



Appeal Decisions

Site visit made on 5 November 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2024

Appeal Ref: APP/J4525/W/23/3332231

Tenon House, Ferryboat Lane, Sunderland SR5 3JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by O'Brien Demolition against the decision of Sunderland City Council.
 - The application Ref is 22/02254/VAR.
 - The application sought planning permission for change of use of ground and first floor from offices (Use Class E) to storage and distribution (Use Class B8) without complying with conditions attached to planning permission Ref 21/01615/FUL, dated 9 February 2022.
 - The conditions in dispute are Nos 2 and 3 which state that:
Condition 2: The development hereby granted permission shall be carried out in full accordance with the following approved plans: Proposed elevations, drawing number 1514-LIC SK30.02 Rev: B, received 04.02.22 Proposed ground and first floor plan, drawing number SK20.10 1514-OBV Rev: X, received 07.10.21 Existing ground and first floor plan, drawing number SK20.01 1514-OBV Rev: X, received 07.10.21 Existing second floor and roof plan, drawing number 1514-LIC SK20.02 Rev: X, received 07.10.21 Existing site plan, drawing number GIS-02, received 07.10.21 Proposed second floor and roof plan, drawing number SK20.11 1514-OBV Rev: X, received 07.10.21 Proposed site plan, drawing number GIS-03, received 07.10.21 Location plan, drawing number GIS-01, received 07.10.21
Condition 3: Notwithstanding any indication of materials which may have been given in the application; the materials to be used shall be in accordance with those set out within the proposed elevations plan, drawing number 1514-LIC SK30.02 Rev: B, received 04.02.22, unless the Local Planning Authority first agrees any variation in writing.
 - The reasons given for the conditions re:
Condition 2: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.
Condition 3: In the interests of visual amenity and to comply with policy BH1 of the CSDP.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal seeks to vary condition 2 and 3 to allow a change in the fenestration and materials of the building. These changes include blocking up ground and first floor windows and introducing blue, white and grey cladding to the elevations.

3. At the time of my site visit it appeared that the proposed works had been undertaken. I have assessed the appeal accordingly.

Main Issue

4. The main issue is the effect of the altered works on the character and appearance of the surrounding area.

Reasons

5. The appeal site is described as being within a primary employment area allocation and the surrounding area is characterised by a mix of commercial buildings and residential properties. In the wider area, there is a mix of building materials however in closer proximity to the site, the use of brick, glazing and cladding is more prominent. It is this combination of commercial and residential uses with similar building material palettes that contribute to the character of the area.
6. The removal of the windows and introduction of significant amounts of cladding unbalances the appearance of the appeal property making an intrusive structure within the surrounding area. Whilst there are commercial properties in the wider area that have cladding with no fenestration on elevations, the immediate commercial properties do have glazing at lower levels. The appeal building is not in keeping with these nearby properties and is an incongruous feature that is out of context with these commercial uses.
7. The colour of the cladding has been graded, however, the cladding, given its colour and size, appears garish and is out of context with any other material in the near vicinity. There is mature vegetation separating the appeal site and the residential properties, nevertheless, they are viewed within the same context, particularly on approach from the south. The altered works to the appeal building due to its scale and colour is intrusive and detracts from the residential properties and the surrounding street scene.
8. Accordingly, the altered works to the appeal building do have a harmful effect on the character and appearance of the surrounding area. They are not in accordance with Policy BH1 of the Sunderland City Council Core Strategy and Development Plan (CSDP) and the National Planning Policy Framework (the Framework) which seeks, amongst other things, development to be of a scale, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Other Matters

9. The appellant has described that the cladding and concealing of windows were specifically designed as a viable means to ensure security of the appeal premises against crime. It has been described that this would create a safer environment that would contribute towards social sustainability and therefore would be in accordance with criterion (5) of Policy BH1 of the CSDP and parts of the Framework.
10. The concealing of the windows would provide added security, and this is a benefit. There is, however, insufficient evidence before me which indicates that the altered works which forms this appeal, was the most viable option to ensure security of the appeal building. Nor has other methods of increasing security, which would not significantly alter the appearance of the building,

and reasoning for discounting them, been submitted as evidence. On this basis, I attribute minimal weight to this benefit.

11. One letter of objection has been recorded against the works and it is noted that the works are reversible. These matters do not alter my findings above.

Conclusion

12. The altered works would increase security, however, this matter does not outweigh the significant harm I have identified with regards to the effect on the character and appearance of the area.
13. The altered works conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
14. For the reasons given above, I conclude the appeal should be dismissed.

Chris Baxter

INSPECTOR