



Appeal Decision

Site visit made on 10 January 2023

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/H4505/W/22/3297612

Pear Trees, Orchard Road, Rowlands Gill, Gateshead NE39 1DN

- 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 & Mrs Jamie Wilson against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/00977/FUL, dated 29 July 2021, was refused by notice dated 27 October 2021.
 - The development proposed is demolition of existing bungalow/detached garage, construction of 2 new dwellings including pedestrian/vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing bungalow/detached garage, construction of 2 new dwellings including pedestrian/vehicular access, at Pear Trees, Orchard Road, Rowlands Gill, Gateshead NE39 1DN, in accordance with the terms of the application, Ref DC/21/00977/FUL, dated 29 July 2021, subject to the conditions listed in the attached schedule.

Preliminary Matters

2. The appeal site is within the Rowlands Gill Conservation Area (the CA). Accordingly, the statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) applies, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

4. The appeal site comprises a detached bungalow with a detached garage accessed from Orchard Road. It sits on raised ground above the adjacent highway, with its front boundary defined by a fence and hedgerow. Mature trees lie to the rear of the site behind the existing dwelling.
5. The Character Statement (the CS) defines the CA as an essentially Edwardian housing development. Its significance derives from the areas of distinct character within it, which include areas of large detached houses in substantial gardens, and areas of small detached and semi-detached houses built in a similar architectural style to one another. The area contains two denes,

extensive tree cover and substantial changes in level, all of which help to shape the character of the CA.

6. The appeal site sits at a point within the CA where sub-areas of differing, distinct character meet. Denser development comprising mainly of smaller houses lie to the north and west, and larger dwellings set within more spacious plots with an abundance of mature trees and vegetation lie to the south and east.
7. When compared to the predominant form of the higher density development to the north and west, the existing dwelling is lower in height and covers a larger footprint. The appeal plot is also larger, with more tree and hedge cover and a more extensive garden. In comparison to the lower density development to the east and south, the appeal plot is smaller with more limited tree and hedge cover, and the built form is more visible from the street.
8. Accordingly, a key characteristic of the site is its role as a point of transition between these areas of distinct character within the CA. Whilst the appearance of the existing buildings has little influence on the significance of the CA, the site's principal contribution to the significance of the CA is its spaciousness and mature landscaping.
9. Although the proposed dwellings would result in additional built form and would be taller than the existing buildings on site, the proposals would involve excavating into the slope which would lessen the overall increase in massing. Furthermore, a reasonable distance would be provided between the two dwellings that would retain the site's sense of spaciousness. While a small amount of hedgerow removal would be required to the site frontage to accommodate the new driveways, the amount of removal would be limited and would not be visually detrimental to the significance of the CA. Moreover, a sizeable area of the existing garden would be kept which would retain the verdant nature of the site and mature trees. On this basis, the contribution of the site to the significance of the CA would be maintained.
10. Consequently, I find the proposed development would preserve the character and appearance of the CA. As such, it would accord with Policy CS15 of 'Planning for the Future' – Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (Adopted March 2015) (the 'CS') and Policy MSGP25 of the Site Allocations and Development Management Policies – 'Making Spaces for Growing Places' – Local Plan Document for Gateshead (Adopted February 2021) (the 'SADMP'). Together these policies seek, among other objectives, to ensure development will contribute to good place making through the delivery of high quality and sustainable design and the conservation of the historic environment, for development which results in the sub-division of gardens and grounds within Conservation Areas to generate no harm to the historic environment, and to ensure development sustains and conserves the character and setting of identified heritage assets in a manner appropriate to their conservation.
11. The proposed development would also comply with the provisions of the National Planning Policy Framework (the Framework), which requires the consideration of the impact of proposed development on the significance of designated heritage assets to place great weight on the asset's conservation. Even when giving great weight to the asset's conservation, I have identified no harm to its significance.

Other Matters

12. I note several objections from neighbours referring to matters outside of the scope of the Council's reason for refusal. These include matters of highway safety, living conditions of neighbouring occupiers, detailed design and materials, impact on trees, ecology and biodiversity, and a lack of need for additional housing in the area. However, these matters have not been raised as a reason for refusal by the Council and there is no compelling evidence before me that would lead me to a different conclusion than the Council on these matters.
13. The Council do not refer to any listed buildings being affected by the development. Nevertheless, the appellant has considered the proximity of the development to Friars Chapel and the Rowlands Gill War Memorial, which are both Grade II listed buildings. Both buildings are a considerable distance from the appeal site and, having regard to section 66(1) of the Act, I am satisfied that their settings would be preserved.

Conditions

14. The Council has provided a list of suggested conditions that I have considered against the provisions of Paragraph 56 of the Framework and the Planning Practice Guidance (the PPG). Where necessary to ensure compliance with the provisions of the Framework and PPG I have amended, and in some cases omitted, certain conditions.
15. Conditions relating to the statutory time limit and a list of approved plans are necessary in the interests of certainty. A condition relating to the submission of details of external materials is necessary to ensure the development delivers a high standard of design.
16. A condition to secure a landscape strategy is necessary to preserve the character and appearance of the CA. This includes a requirement for a scheme of maintenance, and for the strategy to be implemented and maintained in accordance with the approved details. A condition requiring details of tree protection measures is also necessary to preserve the character and appearance of the CA.
17. In the absence of specific details setting out refuse and cycle storage, it is reasonable and necessary to impose conditions requiring the submission of further details in the interests of highway safety and to ensure high quality design.
18. I note the ecology section of the officer report refers to a requirement for the submission of further details relating to demolition and a scheme of bat roosting features, in the interests of avoiding harm to protected species. These conditions are reasonable and necessary, and they will be imposed subject to minor amendments.
19. Due to the limited scale of the development, a condition to limit construction hours is not necessary as unreasonable levels of disturbance could be addressed through other regulatory regimes.

Conclusion

20. Taking all above matters into account, I conclude that the proposed development would accord with the development plan and the Framework, and there are no material considerations that would outweigh these findings. Accordingly, the appeal should be allowed subject to the conditions listed in the attached schedule.

P Storey

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three 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 Existing 1:1250 – 110418/1
Proposed Site Plan – 010321/3
Street Elevations / Sections – 010321/4
Proposed Dwelling Plot 1 – Proposed Plans – 010321/5
Proposed Dwelling Plot 2 – Proposed Plans – 010321/6
Existing Proposed Build Forms – 010321/9
- 3) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced), has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in accordance with the approved details. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No demolition shall take place until a Biodiversity Method Statement (BMS) for the demolition phase of the development has been submitted to and approved in writing by the local planning authority. All demolition shall be undertaken in accordance with the approved details.
- 5) The development hereby permitted shall not progress above damp proof course until a scheme for the provision and management of replacement bat roosting features (both tree mounted and integral bat boxes), including timings for implementation, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and maintained thereafter in full accordance with the approved details.
- 6) The development hereby permitted shall not progress above damp proof course until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 7) Notwithstanding the submitted plans, no dwelling hereby approved shall be occupied until a fully detailed scheme for soft landscaping and a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The landscaping scheme shall include details and proposed timing of landscaping, ground preparation and planting plans noting the species, plant sizes, planting densities for all new planting, gapping up/planting of hedges and a scheme of maintenance of the landscaping (for a period of five years following planting). The landscaping

scheme shall be implemented and maintained in accordance with the approved details and timings.

- 8) Prior to the first occupation of any dwelling hereby approved, details of refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities for each dwelling shall be installed prior to its first occupation and retained thereafter for the storage of refuse.
- 9) Prior to the first occupation of any dwelling hereby approved, details of cycle storage, to include details of the locking mechanism and anchor point to be located in each garage or shed to Secured by Design standards, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities for each dwelling shall be installed prior to its first occupation and retained thereafter for the parking of bicycles.

**** End of conditions ****