
Appeals Received South Sunderland

Between 01/01/2009 and 31/01/2009

Ref No	Address	Description	Date Appeal Lodged
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Appeals Determined Sunderland South

Between 01/01/2009 and 31/01/2009

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	08/00024/ENF	26 Belle Vue Park Sunderland SR2 7SA	Appeal against enforcement notice.	APPWIT	20/01/2009
	08/00042/REF	Land Adjacent NEDL Electricity Substation Burdon Road Tunstall Sunderla nd	Outline application for the erection of a four- bedroomed dormer bungalow with detached garage. (RESUBMISSION)	DISMIS	13/01/2009
	08/00043/REF	Land To Side Of 76 Park Lea Sunderland SR3 3SZ	Outline application for the erection of 1 no. dwelling.	DISMIS	14/01/2009
	08/00046/REF	Land To The Side Of 11 Membury Close Sunderland SR3 2RD	Change of use from open space to private garden and erection of boundary fence to side. (Amendment to address 10/06/08)	DISMIS	13/01/2009
	08/00047/REF	Land Adjacent To Thorney Close (Taxi Office) Adjacent Thorney Close Variety Club Thorndale Road Sunderland SR3 4JW	Proposed 14.3m high column incorporating 3no antennae and 2no. equipment cabinets and ancillary development. (Cell No 46836A)	ALLOW	15/01/2009



The Planning Inspectorate

Room: 3/26a
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-8034
Switchboard: 0117-372-8000
Fax No: 0117-372-6153
GTN: 1371-8034

teame1@plns.gsi.gov.uk

<http://www.planning-inspectorate.gov.uk>

Dave Evans
Sunderland City Council
The Planning Department, Sunde
Development And Regeneration
Civic Center, Burdon Road
Sunderland
SR2 7DN

Your Ref: 08/00031/ART4

Our Ref: APP/J4525/C/08/2073242
Further appeal references at foot of letter

Date: 20 January 2009

Dear Mr Evans

Town and Country Planning Act 1990
Appeals by Ian McKenzie and Gillian May McKenzie
Site at 26 Belle Vue Park, Ashbrooke, Sunderland, SR2 7SA

I enclose for your information a copy of a letter received on 20 January, withdrawing the above appeals.

I confirm no further action will be taken.

The local inquiry to be held at The Civic Centre, Burdon Road, Sunderland on 3 March 2009, has been cancelled. Please try to bring this cancellation to the notice of anyone who may have taken note of the inquiry arrangements.

Yours sincerely

Roger Thomas

E208D(BPR)

Further appeal references:- APP/J4525/C/08/2073243

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -

<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>

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Appeal Decision

Site visit made on 23 December 2008

by **R R Lyon MA CEng MICE MRTPI FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
13 January 2009

Appeal Ref: APP/J4525/A/08/2086042 land off Burdon Road, Ryhope, Sunderland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Michael Taylor against the decision of Sunderland City Council.
- The application Ref 0802367, dated 13 June 2008, was refused by notice dated 8 August 2008.
- The development proposed is 4-bedroomed bungalow with dormers.

Decision

1. I dismiss the appeal.

Reasons

2. A substation occupies the west portion (about ½) of an area of land off Burdon Road owned by NEDL. The remainder is a field used for grazing, the east part being occupied by the appeal site (about one third of the field). A group of around 8 trees occupies much of the larger portion of the field between the appeal site and the substation. Despite the appellant's view to the contrary, and despite the fact that the principal use in the neighbourhood is residential, I have no doubt that the appeal site is a Greenfield area.
 3. The Council's Interim Strategy for Housing Land does not include the site. Whilst the document is not part of the development plan, I give it some weight, in particular where policies SP4 and SP5 follow the thrust of policy 4 of the North East of England Regional Spatial Strategy (RSS) and national policy on prioritising the use of previously developed land, and on density.
 4. I have seen nothing to suggest that previously developed land is in short supply such that developing this Greenfield land would be warranted. Also, the proposed density is low and would run counter to the Council's objective to increase the overall density of new housing across the City. I conclude that the proposal would constitute piecemeal development of Greenfield land.
 5. Access to the proposal would be from Burdon Road, which locally provides access to modern housing through collective junctions. The current field access to the appeal site is the only exception. The proposal would introduce an individual access somewhere along the highway boundary. Not only would private cars gain access, delivery vehicles would be required to stand on the highway on occasion, closing down visibility for drivers and pedestrians using the nearby junctions and/or the roundabout just to the north. The individual access and its use would change the character of the highway somewhat such
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that an element of surprise would be introduced that would not be readily ameliorated by the methods suggested by the appellant. I consider that this would not be conducive to highway safety.

6. I conclude that the proposal would constitute piecemeal development of Greenfield land and harmfully affect highway safety in conflict with saved policy H1 of the Council's Unitary Development Plan, policies SP4 and SP5 of the Interim Strategy for Housing Land, policy 4 of the RSS and national guidance.
7. Illustrative plans show a blank gable only 10m from the dwelling at 2 Merryweather Rise. However all matters are reserved and, notwithstanding any consent that must be obtained from Northumbrian Water, given the size of the site I consider that the proposal could be configured and located to satisfy spacing standards. This conclusion does not overcome my conclusion that the appeal should fail on principle and on highway safety.

R R Lyon
INSPECTOR



Appeal Decision

Site visit made on 23 December 2008

by **R R Lyon MA CEng MICE MRTPI FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
14 January 2009

Appeal Ref: APP/J4525/A/08/2079054 76 Park Lea, Sunderland SR3 3SZ

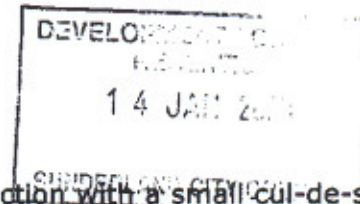
- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Stephen Watson against the decision of Sunderland City Council.
- The application Ref 08/01485/OUT, dated 3 April 2008, was refused by notice dated 30 May 2008.
- The development proposed is a single detached residential dwelling house.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site is a relatively large garden at a junction with a small cul-de-sac in Park Lea. Several similarly situated properties have similarly sized gardens. These gardens impart a soft openness to the junctions helping visually to include the cul-de-sacs in the overall street scene rather than comprising self-contained adjuncts to the main route through the estate. Thus, the gardens at the junctions are integral to and help establish the character of the area.
3. The proposal would insert a 2-storey dwelling close to the junction, narrowing the gap considerably, and partially closing out the cul-de-sac from the street scene. Notwithstanding that the site might physically accommodate a dwelling, in closing down the junction the proposal would adversely affect the openness, character and appearance of the area in conflict with saved policies B2 and H22 of the Council's Unitary Development Plan. Moreover, if this appeal were allowed, it would be difficult for the Council to refuse proposals for similar development on the larger gardens that I mention, to the cumulative harm of the character and appearance of the area.



R R Lyon
INSPECTOR



Appeal Decision

Site visit made on 23 December 2008

by **R R Lyon** MA CEng MICE MRTPI FIHT

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
13 January 2009

Appeal Ref: APP/J4525/A/08/2086685

land to the side of 11 Membury Close, Moorside, Sunderland SR3 2RD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Andrea Liddle against the decision of Sunderland City Council.
- The application Ref 08/02012, dated 16 May 2008, was refused by notice dated 29 July 2008.
- The development proposed is change of use: enclosure of existing open space to form private garden and erection of boundary fence.

Decision

1. I dismiss the appeal.

Reasons

2. A footpath adjoins the longest open boundary of the appeal site, below the grassed area alongside Moorside Road. Near the site, pedestrian visibility is curtailed and a sense of isolation is imposed by the blind corner of the close boarded fence at the rear of 4 Milrig Close. A similar fence enclosing the appeal site would introduce 2 new blind corners and eliminate surveillance across the site. The sense of isolation would be exacerbated and duplicated. Whilst there are lamp columns at the footpath junctions, having seen the site at night I consider that the introduction of a fence would also reduce the distribution of light. I conclude that the proposal would adversely affect actual, and the perception of, pedestrian safety.
3. The curtailed visibility and increased isolation would adversely affect the character of the area. The presence of an open area on both sides of the footpath, not dominated by the boundaries that are present on other parts of the route between Membury Close and Milrig Close, makes the footpath commodious and attractive. In short, the appeal site, which is open on 3 sides, forms a valuable part of the open space in this area both visually and functionally. Its loss would adversely affect the established character and appearance of the area.
4. On the evidence available, and given the location of the 2 trees within the site, I am not convinced that enclosure would increase pressure for pruning as the Council suggests. Also, I understand why the appellant wishes to enlarge and enclose the garden. However these matters I do not outweigh my conclusion that the proposal should fail for the reasons explained above. Additionally, the appellant reports that other applications for changes of use from open space to

DEVELOPMENT CONTROL
13 JAN 2009

SUNDERLAND CITY COUNCIL

garden have been approved in the Borough; I do not know the circumstances of those cases, and have determined this case on its individual merits.

5. I conclude that the proposal would harmfully affect the character and appearance of the area and pedestrian safety in conflict with saved policies B3, EN10, and T14 of the Council's Unitary Development Plan.

R R Lyon
INSPECTOR



Appeal Decision

Site visit made on 5 January 2009

by **Bern Hellier BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@plins.gsi.gov.uk

Decision date:
15 January 2009

Appeal Ref: APP/J4525/A/08/2088048

Pavement adjacent to taxi office, Thorndale Road, Thorney Close, Sunderland, SR3 4JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- The appeal is made by Vodafone UK Ltd against the decision of Sunderland City Council.
- The application Ref 08/03092/TEX, dated 31 July 2008, was refused by notice dated 23 September 2008.
- The development proposed is the installation of a 12m high streetworks monopole with three antennas within a glass reinforced plastic shroud (overall height 14.3m), a ground based equipment cabinet and an electric meter cabinet.

Decision

1. I allow the appeal and grant approval under the provisions of Part 24 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the installation of a 12m high streetworks monopole with three antennas within a glass reinforced plastic shroud (overall height 14.3m), a ground based equipment cabinet and an electric meter cabinet at land on the pavement adjacent to taxi office, Thorndale Road, Thorney Close, Sunderland, SR3 4JW in accordance with the terms of the application Ref 08/03092/TEX, dated 31 July 2008, and the plans submitted with it, subject to the following condition.
 - 1) No development shall take place until details of the finish and colour of the monopole, antennas and ground cabinets have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issue

2. I consider the main issue is the effect of the monopole on the character and appearance of the surrounding area.

Reasons

3. Government policy set out in *Planning Policy Guidance 8 : Telecommunications* (PPG8) is to facilitate the growth of new and existing telecommunications systems. However the visual impact of such development should be kept to a minimum. In the case of a mast the developer should justify the need and should go through a site selection process, which should include considering the use of existing structures and masts.
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4. There is no dispute that the appellant has a gap in its 3G network in the Thorney Close area and that an appropriate site selection process has been followed in which consideration has been given to mast sharing and a number of new mast locations in the search area. The appeal proposal is the preferred option for the appellant and the Council does not suggest there is a better alternative.
5. The site is on rising ground overlooking a large rectangular area of recreational and amenity open space in the centre of the Thorney Close estate. Thorndale Road follows the four sides of this open space and is fronted by a mix of housing, community buildings and shops. The monopole would be situated at the back of a wide footway with a church on one side and a car park, taxi office and club on the other. The car park extends some distance to the rear where it meets the back gardens of properties on Thistle Road.
6. The monopole would be a distinctive feature visible above the skyline both in medium distance views and nearer at hand from the south west section of Thorndale Road. However, although it would be higher than the existing street light columns, its slender design would be in keeping with them and would help to assimilate it into the street scene. The wide road and the open nature of the car park and open space also provide a setting more in scale with the height of the monopole than would be the case in a more built up location. Views from residential property would be limited. The top part of the pole and the antennas would appear above the church in the outlook from the rear windows of properties in Tilbury Close some 40 metres to the west. There would also be uninterrupted views from the rear windows of Thistle Road properties which are over 70 metres away.
7. I conclude that the proposal would not have an unduly detrimental effect on the character and appearance of the surrounding area and that it would also comply with Policy B26 of the adopted City of Sunderland Unitary Development Plan.
8. The Council has suggested a condition requiring the removal of equipment from the site once the use ceases. However this is a standard requirement already imposed by the General Development Order. I agree that the external finish and colour of the monopole and cabinets should be subject to further approval and have imposed a condition accordingly.
9. For the reasons given above I conclude that the appeal should be allowed.

Bern Hellier

INSPECTOR