



Appeal Decision

Site visit made on 22 August 2023

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2023

Appeal Ref: APP/P2935/W/23/3323551

Land South East of 4 Studley Drive, Swarland, Northumberland NE65 9JT

- 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 Derek Elsdon against the decision of Northumberland County Council.
 - The application Ref 22/03128/FUL, dated 26 August 2022, was refused by notice dated 4 April 2023.
 - The development proposed is 3-bedroom dormer bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for 3-bedroom dormer bungalow at Land South East of 4 Studley Drive, Swarland, Northumberland NE65 9JT, in accordance with the terms of the application Ref 22/03128/FUL, dated 26 August 2022, subject to the conditions in the schedule to this Decision.

Applications for costs

2. An application for costs was made by the appellant against Northumberland County Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

4. The appeal site is a rectangular area of garden land to the side of 4 Studley Drive. It is located on the corner of Studley Drive and Highfield within an established residential area characterised by detached bungalows of different sizes, age, and appearance.
5. The Council considers that the site is an important area of soft landscaping. However, it is private land, and due to the narrow width of the road and dense roadside hedges, views of the site are limited to the immediate vicinity. I am also mindful that the site does not fall within any heritage or landscape designation. As such, although the site has a pleasant open and undeveloped character, its contribution to the street scene and wider area has, in my view, been overstated by the Council.
6. I have had regard to the Council's concerns over the size of the plot. However, during my site visit I found that plot sizes and the spaces between, and around, the dwellings do not possess a strong regular character. Indeed, the garden of 4 Studley Drive is far more generous than most, and would remain

so even after the development takes place. At around 800m² in area, the appeal site cannot reasonably be described as small, and according to the appellant's analysis, is within the range of plot sizes found within the area. I also noticed other recent infill developments at similar corner plots on Studley Drive and Kenmore Road. In this varied context I attach more importance to the manner in which the development would be accommodated within the site, rather than the comparative width of the plot.

7. I accept that the introduction of built development within the site would inevitably diminish its open and undeveloped characteristics to some degree. Nonetheless, the modest size dwelling has been designed to sit comfortably within the site and in relation to the neighbouring dwellings. It would be set back from the road by a similar amount to the other dwellings along Studley Drive to maintain a consistent building line and open frontage. In addition, the driveway and parking areas at the front of the dwelling would still allow space for soft landscaping, while a good size garden would be provided at the rear. As such, a large proportion of the site would remain open and/or undeveloped, especially at the rear. Accordingly, the development would not have a cramped or overdeveloped appearance within the plot.
8. Moreover, there is no dispute that the dwelling's design and materials would respect its context and allow it to integrate into the built form of the surrounding area. I also note that protected trees within the site would not be affected. It is important that any roadside boundary treatments reflect the established character of hedges or low fences/walls, but this can be appropriately dealt with by a planning condition.
9. A neighbour has stated that the development would turn its back on Highfield, but I consider that the development correctly reflects the orientation of the existing corner properties which face Studley Drive.
10. Consequently, whilst the development would result in a change to the appearance of the site, it would do so in a manner that relates appropriately to its surroundings.
11. I therefore conclude that the development would not harm the character and appearance of the surrounding area, and so, complies with Policies QOP1, QOP2, QOP4, and HOU9 of the Northumberland Local Plan (2022) in so far as they relate to design, landscaping, and local distinctiveness. It would also comply with the design aims of the National Planning Policy Framework (the Framework).

Other Matters

12. I have also had regard to third party concerns over privacy, vehicular access, and traffic. These matters were before the Council when it determined the planning application and did not feature in the reasons for refusal. Based on the evidence before me, and from my own observations, I have no reason to disagree with the Council's assessment of these matters. An issue relating to land ownership appears to be a civil matter, so has little bearing on my consideration of the appeal. Consequently, the other matters raised do not lead me to a different conclusion.

Conditions

13. The Council has provided a list of suggested conditions and I have also had regard to the conditions suggested by the Council's consultees at the application stage. These have been considered in light of the Framework and the Planning Practice Guidance. In particular, I have had regard to the Government's intention that planning conditions should be kept to a minimum. Some suggested conditions have been amended in the interests of clarity and precision taking into account the guidance, and I have imposed only those conditions which meet the relevant tests. All pre-commencement conditions have the written agreement of the appellant.
14. The standard commencement and approved plans conditions are imposed for certainty.
15. A pre-commencement condition in relation to a Construction Management Plan is necessary to manage the effects of construction on neighbouring residents. A further pre-commencement condition in relation to ground gas protection measures is necessary to protect human health.
16. Conditions concerning hard and soft landscaping works, as well as boundary treatment, are necessary to ensure a satisfactory appearance of the development. Conditions relating to the access and parking areas are necessary in the interests of highway safety. Conditions in respect of ecological enhancement and mitigation measures are reasonable to protect ecological interests and with regards to achieving biodiversity gains.
17. However, a number of suggested conditions are not imposed. This includes a condition relating to dedicated cycle storage as there is ample space within the site for these purposes, while provision of electric vehicle charging points is now mandatory under the Building Regulations so does not need repeating. A separate condition specifying construction working hours is not necessary as this can be incorporated within the Construction Management Plan. Finally, in the absence of any specific justification, a condition relating to unexpected land contamination seems unnecessary.

Conclusion

18. The proposal complies with the relevant policies of the development plan, and therefore with the development plan as a whole. Accordingly, and for the reasons given, I conclude that the appeal should be allowed.

A Caines

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 and documents: Dwg No 101 Rev D; Dwg No 102 Rev B; Drainage Strategy dated 9 April 2022; Preliminary Ecological Appraisal dated February 2022.
- 3) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide details of arrangements for:
 - i) the parking of vehicles of site operatives;
 - ii) loading, unloading and storage of construction plant and materials;
 - iii) measures to prevent mud, grit and dirt being carried onto the public highway; and
 - iv) construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall take place until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standard specified in BS8485:2015+A1:2019 (Code of Practice For The Design Of Protective Measures For Methane And Carbon Dioxide Ground Gases For New Buildings), or any such document which supersedes it, has been submitted to and approved in writing by the local planning authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good Practice On The Testing And Verification Of Protection Systems For Buildings Against Hazardous Ground Gases) or any such document which supersedes it.
- 5) The dwelling hereby permitted shall not be occupied until a validation and verification report, which accords with the requirements of Condition 4 of this approval, has been submitted to and approved in writing by the local planning authority.
- 6) No above ground construction works shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) hard surfacing materials;
 - ii) planting species, sizes, layout, and numbers; and
 - iii) a programme for implementation.

The landscaping works shall be carried out in accordance with the approved details and with the programme for implementation.

- 7) If, within a period of 5 years from the date of planting pursuant to Condition 6, any trees or plants die, are removed or become seriously damaged or defective, they shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 8) No above ground construction works shall take place until details of all new boundary treatments have been submitted to and approved in

writing by the local planning authority. The approved boundary treatments shall be implemented prior to first occupation of the dwelling and retained thereafter.

- 9) No above ground construction works shall take place until a scheme for ecological enhancements within the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details and arrangements for the provision of bat and bird boxes, and the location of hedgehog access points along the site boundaries. The approved ecological enhancements shall be implemented prior to first occupation of the dwelling and retained thereafter.
- 10) No above ground construction works shall take place until engineering details of the new vehicular access, including provision of visibility splays, have been submitted to and approved in writing by the local planning authority; and the dwelling shall not be occupied until that access has been constructed in accordance with the approved details. Thereafter, the approved visibility splays shall remain clear of all obstacles to visibility over 0.6 metres in height above the level of the adjoining highway.
- 11) The dwelling hereby permitted shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans and, thereafter, such areas shall be kept free of obstruction and available at all times for those purposes.
- 12) The development hereby permitted shall be carried out in accordance with the avoidance and mitigation measures identified in the submitted Preliminary Ecological Appraisal dated February 2022.

****End of Schedule****