
Items Delegated to the Deputy Chief
Executive

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Development Control (South Sunderland) Sub Committee

1. **Creation of an open access adventure play area.**

09/04508/LAP Land Adjacent to Sunderland Puma Tennis Centre Silksworth Lane Sunderland

08/12/09 Community And Cultural Services

Decision: Approved

Date of Decision: 2nd February 2010

Appeals Received South Sunderland

Between 01/01/2010 and 31/01/2010

Ref No	Address	Description	Date Appeal Lodged
10/00004/REF	10 Hovingham Gardens Sunderland SR3 1UB	Erection of front porch and two storey extension to side and replacement of existing boundary enclosure.	27/01/2010

Appeals Determined Sunderland South

Between 01/01/2010 and 31/01/2010

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00031/ADV	51A Mainsforth Terrace Sunderland SR 2 8NG	Erection of 1no. 48-sheet hoarding sign.	DISMIS	04/01/2010
	09/00034/ADV	24 Pallion Road Sunderland SR4 6LS	Erection of 2 internally illuminated free standing single sided display units	DISMIS	04/01/2010
	09/00042/REF	76 Park Lea Sunderland SR3 3SZ	Erection of new fence to rear and side (Retrospective)	DISMIS	14/01/2010

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00044/ENF	76 Park Lea Sunderland SR3 3SZ	The breach of planning control. Without planning permission the erection of a 1.8m high fence to rear and side of the property. Reasons for this notice. It appears to the Council that the breach of planning control has occurred within the last four years. The fence by reason of size, scale, massing and design introduces an obtrusive element into the streetscene which is detrimental to the visual amenities of the area and character of the street scene contrary to policy B2 of the Unitary Development Plan, Supplementary Planning Guidance Section 3, and Topic 9 of the draft Supplementary Planning Document, 'Household Extensions and Alterations'. The Council do not consider that retrospective planning permission should be given because planning conditions could not overcome these objections to the development.	APPWIT	15/01/2010



Appeal Decision

Site visit made on 21 December 2009

by **Kevin Ward BA (Hons) MRTPI**

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

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Decision date:
4 January 2010

Appeal Ref: APP/J4525/H/09/2109419

51A/B Mainsforth Terrace, Hendon, Sunderland, Tyne and Wear SR2 8NG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Miss Anika Waterstreet and Miss Christine Waterstreet against the decision of Sunderland City Council.
- The application Ref 09/02122/ADV, dated 5 June 2009, was refused by notice dated 21 July 2009.
- The advertisement proposed is a 48 sheet poster advertising hoarding 20 foot by 10 foot.

Decision

1. I dismiss the appeal.

Main Issue

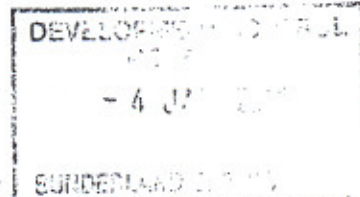
2. The main issue is the effect of the proposed hoarding on the character and appearance of the area.

Reasons

3. Mainsforth Terrace and the surrounding streets are residential in character. I saw no evidence of other such hoardings in the immediate vicinity of the site. Given its size and positioning, the proposed hoarding would be unduly dominant in relation to the gable end of the residential property. Whilst it would face Commercial Road and the industrial/commercial area beyond it, it would be set back from the road by a large area of open space. The hoarding would be seen against the backdrop of the residential area. Given this setting, it would introduce an obtrusive and discordant commercial feature which would harm the character and appearance of the area.
4. For the above reasons I conclude that the appeal should be dismissed.

Kevin Ward

INSPECTOR





Appeal Decision

Site visit made on 21 December 2009

by **Kevin Ward BA (Hons) MRTPI**

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

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Decision date:
4 January 2010

Appeal Ref: APP/J4525/H/09/2112722

Filling Station, Pallion Road, Sunderland SR4 6ND

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Primesight Ltd against the decision of Sunderland City Council.
- The application Ref 09/01915/ADV, dated 20 May 2009, was refused by notice dated 20 July 2009.
- The advertisements proposed are 2No. internally illuminated free standing single sided display units.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effects of the proposed display units on the character and appearance of the area and on highway safety.

Reasons

3. The petrol filling station/shop are prominent features at this end of Pallion Road, which form the end of a block of commercial uses extending from the junction with Hylton Road. Beyond this point and on the opposite side, Pallion Road is essentially residential in character with little commercial activity and associated signage.
4. Whilst the display units would be seen in the context of the petrol filling station/shop they would be at the edge of the site, clearly separated and visually distinct from the canopy and the main areas of commercial activity. They would be viewed against the side of the single storey residential property at 19 Pallion Road when approaching from the junction with Hylton Road.
5. Due to their position, height and overall size, the display units would be prominent and obtrusive features when seen against the backdrop of residential development that stretches along Pallion Road. Although the site does not have an undue proliferation of signage at present, the display units would create a sense of visual clutter in the street scene. I find therefore that they would harm the character and appearance of the area.
6. There are no windows in the side elevation of 19 Pallion Road. From the dwellings on the opposite side of the road the display units would be seen either side on or at an angle and from distance. Whilst I find harm in terms of the character and appearance of the area, I am satisfied that the display units

would not be of a scale to have a significant effect on the living conditions of local residents in terms of the outlook from their homes.

7. I note the Council's concerns in relation to the effect on visibility where the access lane serving 17-19 Pallion Road and commercial premises to the rear emerges onto Pallion Road itself. Visibility at this junction is already restricted by the side of No.19, the wall forming the boundary of the petrol filling station/shop site and the slope of the lane. Whilst I note the Council's reference to the need for a visibility splay of 4.5m x 90m, it is not clear where such requirements are set out. Taking into account the guidance provided by "Manual for Streets" which suggests that an X distance of 2.4m is generally adequate in most built up areas, and the fact that the lane serves only a limited number of properties, I find that, although there would be some reduction in visibility, the display units are not likely to have a significant effect on highway safety.
8. The lack of harm in terms of the living conditions of local residents and highway safety does not however outweigh the adverse effect that the display units would have on the character and appearance of the area. The size of the display units may be typical of those found at petrol filling station sites elsewhere and the site may be larger than average for such a use. However, this does not justify the harm which I have identified in this case.
9. I note the reference to a previous appeal decision concerning the site (APP/J4525/H/09/2098447). However, as this previous decision related to a distinctly different proposal (a single 48 sheet hoarding), it is of little direct relevance to the appeal before me. I have determined the appeal proposal on its own merits in the light of the main issues.
10. For the above reasons I conclude that the appeal should be dismissed.

Kevin Ward

INSPECTOR



Appeal Decision

Site visit made on 12 January 2010

by **J Chance** BSc DipTP MRTPI

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

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Decision date:
14 January 2010

Appeal Ref: APP/J4525/D/09/2116452

76 Park Lea, East Herrington, Sunderland, Tyne & Wear SR3 3SZ

- 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 Steven Watson against the decision of Sunderland City Council.
- The application Ref 09/02870/FUL, dated 20 July 2009, was refused by notice dated 25 September 2009.
- The development proposed is a new fence to the rear and side garden.

Decision

1. I dismiss the appeal.

Procedural Matters

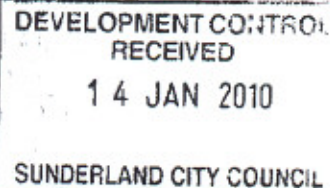
2. As the fencing has already been erected, I have dealt with this appeal as relating to an application under Section 73A of the 1990 Act as amended for planning permission for development already carried out.

Main Issue

3. The main issue is the effect of the fencing on the character and appearance of the streetscene and surrounding area.

Reasons

4. The appeal property is a semi-detached house located at one side of the entrance to a short cul-de-sac, which shares the same name as the spine road serving the estate. The appeal dwelling fronts onto the spine road, with its side elevation onto the cul-de-sac.
5. The fencing which has been erected comprises close boarded timber fencing roughly from the front corner of an existing single-storey projection on the side of the dwelling across to the side boundary adjacent to the cul-de-sac; side fencing above a wall at the back edge of the pavement around the cul-de-sac as far as the topside of the rear drive; and fencing above a wall along part of the rear garden boundary along the topside of the rear drive up to a timber gate just in front of the detached garage.
6. I note the appellant's views that the front section of the fencing benefits from permitted development rights. That fencing is set well back such that the front garden area and the front portion of the side garden still have a generally open plan appearance, in line with the overall theme of this estate. It is not fully



clear to me whether this front fencing is part of the application which has led to this appeal, or whether the Council accepts this element as permitted development. Nevertheless, I consider the front section of fencing, as constructed, to be visually acceptable and I shall make no further reference to it.

7. Turning to the side and rear fencing, I saw that the side fencing is stepped down the slope of the cul-de-sac following the stepped nature of the wall below it and that the rear fencing is set above the brick wall bordering one side of the drive at the rear of the property. The substantial height of the fencing above the pre-existing walling results in an overall high, solid and harsh boundary treatment which appears as an unacceptably dominant and intrusive feature when viewed from different locations in the cul-de-sac, including from other properties, and from points on the main spine road adjacent to the junction and at least 2 properties on that road.
8. Furthermore, when seen from the front garden and other parts of the property at No 75 Park Lea, the rear fencing, especially, will, in my opinion, appear overpowering and intimidating, given its overall height particularly at the end of the drive closest to the garage.
9. The unduly prominent, high, hard and solid appearance of the side and rear fencing is at odds with the general character of the boundary treatments in this part of the estate. While I note the appellant's comments about a variety of styles of boundary treatment and references to the north and south entrances to Park Lea and particular property numbers, I saw that the predominant form of boundary treatment around this part of the Park Lea spine road and adjacent cul-de-sac is of fairly low brick walls, similar to that across the front of the appeal property. While the walls bordering the cul-de-sac might already be slightly higher to accommodate the land slope, adding this height of fencing to them has, in my view, resulted in a form of boundary enclosure that is completely out of character with that of the immediately surrounding area and is significantly detrimental to the character and appearance of the streetscene.
10. Section 3 of the Council's Supplementary Planning Guidance Development Control Guidelines (SPG) deals with residential extensions and alterations, indicating that an important consideration is the design of the extension or alteration and its effect on the host dwelling or general streetscene. The Council regards the fencing as constructed to fall within the scope of this part of the SPG. As such, because of its adverse effect on the character and appearance of the streetscene, I find the side and rear fencing to be contrary to the general intentions of Section 3 of the SPG.
11. Moreover, as the side and rear fencing are seen from the highway and other properties and are therefore in what I consider to be a prominent location and are out of character and scale with neighbouring boundary treatments in the near vicinity, I find that they are in conflict with paragraph 9.2 of the draft Supplementary Planning Document entitled "Household Alterations and Extensions". Even though the property is not in a Conservation Area, paragraph 9.2 still requires account to be taken of the character of the area and makes special reference to the sensitive nature of corner plots, indicating that fences, walls or other forms of enclosure might not be allowed on such sites if they detract from the character of the area or prejudice highway safety.

Since I have found that the side and rear fencing significantly harm the character and appearance of the streetscene and surrounding area, I consider that they conflict with that advice.

12. I have taken account of the appellant's comments about the fencing providing security for the family during his shift working and enabling the children to play safely in the garden without constant close supervision. However, these benefits could still be achieved through a less prominent and more sensitive form of boundary treatment and, although the factors indicated are material considerations of substantial weight, in this particular case, they do not, in my view, outweigh the visual harm caused by the present fencing, or justify allowing the development. As such, notwithstanding considerations of privacy and security, and having regard to the quality of the fencing, I nevertheless find that the development is contrary to the intentions of Policy B2 of the City of Sunderland Unitary Development Plan as it does not respect or enhance the visual qualities of the locality or represent good design.
13. Having had regard to all matters raised, including the effect on light and setting of a precedent for other similar development, I conclude that the rear and side fencing as currently constructed are unacceptable, and the appeal fails.

J Chance

INSPECTOR

Appeal Cases | Appeal Decision



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Your Ref:
Our Ref:
Date:

09/100044/ENF
~~09/10933/COUB~~
APP/J4525/C/09/2117610
18 January 2010

Dear Mr Evans

Town and Country Planning Act 1990
Appeal by Mr Steven Watson
Site at 76 Park Lea, Sunderland, SR3 3SZ

I enclose for your information a copy of a letter received on 15 January, withdrawing the above appeal.

I confirm no further action will be taken.

Yours sincerely

Roger Thomas

E208B(BPR)

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>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

