



Appeal Decision

Site visit made on 2 April 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2024

Appeal Ref: APP/P2935/W/24/3337070

Land to the rear, 90 Heather Lea, Bebside, Northumberland NE24 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Neil Whatley against the decision of Northumberland County Council.
 - The application Ref is 23/03360/FUL.
 - The development proposed is I am requesting to change the usage of this land from "Waste Land" to "Garden Useage".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the site being at 90 Heather Lea, Bebside, Northumberland NE24 4DF. However, this is misleading, and I have therefore used the address taken from the decision notice.
3. The National Planning Policy Framework (Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
4. The application form states that the works were started on 10 July 2009 but not completed. It was apparent during my site visit that some works have commenced, namely, the boundary fence has been partially removed. However, any breaches of planning control do not fall within my assessment of the appeal scheme. I have dealt with the appeal on the basis that planning permission is sought for the change of use to garden land.

Main Issues

5. The main issues are:
 - the effect of the use of the land for residential purposes on the character and appearance of the surrounding area; and
 - the effect of the development on the living conditions of neighbouring properties, with particular regard to a) outlook and b) noise.

Reasons

Character and appearance

6. The rear elevations of properties within Heather Lea, where the appeal property (No 90) is located, overlook the industrial units on Errington Street.

These industrial units are predominantly single storey and vary in scale and appearance. Whilst the units are visible from the north and west, they are screened in part by the landscaping set to the junction of Bebside Road and the gable of 11 Heather Lea (No 11). This landscaping is shown to form part of a linear landscaping strip to the rear of Heather Lea.

7. The appeal site is land to the rear of No 90 and forms part of a wider landscape strip, which runs from Nos 11 to 93. Aerial imagery submitted by the appellant shows that the landscape strip varies in width as it traverses the estate, appearing fully verdant with the exception of the rear of No 90. Given the verdant nature of the neighbouring plots in the imagery, it is likely that the rear of No 90 would have also contained a range of planting. This is supported by the council through its submission of drawings 5790-93-001 Rev B and 5790-93-001 Rev A, planting plans and schedule approved as part of condition 4 of permission B/05/00389/FUL¹. These approved drawings show a verdant barrier which contains several shrubs and scrub.
8. Despite the land behind No 90 having limited visibility from the public highway, its presence as a whole contributes to the character of the housing layout and wider area. The removal of this landscaping, and the inclusion of the land into the garden of No 90, interrupts the intended and seamless flow of the verdant landscaping to the rear and creates a hard interface from the public realm.
9. I conclude that the use of the land for residential purposes harms the character and appearance of the area, contrary to Policies HOU 9 and QOP 2 of the Northumberland Local Plan 2016-2036 (Local Plan) which collectively seek that new proposals make a positive contribution to local character and distinctiveness and that trees, other green and blue infrastructure and soft landscaping of amenity value are retained where appropriate. There would also be conflict with Part 12 of the Framework, insofar as it requires development to be sympathetic to the local character.

Living conditions

a) Outlook

10. The land to the rear of No 90 has been shown to form part of a verdant landscaping strip within the modern housing layout. Its intention was to screen views of the rear of the industrial units from within the residential estate.
11. Even if views of the landscape strip were only visible from the first floors, these views are nevertheless important. The removal of the landscaping has resulted in the rear of industrial units being clearly visible from No 90 and neighbouring properties. Residents now look onto the rear of the industrial units with the ad hoc arrangement of building lines, heights, and materials. Such a view does not provide residents with a high standard of amenity.
12. Whilst I saw that the immediate landscaping to the rear of Nos 91 and 92 to be poorly maintained, this is partly due to the presence of domestic paraphernalia, bicycles and metal temporary fence panels. Even if the landscaping had overgrown, the approved mix of planting would have screened either in part or full the industrial units. As such, the removal of the landscaping and incorporation of the land into the garden of No 90 allows

¹ Substitution of house types within approved housing development site including new highway and drainage. 91 houses (two and three storey) (03/00116/REM)

unrestricted views of the rear of the industrial units from No 90 and neighbouring properties.

13. Given the above, it is clear in my mind that the intention of the landscaped area is to create a verdant linear strip to the rear of Heather Lea, to both screen and soften views of the industrial units for residents. The removal of this area to incorporate the land into the garden of No 90 would therefore only benefit the appellant and would be achieved at the expense of the outlook of neighbouring residents. This benefit of the scheme therefore attracts limited weight.

b) Noise

14. I am aware that the concrete plant is no longer on site and that noise amelioration measures appear to show noise protection measures set away from No 90. However, I have not been presented with an up-to-date noise report to demonstrate that the noise levels associated with the remaining industrial units which contain a roofing supplier and scaffolding merchant, a commercial vehicle repair unit and a car repair garage would not result in noise audible within the gardens of Heather Lea. I therefore cannot be certain that the removal of the landscaping would not affect noise levels within the garden of No 90 or nearby properties.
15. I conclude that the removal of the landscaping and inclusion of the land would have a harmful effect on the living conditions of No 90 and nearby properties with regards to outlook and noise, contrary to Policy QOP 2 of the Local Plan which seeks, amongst other matters, that development provide a high standard of amenity for existing and future users of the development itself and not cause unacceptable harm to the amenity of those living in, working in or visiting the local area. There would also be conflict with Part 12 of the Framework insofar as it requires development to create places that have a high standard of amenity for existing and future users.

Other Matters

16. I acknowledge that the appellant may have had difficulty accessing online historical planning information². The council has however provided the approved planting plan and schedule under application 16/02897/DISCON, which details the landscaping to the rear of Heather Lea. The appellant has made no further comment on this information.
17. References made by the appellant to the layout within the outline application carry little weight in my assessment, as the layout shown in the outline application was superseded by the detailed applications of B/03/00680/FUL and B/05/00389/FUL.
18. Whether or not the land is "wasteland" is subjective and carries little weight in my assessment.
19. Even though the land to the rear of No 93 is shown in Figure 5 to be included within its rear garden, I have no legal documents to show the land is owned by No 93. Furthermore, I have not been provided with any evidence to demonstrate that this area benefits from the relevant planning approvals for

² B/01/00131/OUT and B/03/00680/FUL

residential use. In any case, I have determined the appeal on its own merits, based on the evidence before me.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

L Clark

INSPECTOR