
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: 25 October 2022

Appeal Ref: APP/W4515/W/22/3303581

Tennis Courts at Beverley Park Lawn Tennis Club, Beverley Park, Whitley Bay NE25 8JL

- 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 Ms Lauri Chandler against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 21/01803/FUL, dated 5 August 2021, was refused by notice dated 13 April 2022.
 - The development proposed is the installation of new low level LED floodlighting to three existing outdoor tennis court Nrs 2 and 3.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposal is more accurately described on the decision notice, a description which has been adopted on the appeal form. The proposal could therefore be more accurately described as 'installation of new low level LED floodlighting to two existing outdoor tennis court numbers 2 and 3 via 9no. 6m high lighting columns with LED box type fittings'.

Main Issues

3. The main issues are the effect of the proposals on the Character and Appearance of the Monkseaton Conservation Area (the Conservation Area) and on the living conditions of existing occupiers with regard to light and noise.

Reasons

4. The Tennis Club occupies a site to the west of Beverley Road, with Beverley Park tightly wrapping around the site to the south, west and north. The site is largely finished in a green grass substitute artificial surface and contains four tennis courts, none of which are floodlit. There is also a small clubhouse at the northern end of the site along with a small, landscaped seating area and entrance gate. The floodlighting would serve the two middle courts.

Conservation area

5. The appeal site falls within the Conservation Area, the significance of which sits partly with the form, scale, materials and detailing of its buildings as well as open spaces which serve to break up its built form. The evidence indicates that Beverley Park Tennis Courts form a positive break in the street layout,

therefore making a positive contribution to the character and appearance of the Conservation Area.

6. The Roads that wrap around the appeal site include tall street lighting columns. The proposed floodlighting columns would be of a similar height and appearance. They would not therefore in their physical appearance be out of place.
7. However, despite the boundary mesh fencing and artificial surfacing, it is the rather organic, low key and natural appearance of the courts which feeds their positive contribution towards the character and appearance of the Conservation Area.
8. The introduction of artificial lighting would undermine these characteristics. Use of floodlighting into the evenings would significantly change the appearance of the central courts which would as a result be entirely at odds with what would otherwise likely be a subtly lit residential area during the evenings.
9. The proposal would therefore detract from the character and appearance of the area. Subsequently, it would detract from the heritage significance of the Conservation Area which lies in part with its open spaces.
10. The harm to the significance of the Conservation Area would be less than substantial. Paragraph 196 of the Framework¹ requires such harm to be weighed against any public benefits of the proposal.
11. There are clear public benefits to the proposal. The extension in court hours would allow further options for those wanting to play tennis, especially during the winter months with associated physical and mental health benefits. They would also allow for the expansion tennis of various initiatives that the club are involved in.
12. However, the harm would be apparent to many within the local area given the prominence of the courts from Beverley Park and Beverley Road. Further, the positive weight that I can afford to those matters is limited given that the evidence indicates there are other facilities within the area where tennis could be played during the darker evenings of the year. The public benefits of the proposal do not therefore outweigh the harm to the significance of the Conservation Area.
13. The proposal would subsequently conflict with Policies DM6.1, DM6.6 and S6.5 of the North Tyneside Local Plan (2017) (NTLP) which amongst other things seek to protect the significance of heritage assets, only permitting proposals affecting these where at a minimum the proposal sustains or conserves the asset.

Living conditions

14. The floodlights when in use would introduce additional artificial lighting into the immediate area along with additional noise that would be generated by those playing tennis on the courts.
15. The evidence indicates that it is likely that the floodlighting can be designed and installed so as to minimise light spill and glare from the floodlighting columns.

¹ National Planning Policy Framework 2021.

16. However, when illuminated, the two central tennis courts would be likely to appear very bright in views from surrounding residential properties. These properties, particularly to the western side of Beverley Park, by reason of their proximity and the open chain-link fencing/low hedge to the courts have a particularly intimate relationship with them.
17. No. 5 and No. 6 Beverley Park look directly out onto the central courts and have a range of windows within their front elevations. Given the lack of illumination over the courts during the hours of darkness, their illumination would be likely to appear particularly striking and intrusive in views from these properties causing significant harm to the living conditions of the occupiers.
18. A noise impact assessment² has been submitted alongside the proposal. The findings of this report, against which there is no substantive information provided to the contrary, do not indicate that noise associated with the extended use of the courts would have any significant adverse impact on the living conditions of the majority of adjoining occupiers.
19. As a result of the above matters, the proposal would conflict with policies S1.4 and DM 5.19 of the NTLP which amongst other things require that development should be acceptable in terms of its impact on local amenity. Development resulting in amongst other things noise or light pollution is required to incorporate measures to prevent or reduce pollution so as not to cause nuisance or unacceptable impacts on people.

Other Matters

20. I accept that were I minded to allow the appeal, conditions could be added to control some matters. These could cover such things as times of use of the floodlights, light spillage onto the adjacent highway and times when the courts could be used specifically for coaching. However, adding conditions in relation to such matters would not address the harm that I have identified.

Conclusion and Planning Balance

21. The harm to the significance of the Conservation Area would not be outweighed by the public benefits. The harm that would occur to the living conditions of nearby residents weighs against the proposal.
22. No material considerations including the Framework 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

² Proposed LED Floodlights at Beverley Park Lawn Tennis Club Noise Impact Assessment November 2021.