



Appeal Decision

Site visit made on 22 May 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal Ref: APP/H0724/W/23/3318173

Land adjacent to Rossmere Lodge, Rossmere Way, Hartlepool TS25 5EF

- 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 Mrs Grace Watson against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0418, dated 25 November 2022, was refused by notice dated 14 February 2023.
 - The development proposed is erection of 1 No.3 Bedroom dwelling on land adjacent to Rossmere Lodge, with private garden and off street parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon:
 - the character and appearance of the host dwelling and the area including the setting of Rossmere Park, a non-designated heritage asset; and
 - the living conditions of the occupants of Rossmere Lodge and future occupiers with particular regard to outlook, sunlight and garden space.

Reasons

Character and appearance

3. The appeal site comprises the large, detached dwelling of Rossmere Lodge and its garden area. It faces Rossmere Way, where the proposed development would be accessed. The appeal site also has a rear boundary with Rossmere Park (the Park) and is seen in views from within it. Although the predominantly residential area comprises a mix and density of development, the 2 other individual bungalows in the immediate vicinity of the appeal site are also larger buildings set back from the road in spacious plots behind site boundaries. The overall low density and pattern of development, against the backdrop of the Park provides an open, spacious and verdant setting which positively contributes to a sense of place and character of the area.
4. New development could be built to reflect the building line of nearby properties. Nevertheless, sited to the side of Rossmere Lodge and in such close proximity its position would not leave a significant gap. Whilst I note the position and proximity of bungalows further down Rossmere Way, these are noticeably smaller and closer together. Therefore, they do not reflect the character of the larger properties, so do not create a clear precedent to follow here in respect of spaces between dwellings. As such, the layout would fail to

harmonise with adjacent plots. Consequently, the proposal would fail to assimilate successfully with the spatial pattern of development in this part of the street.

5. The new dwelling would be built to reflect the building line of nearby properties. Nevertheless, sited to the side of Rossmere Lodge and in such close proximity its position would not leave a significant gap. Whilst I note the position and proximity of nearby bungalows further down Rossmere Way, these are noticeably smaller and closer together. They do not reflect the more spacious character of the larger properties or area immediately around Rossmere Lodge, so do not create a clear precedent to follow here in respect of spaces between dwellings. Consequently, the proposal would fail to assimilate successfully with the spatial pattern of development in this part of the street.
6. The shape of the appeal site means that the dwelling would be sited close to the front and rear site boundaries and would fill much of the plot depth. This would create an uncomfortable visual relationship with the proposed site boundaries. Behind the indicated low-level rail fencing to the front, the dwelling would appear very prominent and imposing within the streetscene. It would also appear out of character with the properties which have a greater set back from their boundaries from the road in spacious plots. Furthermore, the off-set driveway would appear divorced from the dwelling. Overall design features and suitable materials would do little to mitigate the harm.
7. I have no reason to disagree with the appellant's assessment that the significance of Rossmere Park as a non-designated heritage asset lies primarily in its communal and recreational value. As such in physical terms the significance would be unaffected.
8. The Park is at a lower level than Rossmere way and is mostly enclosed by trees. In certain views the proposal will be read against the existing dwellings. Nevertheless, the areas of space, created by gaps between the trees and residential curtilage of Rossmere Lodge affords openness and space above the pathway in the Park and views out of it. Given the proximity of the development to Rossmere Lodge, and to the rear boundary with the Park this spaciousness would be diminished, and the overall development would appear very noticeable. The above reinforces the proposal's failure to integrate well with the existing character of development in the immediate area.
9. For these reasons, the proposal would result in harm to the character and appearance of the area. The proposed development would therefore conflict with Policy QP4 of the Hartlepool Local Plan 2018 (the Local Plan) which seeks to ensure new development reflects and enhances the distinctive features, character and history of the local area. The proposal would also not accord with paragraphs 126 and 134 of the Framework which requires development to reflect local design characteristics.

Living conditions

10. Rossmere Lodge has a side sun room and ground floor windows on the side closest to the appeal site. Although the sun room has several windows, the position and proximity of the substantial gable being of tall solid brick construction would present a solid mass of built development. It would be significantly closer than the separation distance suggested by the Council's

adopted Residential Design Guide Supplementary Planning Document 2019 (SPD).

11. The structure within close proximity to the sun room and side garden would be visible from all windows and peripheral views, and even if a fence were erected, the building would be much higher than this. It would therefore feel overbearing and harmful to the outlook of neighbouring occupiers of Rossmere Lodge. Although nearby bungalows are set close to each other, I do not know what type of room their side windows serve. Windows also face pitched roofs rather than gables and are therefore different in character. These examples, do not, therefore, demonstrate that this proposed relationship would be acceptable.
12. In conclusion on this main issue, I find the effects on the living conditions on the occupiers of Rossmere Lodge would not be acceptable. The proposal would therefore not be in compliance with Policy QP4 of the Local Plan which expects new developments to avoid negatively impacting upon the relationship with neighbouring land uses and the amenity of adjoining or nearby properties, including visual intrusion relating to poor outlook. For similar reasons, the proposal would not fulfil paragraph 130 of the Framework which seeks to achieve a high level of amenity. The proposal would also conflict with the SPD.

Other Matters

13. The Government is seeking to significantly boost the supply of housing. The proposal would deliver a new dwelling at an accessible location, which would be a benefit. The proposal for one net additional dwelling would make only a small contribution to the housing stock. This is also true for associated economic benefits. In this context, I give modest weight to these social and economic benefits.
14. Noting that there were no statutory consultee objections, the proposal would be acceptable in terms of highway safety, ecology, drainage, flood risk, contaminated land and trees. Nevertheless, the absence of harm in these regards are neutral factors in the overall planning balance.

Conclusion

15. Notwithstanding the benefits, the proposal would cause harm to the character and appearance of the area and living conditions of existing residents. This results in a conflict with the development plan when read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it.
16. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR