



Appeal Decision

Site visit made on 27 June 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 July 2025

Appeal Ref: APP/H0724/W/25/3360570

Plot 0 Worset Lane, Hartlepool, TS26 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr G McKenzie against Hartlepool Borough Council.
 - The application Ref is H/2023/0331.
 - The development proposed is proposed new build 4 bedroom dormer bungalow with driveway, parking and front/rear gardens.
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Decision

1. The appeal is dismissed and planning permission for new build 4 bedroom dormer bungalow with driveway, parking and front/rear gardens is refused.

Preliminary Matters

2. Although the Council failed to issue a decision within the prescribed period, it has provided evidence which indicates that it would have refused permission. The reasons given have therefore formed my main issues.

Main Issues

3. The main issues are the effect of the proposal:
 - upon the character and appearance of the area, including green infrastructure, and;
 - upon the living conditions of occupiers of nearby properties with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is an open landscaped area forming a broadly triangular area between Worset Lane and Hart Lane. Hart Lane is a primary route into Hartlepool from the north. The appeal site forms part of a larger area of landscaping which wraps around the eastern side of a modern development, separating it from Hart Lane. The site effectively forms a raised bund, contains several small trees and provides a degree of screening in views from the north. A footway to the west of the appeal site provides access between the modern development and the roundabout on Hart Lane located to the north.

5. Policy NE2 of the Hartlepool Local Plan ('HLP') identifies areas of Green Infrastructure, including parts of land adjoining Hart Lane. However, although the appeal site forms part of a larger area of landscaping that post-dates the HLP, as acknowledged by the Council, the appeal site is not allocated within the HLP for such purposes. Accordingly, it does not form part of the identified Green Infrastructure that HLP Policy NE2 seeks to specifically protect and this policy is not relevant to the proposal.
6. HLP Policy NE7 states that main road corridors are an integral part of the green infrastructure network and a particularly high standard of landscaping will be required from developments adjoining the main communication corridors, which include Hart Lane.
7. The Hart Lane/Merlin Way roundabout represents the first major urban feature in the approach to Hartlepool along Hart Lane from the north. Although modern housing extends northwards on the eastern side of the road, it is set back behind extensive grassland and wooded areas and is not widely perceptible. As a result, High Throston Golf Club on the western side of the roundabout is the first prominent building reached on the approach to the town.
8. The appeal site is located to the south of the roundabout, at a point where Hart Lane effectively runs through a green corridor. Development exists on both sides of the road, but is well screened, with the appeal site contributing to this. As a result, the Golf Club appears as an outlier, which given its association with the wide open grassland of the golf course, is not particularly urbanising in character.
9. Therefore, even accounting for the modern development on Worset Lane, the character of Hart Lane in the vicinity of the appeal site is that of a transition between countryside and the more overtly urban areas of the town to the south.
10. Although only a relatively small area, the appeal site, as the most northerly point of the Conroy Close development plays an important role in screening this development when approached from the north. The raised bund, although not wholly screening, nevertheless softens adjacent development, preserving the rural fringe character of the area, and therefore performs an important visual role. The presence of the Golf Club, for the reasons set out above, does not diminish this fact, nor does the proximity of development to Hart Lane further to the south, closer to the main urban conurbation.
11. A strip of landscaping would remain adjacent to Hart Lane following the construction of the proposed development. However, its depth would be much diminished, and therefore also its effectiveness. Although set behind the remaining area, the proposed bungalow would be perceptible and in close proximity to the road, with the effect of increasing the perception of urbanisation, particularly when approached from the north. Overall, the proposal would have the tandem effects of eroding an existing landscape buffer which has a positive function, and introducing additional development with limited screening. It would be harmful for these reasons.
12. HLP Policy NE6 seeks to protect incidental open spaces unless they are detrimental to the amenity of neighbours, or are difficult to maintain, or do not contribute significantly to visual or recreational amenity, and the function of the open space is met elsewhere.

13. The appeal site is not currently fenced, and although comprising a steep bank, is nevertheless accessible by the public. Although its recreational value is clearly limited, it nevertheless, as set out above, represents an incidental area of open space that contributes significantly to the area in visual terms.
14. It is stated that the appeal site is difficult to maintain and has been subject to fly tipping in the past, and that the proposed development would address these issues. I saw that the current condition of the appeal site is not such that it would require extensive maintenance; it was primarily comprised of wildflowers at the time of my visit, with a small number of young trees. I saw that the wider area of landscaping is of similar character, and this benign wildness positively contributes to the character and effectiveness of the visual buffer. There is nothing before me to indicate, other than perhaps the topography of the appeal site, that it is especially difficult to manage or maintain, and its current appearance is not harmful.
15. With regard to fly-tipping, there is no substantive evidence before me which would indicate that this is a significant or persistent issue. While clearly undesirable, it can be managed by a variety of means using legislation outside of the planning system, and it has not been shown that other measures have been considered or proven to be unsuccessful. Moreover, it would remain the case that fly-tipping could potentially take place on areas of landscaping that would remain outside of the appeal site even following the construction of the proposed dwelling. Therefore, there is no certainty that the proposal would wholly alleviate the issue in any event.
16. It has not been shown, therefore, that the appeal is not of such detriment to the amenity of neighbours, or is so difficult to maintain, that its loss would be justified in this instance.
17. Therefore, in relation to this main issue, I conclude that although the proposal would not represent the loss of the designated green infrastructure, it would nevertheless lead to harm to the character and appearance of the area.
18. The proposal would therefore conflict with HLP Policies NE6 and NE7, the content of which I have set out above, and HLP Policy QP4 which states that development should respect the surrounding environment. It would not, however, conflict with HLP Policy NE2, the content of which I have also set out above.

Living conditions

19. The proposal would incorporate south-facing dormer windows, which would face towards an existing dwelling to the south, at a stated distance of around 18.5 metres. HLP Policy QP4 states that development should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of overlooking or privacy, and that a minimum separation between principal elevations of 20 metres should be maintained.
20. In this instance, the required separation would not be achieved. However, I saw that the first-floor windows in the northern elevation of the neighbouring property were obscure glazed, and as a result, no direct views between these windows and those at the proposed dwelling would be available such that they would lead to an unacceptable loss of privacy. It is possible that some views of the garden associated with the neighbouring property would be achievable, however, these would be limited by the dormer bungalow height of the proposed dwelling and

mitigated to an extent by the separation which would be achieved, and which also should be considered in the context of the existing relationship between 1 Conroy Close and windows within the much larger dwelling located to the west which already overlook the garden and from a greater height.

21. Bearing all of these factors in mind, I conclude that the proposal would not lead to unacceptable harm to the living conditions of neighbouring occupiers with particular reference to privacy. It would, therefore, accord with HLP Policy QP4, the requirements of which I have set out above.

Other Matters

22. The proposal is described as being a self-build dwelling. However, in the evidence before me, there is no means of securing it as such, and as a result this factor is not a benefit of the scheme which would weigh in favour of the proposal.
23. Even if I were to agree that the proposal would not lead to harm in relation to matters of design, parking and highway safety or the living conditions of future occupiers with reference to noise, these are neutral factors which would not weigh in favour of the proposal.
24. I note the appellant's apparent frustration with the conduct of the Council during the application and appeal process. However, I am required to consider the proposal on its merits alone.
25. I understand that the appeal site lies within the zone of influence associated with Teesmouth and Cleveland Coast Special Protection Area ('SPA') and Ramsar. The Council has also suggested that the proposal could lead to recreational disturbance at Northumberland Coast SPA and Ramsar, and Durham Coast Special Area of Conservation ('the protected sites').
26. The Conservation of Species and Habitats Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
27. The Council considers that it is possible that the proposal could lead to adverse effects, either alone or in combination with other proposals, on the integrity of the protected sites as a result of recreational disturbance. There is some agreement that the proposal would not have an adverse effect in terms of nutrient neutrality.
28. If minded to allow the appeal, it would be necessary for me to carry out an appropriate assessment in order to establish whether or not any impacts would occur, or would be adequately mitigated. I address this matter further within the planning balance.

Planning Balance and Conclusion

29. I have found that the proposal would be unacceptable in respect of its effect upon the character and appearance of the area. It would conflict with the development plan when read as a whole, as well as advice within the National Planning Policy Framework ('the Framework'). I afford this conflict and harm significant weight.
30. There is no dispute that the Council can demonstrate an adequate supply of deliverable housing sites. While the appellant has suggested that the supply and

delivery situation may become more challenging in the future, there is no substantive evidence before me to demonstrate that this would be the case.

31. Nevertheless, I am mindful of the government's ambition to boost the supply of housing, and also the important contribution that small sites can make to this supply. I have no reason to doubt that the proposal could be delivered quickly. Having regard to the modest scale of the proposal as a single dwelling, these factors are benefits of the proposal which would carry moderate weight.
32. I also afford weight to the contribution that the proposal would make to the local economy both during construction and upon occupation. These are further, albeit minor benefits of the proposal
33. Taken together, these benefits would not outweigh the harm that I have found. Therefore, having regard to all matters, there are no material considerations, including the Framework, which would indicate taking a decision other than in accordance with the development plan in this case.
34. If I had reached a different conclusion, I would have sought additional information in order to undertake the appropriate assessment, and be satisfied that the integrity of the protected sites would not be adversely affected. However, as I have found that the proposal would be otherwise unacceptable, this has not been necessary.
35. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

C Harding

INSPECTOR