



Appeal Decision

Site visit made on 1 April 2025

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2025

Appeal Ref: APP/W4515/W/25/3359405

80 Station Road, Wallsend, North Tyneside NE28 6TD

- 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 Ryan Beaumont, Beaumont and Partners Ltd. against the decision of North Tyneside Council.
 - The application Ref is 24/00337/FUL.
 - The development proposed was originally described as the 'Change of use from Shop (Use Class E) and upper floor flat (Use Class C3) to 7 person large HMO (sui-generis) with associated internal works.'
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a shop (Use Class E) and upper floor flat (Use Class C3) to an 8 person large House in Multiple Occupation (sui-generis) with associated internal works and a dormer to the rear and 2no. rooflights to the front at 80 Station Road, Wallsend, North Tyneside NE28 6TD in accordance with the terms of the application, Ref 24/00337/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Ryan Beaumont, Beaumont and Partners Ltd against North Tyneside Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the banner heading above is taken from the planning application form. This description was changed during the course of the application from a 7 to an 8 bed House in Multiple Occupation (HMO). I have considered the appeal on this basis and it is reflected in my decision paragraph, where the description is based on that set out on both the Council's decision notice and the appeal form.
4. The revised National Planning Policy Framework (Framework) has been published between the Council making its decision and the submission of the appeal. The main parties have had the opportunity to comment through the usual appeal timetable deadlines and I have considered the revised Framework in my decision.
5. Although it is not a matter of dispute between the Council and the appellant, it is incumbent upon me as the Competent Authority to consider whether the proposal would be likely to have a significant effect on the integrity of the Northumbria Coast Special Protection Area (SPA) and Ramsar, and the Durham Coast Special Area

of Conservation (SAC). This is because they are European Designated Sites that are afforded protection under the Conservation of Habitats Regulations 2017 as amended (the Habitat Regulations). I deal with this matter later in my decision.

Main Issues

6. The main issues are (i) whether the proposal would provide suitable living conditions for its future occupiers with regard to its internal layout; and (ii) the effect on the living conditions of the occupiers of neighbouring properties and the broader community by way of crime, fear of crime and anti-social behaviour.

Reasons

Living Conditions – Future Occupiers

7. The appeal building comprises a 2 storey mid terraced property, with single storey elements to the rear. The ground floor is a vacant retail unit and there is a flat above. There are 2 separate entrance doors adjacent to each other on the front street-facing elevation. It also has a rear yard area that is sub-divided by a wall. To the rear of the property, there is a lane from which access can also be gained via a garage and single door type openings.
8. The proposal would involve accommodation that is provided across 3 floors. At the ground floor level, there would be 2 bedrooms and a large open plan kitchen, dining and living room area. There would be a further 4 bedrooms at first floor level and a further 2 bedrooms created in the roof space. This would involve the installation of 2 rooflights on the front roof slope and a modest sized dormer window on the rear. The rear yard area would be retained and opened up through the removal of the dividing wall. It would also contain cycle parking, while part of the adjoining building would be used for storage. There would also be other smaller storage areas created in the building.
9. The Council's Design Quality Supplementary Planning Document (2018) sets out, amongst other matters, that residential schemes should provide accommodation of a good size, a good outlook, acceptable shape and layout of rooms and with main habitable rooms receiving daylight and adequate privacy. It also sets out that the Council has adopted Optional Technical Standards through the North Tyneside Local Plan (2017) (Local Plan), including the application of the Nationally Described Space Standard.
10. The Council is concerned that the communal living area would be insufficient in size. However, it enables such domestic activities to be carried out separate to the use of the bedrooms and its layout allows for relaxation in the living room area to take place separately from cooking and dining. Separate kitchen storage space would be allocated to each occupier and there would be a fridge freezer size of a capacity for 8 persons. While the one double sink and cooker unit would not likely accommodate all occupants at the same time, it does not necessarily follow that all of the occupants would want to use these facilities concurrently.
11. In addition, each of the proposed bedrooms would be of at least a commensurate size and in most instances greater. This in itself may lessen pressures on the communal area because the occupiers would also have the benefit of the pleasing environment of their own rooms with a reasonable outlook, daylight and levels of

privacy. Seven of the eight bedrooms would incorporate their own en-suite, so most occupiers would not rely on separate facilities for this domestic activity.

12. While I would accept that an assessment of living conditions needs to be broader than simply considering the Nationally Described Space Standard, when the internal layout is considered as a whole, it would provide at least reasonable living conditions. With the standard of accommodation that is proposed, it would not be low quality housing or reasonably encourage unscrupulous landlords.
13. Where I have been referred to dismissed appeals¹ in this area on this matter, the space standard applied in those cases were often to the minimum. The use of shared bathrooms and toilets was more prevalent, as was smaller kitchen spaces and not providing a reasonable degree of separation space between kitchens and other living spaces. This is not the case with the proposal before me.
14. I conclude that the proposal would provide suitable living conditions for its future occupiers with regard to its internal layout. As such, it would comply with Policies DM4.5 and DM4.10 of the Local Plan where they concern sustainable residential community matters relevant to this issue, and providing good quality accommodation. It would also comply with paragraph 135 (f) of the Framework where it sets out that development is to create places with a high standard of amenity for future users, amongst other matters.

Living Conditions – Neighbouring Properties and Broader Community

15. The row of terraced properties where the site is found are in commercial use at ground floor level, with some residential use above. The site lies in an area which is on the edge of Wallsend town centre and on a route from the centre to the metro station. To the rear of the site, this character changes in that it becomes near entirely residential, comprising of terraced residential streets.
16. The Council's case is largely dependent on the consultation response of Northumbria Police to the planning application and related objections by local residents. While the Police did not object to the application, it expressed strong reservations and crime numbers are said to be high in this location due to its proximity to Wallsend High Street. The Police also point to that a number of strangers living together has the potential to produce crime as they would be living in proximity to one another.
17. However, as I have set out above, the bedroom sizes are generous, there is a degree of separation between the functions of the kitchen and dining area with the living room area, and the vast majority of bedrooms would have their own en-suite. This would lessen the proximity of the occupiers, and so the potential for crime to occur in this respect. It is also not apparent why the future occupiers would be a contributory factor to crime on Wallsend High Street. It would seem to me this would depend on the actions of the individuals involved, rather than necessarily the type of accommodation they would live in.
18. The Police also raise the potential for tension with local residents. Yet, there would be a degree of separation between the future occupiers and the vast majority of local residents because the site is located in a terrace of commercial properties and not in the residential streets beyond. Concerning disagreements

¹ Appeal refs: APP/W4515/W/24/3339421, 22 and 23.

over on-street car parking, I observed that much of the nearest residential area is the subject to parking controls and this should be the basis on who parks there. Moreover, the site is in a highly accessible location with regard to both the town centre and public transport services. When this is considered with the proposed cycle parking provision, this would likely lessen reliance on the private car and so therefore car parking. Taking the evidence before me as a whole, I am also not persuaded that fear of crime amounts to a reasonable basis for concern to the extent that it would justify withholding planning permission.

19. The potential for anti-social behaviour largely concerns additional noise and disturbance, and additional activity associated with the intensification of the use of the property. This needs though to be considered in the context of the site's location in a row of commercial properties and on a road which as I observed is already busy with road and foot traffic. The comings and goings on the future occupiers would also in all likelihood be centred on the proposed main entrance onto this road, and so therefore away from the residential area to the rear.
20. While the enclosed rear yard area is on the side of the terraced residential properties, it is separated by the rear lane. The nearest property to the rear also presents a large side elevation to the site and has limited openings on this side. The enclosed rear yard area and an adjacent store would also likely provide sufficient space for rubbish and bins, so as to avoid this creating problems for neighbours. Noise, disturbance and additional activity would thus be unlikely to amount to an unacceptable adverse impact.
21. The combination of these matters would not lead to significant adverse cumulative effects, given that the likely level of impacts would be moderate. While I have also been referred to other HMO accommodation, it is not evident whether this concerns other proposals or existing accommodation and the proposal before me is also a different type of housing from flats which some of the submissions consider is overly prevalent in the area. In any event, there does not appear to be any great concentration of HMOs along this stretch of the road because of the number of commercial properties. Nor do the Local Plan policies that I have been referred to set out that such accommodation is not appropriate in this location or that multiple occupancy housing is not needed.
22. The appellant accepts that the occupancy of the proposal should be limited to 8 persons and my views on this issue are predicated on this control as this is a reasonable capacity, based on the evidence before me. On this basis, it would not undermine the quality of life, community cohesion and resilience in this street and the surrounding town centre. Such a view is consistent with Section 17 of the Crime and Disorder Act 1998, as well as where the Framework identifies fear of crime as a material consideration. No further management type conditions are required that would be reasonable and necessary.
23. The dismissed appeals that I have been referred to are described in those decisions as either wholly residential in character or in a predominantly residential part of the street. The site circumstances are therefore different from the proposal that is for my consideration and this also ably demonstrates why a precedent would not arise from my decision as the circumstances will likely differ in each case.

24. I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of the neighbouring properties and the broader community by way of crime, fear of crime and anti-social behaviour. Therefore, it would comply with Policies DM4.5 and DM4.10 of the Local Plan where they concern contributing to an existing sustainable residential community, safe community matters, maintaining the amenity of adjacent and nearby dwellings, and the cumulative impact not leading to HMOs becoming the dominant dwelling type.
25. The proposal would also comply with paragraph 135 (f) of the Framework where it concerns a high standard of amenity for existing users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Matters

Northumbria Coast SPA/Ramsar and the Durham Coast SAC (Appropriate Assessment)

26. The proposal would be inside the wider catchment of the SPA/Ramsar and the SAC under the North Tyneside Coastal Mitigation Supplementary Planning Document (2019) (Coastal Mitigation SPD). The Habitats Regulations require that permission may only be granted having ascertained that the development will not affect the integrity of these designations.
27. The qualifying features for the SPA/Ramsar are the purple sandpiper and the ruddy turnstone (non-breeding), and the little tern (breeding). The qualifying feature for the SAC is the vegetated sea cliffs of the Atlantic and Baltic coasts. These are identified in the Coastal Mitigation SPD. The proposal has the potential to impact on these qualifying features through additional visitor disturbance.
28. A Coastal Mitigation Contribution would be secured through the submitted Unilateral Undertaking (UU) towards the provision of a mitigation service including warden provision and associated projects to mitigate the impact of recreational activity. This is in line with the Coastal Mitigation SPD and is agreed by the Council. The Coastal Mitigation SPD also sets out that Natural England is in agreement with this approach.
29. I am satisfied that such a measure would be sufficient to avoid an adverse impact to the integrity of the sites in relation to the specified qualifying features, either alone or in-combination with other schemes. The proposal would not therefore have adverse effects on their integrity. The obligation in the UU concerning the contribution is therefore necessary to make the development acceptable in planning terms.

Other Considerations

30. The Council has referred to a number of other Local Plan policies in its submissions which it considers are of relevance. However, they provide similar policy approaches to that which I have already considered in my main issues and so they do not alter my conclusion.
31. The site also lies a short distance from the Segedunum Roman Fort and Museum, and it has been said that the proposal would lie on a key gateway between this attraction and the town centre. I have also been referred to regeneration plans and the Wallsend Town Centre masterplan. Still, there is not compelling evidence

why the proposal would lead to a detrimental impact in this respect. It is a fairly modest development that would have the benefit of bringing a property back into use. For similar reasons, a detrimental impact on existing businesses would be unlikely to occur and the proposal would have the potential to support local services through the spend of the future occupiers in particular, to a modest degree.

32. The limited increase in local residents that would result would be unlikely to put undue pressure on local services. While water supply issues were also raised at the application stage, clearly the retail unit and the accommodation above would have utilised a water supply and there is no substantiated information that a lack of supply would be a concern for the number of occupiers of the proposal. Property devaluation is not for my consideration as it is not a planning matter.

Conditions

33. I have imposed conditions which concern the statutory time limit for implementation and the approved plans, in the interests of certainty. I have also imposed conditions concerning the provision of waste bins in the interests of highway safety and controlling construction hours in the interests of protecting the living conditions of nearby residents.
34. It is also reasonable and necessary to impose a condition concerning the occupancy levels in the interests of protecting the living conditions of the nearby residents, in particular by way of noise, disturbance and activity. Such a condition would be enforceable in this instance given the proposed layout and capacity, the operative part of the description of development in my decision paragraph, that it would be expected those managing the property would keep such records and as the Council has stated that it would be subject to an HMO licence. I have also imposed a condition concerning the provision of cycle parking in the interests of encouraging modes of transport other than the car. Where I have altered the wording of the conditions put forward by the Council, I have done so in the interests of precision and without changing their overall meaning.

Conclusion

35. For the reasons given above, the appeal should be allowed subject to the conditions.

Darren Hendley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos. Site and Location Plans 100 Rev B, Proposed Northeast Elevation 203-2 Rev B, Proposed Southwest Elevation 203-1 Rev B, Proposed First & Second Floor Plan 202-2 Rev B, Proposed Site / Ground Floor Plan 202-1 Rev B (Drawing Status C), Proposed Northeast Street Elevation 203-3 Rev B, Proposed Northwest Elevation 203-4 Rev B, Proposed Roof Plan/Site Overview 201 Rev B.
- 3) The provision and storage of refuse and recycling waste bins shall only take place in the store at the rear of the development hereby permitted as shown on drawing no. Proposed Site / Ground Floor Plan 202-1 Rev B (Drawing Status C) and prior to the occupation of the development hereby permitted. This storage area shall not be used for any other purpose and retained thereafter.
- 4) Demolition or construction works shall take place only between 0800 to 1800 Monday to Fridays and 0800 to 1400 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 5) The development hereby permitted shall only be let on the basis of 1 person per bedroom and there shall be no more than a total of 8 residents occupying the property at any time.
- 6) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. Proposed Site / Ground Floor Plan 202-1 Rev B (Drawing Status C) for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.