



Appeal Decision

Site visit made on 11 April 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2024

Appeal Ref: APP/A4520/W/23/3333972

Land Adj to Aysgarth, Fontenette and Shieldhurst, Western Terrace, East Boldon NE36 0RU

- 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 Ian Pratt against the decision of South Tyneside Council.
 - The application Ref is ST/0128/22/FUL.
 - The development proposed is erection of one dwellinghouse (C3 Use).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above has been taken from the revised planning application form dated 9 January 2023, which was submitted during the course of the determination of the planning application.
3. The appeal site is within the East Boldon Conservation Area (the CA). Accordingly, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

4. The main issue is the effect of the proposal on trees in terms of the character and appearance of the area, bearing in mind the extent to which the proposal would preserve or enhance the character or appearance of the CA.

Reasons

5. The appeal site comprises an L-shaped area of land accessed from the A184. The site wraps around the side (west) and rear (south) of a terrace of 3 dwellings, which each feature reasonably long rear gardens. The appeal site includes a route via the western end of the terrace that provides access to the rear of each of the gardens in the terrace. To the south are the rear boundaries of dwellings on Lyndon Drive, which are predominantly bungalows, some with rear dormer windows.
6. The appeal site occupies the southwestern extent of the CA. The adjacent properties on Lyndon Drive to the south and Lyndon Close to the west lie outside of the CA. The adjacent land to the north and east, including the 3-dwelling terrace, lies within the CA.

7. The CA is centred around the A184, known variously as Western Terrace and Front Street, and further to the east around the B1299 Station Road. The CA displays a varied historic character. Although the buildings aligning the main routes are predominantly terraced dwellings, they date from various periods and display a range of scales, architectural styles and detailing. There are also detached and semi-detached buildings of historic interest and a range of uses including shops, public houses and places of worship.
8. There are large areas of continuous built development along the main routes of the CA, with buildings set back from the road frontage to varying degrees. There are also small pockets of undeveloped land, including the appeal site, where trees and greenery provide a sense of spaciousness to balance the area's character. This same balance is found in the areas of the CA that are set back from the main routes, as well as in views into the CA from outside its boundaries.
9. Given the above, the significance of the CA is primarily derived from its strong variation in historic and architectural character, and the contribution made by areas of open space, trees and greenery to balance the built form with elements of spaciousness.
10. The appeal site is undeveloped and is heavily vegetated. Although it appears that the trees on the site have had no significant recent management, the submitted evidence suggests many remain healthy.
11. The proposed dwelling would sit between the rear boundaries of the 3-dwelling terrace to the north and the bungalows of Lyndon Drive to the south. Presently this area of the site is occupied by several mature trees, which provide a degree of natural screening between the properties to the north and south, and add a sense of greenery and spaciousness that is appreciated in views into and out of the CA.
12. Some mature trees close to the proposed dwelling would be retained, including those overhanging the appeal site within the rear gardens of Lyndon Drive. However, the proposal would require the removal of many of the mature trees occupying the space between the two aforementioned sets of existing dwellings. Although some trees have been identified as being in poor condition and unsuitable for retention, many remain healthy with the potential to continue to positively contribute to the character of the site and that of the wider CA. Accordingly, their removal would disrupt the current sense of greenery and spaciousness enjoyed at the site, particularly when viewed from the adjacent residential properties to the north and south.
13. The proposal would retain several healthy trees within the site, including the majority of trees directly adjacent and visible from the A184 and those to the southwest and southeast of the site. Although the majority of trees proposed for removal are not highly visible from public areas, they are nevertheless prominently visible from the gardens and windows of neighbouring properties, where they contribute positively to the CA, and their removal would adversely affect its significance.
14. I find no specific evidence that the effects of shading and outlook would place undue pressure on the retained trees. In any event, future occupiers of the site would need to obtain the Council's consent to undertake additional tree works.

Nevertheless, the lack of harm in this regard would not overcome the issues previously discussed.

15. For the reasons given above, the proposal would harm the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies – December 2011 (the DMP) and Policies EB1 and EB6 of the East Boldon Neighbourhood Plan 2021-2036 (the NP). Together these policies seek, in respect of this issue, for development to convey sensitive consideration of its surroundings, where possible to enhance its local setting and reinforce local identity, to protect trees, to ensure the quality of biodiversity and the natural environment is maintained and enhanced, and to preserve, enhance and positively contribute to the character of the landscape. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework) and SPD15 East Boldon Conservation Area Management Plan – April 2009 (the SPD), which have similar aims.

Planning Balance

16. The proposal would conflict with Policy DM1 of the DMP and Policies EB1 and EB6 of the NP. These policies, the aims of which have previously been set out, are broadly consistent with the Framework and these considerations carry significant weight against the proposal.
17. Paragraph 11 d) ii. of the Framework states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
18. Footnote 8 of the Framework states that relevant policies should be considered out of date where the local planning authority cannot demonstrate a 5-year supply (or a 4-year supply, in specific circumstances) of deliverable housing sites. The Council's statement of case advises it is currently only able to demonstrate a 2.05-year supply of deliverable housing sites, which falls significantly short of the requirement. I must therefore consider the proposal in terms of the balance set out by paragraph 11 d) ii.
19. The proposal would be a self-build development that would contribute to the supply of housing in an area where there is a defined need, and in a sustainable location close to transport links and local services. The appellant also notes that the proposal would deliver a significant increase in hedgerows on site and that tree planting would be accommodated where possible to mitigate for the loss of trees. A completed section 106 agreement has also been provided which would secure a financial contribution towards biodiversity enhancements to achieve a net gain in biodiversity. These factors all weigh in favour of the proposed development, although this weight is limited by the contribution of only a single dwelling to the supply of housing.
20. In respect of the CA, paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration

or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given my findings on this issue, the harm to the CA is less than substantial in this instance but nevertheless of considerable importance and weight.

21. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Although the benefits outlined above carry some weight in these terms, I do not find them to sufficiently outweigh the harm to the CA, given the great weight that must be given to its conservation.
22. Consequently, taking all matters into consideration, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

23. The site lies within 6km of the Durham and Northumbrian Coast Special Area for Conservation (SAC) and Special Protection Area (SPA). Because the proposal would result in a net gain in housing, it has the potential to increase recreational pressure on the SAC and SPA. In the event that I was minded to allow the appeal, it would have been necessary to consider this matter within an appropriate assessment. However, because I am dismissing the appeal for other reasons, I have not done so.

Conclusion

24. For the reasons given above, having regard to the development plan as a whole, the Framework, and all other material considerations, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR