a mature tree is located immediately to the south of the proposed garage. It is possible that the brick wall which separates the grass verge from the appeal site could have restricted some root growth to the north.
10. However, it is likely that foundations for the garage would be constructed within a large proportion of the root protection area of the tree, risking significant root damage on its northern side which could lead to the decline and death of the tree. The tree contributes positively to the character and appearance of the area and its decline/loss would harm it.
11. The proposal would therefore conflict with Policies HOU 9 and QOP 2 of the Northumberland Local Plan (2022) which amongst other things require development which respects, complements and does not have an unacceptable adverse impact on the character of the surrounding area and the retention of trees of amenity value.
12. Further, the proposal would conflict with the Framework² which states that planning decisions should ensure that existing trees are retained wherever possible.

Other Matters

13. There is no dispute between the parties that an outbuilding at a maximum of 2.5m in height could be constructed under permitted development rights. Such a building would have to be required for a purpose incidental to the enjoyment of the dwellinghouse.
14. However, the Design & Access statement advises that the applicant would like to be able to store a high vehicle in the garage, hence the height of the proposed structure. The appeal statement also suggests that the scheme would remove the requirement for a large vehicle from having to park on street or on the land.
15. I am not therefore convinced that a building of lesser height than that within the appeal scheme would meet the needs of the appellant.
16. I am not therefore satisfied that there is a greater than theoretical possibility that the fallback development might take place because it would not appear to meet the needs of the appellant. I therefore afford the matter limited weight.
17. Further, even were this not the case, while a fallback scheme may be able to cover a larger area of the rear garden, the height of that building would be lesser. Such a scheme would therefore be likely to be less visually prominent

¹ APP/P2935/D/21/3278688

² National Planning Policy Framework 2021 Para. 131

than that before me and as such have a lesser impact on the character and appearance of the area.

18. The appellant suggests that a condition could be applied to require that any foundations within the tree canopy/root protection area be hand dug. However, this would be an overly simplistic approach and would not address the potential requirement for special construction measures to protect the tree roots. This would likely have to be explored through a dedicated tree survey and arboricultural implications report. Such a condition would not therefore resolve the harm identified.
19. Should the garage be used to store a large vehicle there would be some highways and visual benefit in removing this from using on street space or the site as it stands.
20. However, there is nothing to indicate that the parking of any parking on street is causing highways problems and there is nothing compelling within the evidence to indicate that any un-garaged vehicle causes significant visual harm at the site. I therefore afford these matters limited weight.

Conclusion and planning balance

21. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR