
Appeals Received South Sunderland

Between 01/05/2009 and 31/05/2009

Ref No	Address	Description	Date Appeal Lodged
09/00017/REF	Land To Side Of 55 Holly Avenue New Silksworth Sunderland SR3 1DT	Change of use from open space to private garden with 1.8m fence enclosure. (Retrospective)	20/05/2009

Appeals Determined Sunderland South

Between 01/05/2009 and 31/05/2009

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	08/00050/REF	Land Between Irene Avenue/Joan Avenue And Emily's Nurseries Wellmere Road Sunderland	Outline application for the erection of a two-storey dwelling and a single storey chalet bungalow.	DISMIS	08/05/2009
	09/00002/ADV	Land Fronting Old Pump House Leechmere Road Grangetown Sunderland	Erection of 2 x 48 non-illuminated freestanding sheet hoardings on a monoleg base.	DISMIS	15/05/2009



Appeal Decision

Hearing held on 24 March 2009

Site visit made on 24 March 2009

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

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

The Planning Inspectorate
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Decision date:
8 May 2009

Appeal Ref: APP/J4525/A/08/2089323

Land between 24 Irene Avenue and Emily's Nursery, Leechmere Industrial Estate SR2 9DW

- 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 G Jones against the decision of Sunderland City Council.
- The application Ref 08/01059/OUT, dated 3 March 2008, was refused by notice dated 2 May 2008.
- The development proposed is residential: 1 No. house and 1 No. chalet bungalow.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The appeal concerns an application for outline planning permission. The application form states that scale, appearance and landscaping are reserved for later consideration. However, it was confirmed at the hearing that the site plan submitted with the application was indicative only and that all matters, including layout and access were reserved for later consideration. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - a) Whether the proposed dwellings are appropriate in principle given the location of the site within an area identified in the Sunderland Unitary Development Plan (UDP) as existing business and industrial land.
 - b) The effect on the living conditions of the occupiers of dwellings in Irene Avenue and Joan Avenue in terms of noise and disturbance and visual amenity.
 - c) The effect on the living conditions of future occupiers of the proposed dwellings in terms of noise and disturbance and visual amenity.

Reasons

Business and industrial land

4. The appeal site is shown on the UDP Proposals Map as an area of existing business and industrial land. It appears, on the basis of the information before me, that the Council does not however specifically include the appeal site in its

assessments of available industrial land. The site is currently land locked and the ground conditions and land form would provide some constraint to business/industrial development, as would the close proximity of residential properties in Irene Avenue and Joan Avenue. In my view, it is unlikely that under current circumstances, business/industrial development on the appeal site would be considered practical or appropriate. The proposed development would not therefore directly reduce the supply of available land for such purposes.

5. However, Policy EC4 of the UDP identifies housing as one of the unacceptable uses on existing business/industrial land. Whilst the appeal site is not part of the developed area of the Leechmere Industrial Estate, it forms part of a strip of undeveloped land running between business and industrial uses and neighbouring residential areas to the east. Such buffer areas are important in providing an effective separation between potentially incompatible land uses and form a key element in the planning and layout of industrial estates. I consider therefore that the appeal site is an integral part of the industrial estate as a whole and the proposed development would be inappropriate in principle in the light of Policies EC4 and SA1 of the UDP.
6. Residential use on the appeal site would be likely to place some constraint on the type of industrial and business development that could take place on the adjacent land given the need to avoid undue harm to the living conditions of residents. This could prejudice the role of the industrial estate in providing employment.

The effect on the occupiers of Irene Avenue and Joan Avenue

7. The appeal site is somewhat overgrown and the fence that runs along the boundary with Irene Avenue forms a rather stark feature at the end of the street. The vegetation does not appear to have been the result of a planned scheme and would benefit from some effective landscape management. However, I consider that the site is not unsightly when viewed from the adjacent residential area and it provides an important element of greenery in the built up area. I find no particular need for the site to be developed in terms of the character and appearance of the area.
8. The site rises up from Irene Avenue to form a mound and the tree cover is relatively dense. Whilst the nursery building and the former recycling plant are partly visible, the site performs a valuable role in providing a visual screen between the residential area and the developed area of the industrial estate, even at times of the year when leaf cover is reduced. Despite the dominance of the fence and the current state of the site, this screening effect provides significant benefits to the residents of Irene Avenue and Joan Avenue in terms of visual amenity.
9. I did not experience any significant level of noise from the industrial estate during the site visit. The plant nursery business is not likely to generate a substantial level of noise and the adjacent industrial unit is currently vacant. However, given the planning policies in place, this situation could well change in future. There is potential for industrial activity to take place on the nursery site and the former recycling plant. Such activity could generate levels of noise that would cause some disturbance to nearby residents. The separation

between these potentially noise generating activities and the existing residential area, along with the landform and density of tree cover would help to mitigate the effect of such noise and reduce disturbance to residents.

10. Whilst I appreciate that the site plan submitted by the appellant is indicative, I consider that given the size and shape of the site and the need to provide vehicular access from Irene Avenue, the potential options for the layout of two dwellings on the site are limited. Regardless of the particular layout, it is likely that a significant section of the mound would need to be cut away and a substantial number of trees would need to be removed.
11. New landscaping and boundary treatments such as fencing could be required by conditions. In terms of potential noise from industrial uses, this would have some mitigating effect for those living in the existing residential area, as would the presence of the proposed dwellings themselves. Given that the distance between potentially noise generating uses and the existing residential area would be unchanged, I consider that, depending on layout and subject to conditions, the proposed development would not result in a significant difference in levels of noise and disturbance.
12. However, the effectiveness of new landscaping and boundary treatments as a visual screen would be limited by the need to avoid trees being planted too close to the access road or the proposed dwellings. It would also be necessary to ensure adequate levels of daylight for the occupiers of the proposed dwellings and to avoid an overbearing and oppressive effect on their outlook. These factors are likely to affect the depth and density of landscaping and the height of boundary treatments. Whilst the proposed dwellings would themselves provide some visual screening, I consider that, on balance; the views from the existing residential area through to the developed area of the industrial estate would be increased, causing harm to the visual amenity of the occupiers of dwellings in Irene Avenue and Joan Avenue.
13. Given that the nursery is also in the appellant's ownership, I accept that a condition could be imposed to require further landscaping/screening on this adjacent land. However, to be effective as a visual screen, it is likely that a significant strip of the land potentially available for industrial and business use would be lost. Furthermore, there is no certainty that the two parcels of land would remain in common ownership and it is not clear how the retention of any landscaping or screening would be enforced. Such a condition would therefore be inappropriate.
14. There may be some benefit to the occupiers of 37 Irene Avenue in terms of outlook and light in reducing the gradient on the appeal site. This is likely to be outweighed however by the proximity of one of the proposed dwellings and the overall effect of the development.
15. I acknowledge that, as they are not protected, the trees within the site could be felled without the need for specific consent from the Council. There is no evidence however, that this is a likely prospect in the absence of a permitted scheme for development. In any case, the effect on the visual amenity of the occupiers of the nearby dwellings is not the only factor in my decision.

The effect on the occupiers of the proposed dwellings

16. The site is next to the developed area of the industrial estate. As I have found in relation to the first issue, residential development in such close proximity to business and industrial activity, and taking up part of the buffer area between these different land uses is inappropriate in principle. The layout of the dwellings and the position of windows could be such that direct views of neighbouring industrial and business uses from within the dwellings would be limited. However, the outlook from the gardens would be significantly affected given the likely limitations on the effectiveness of landscaping and boundary treatments as a visual screen, referred to above.
17. Whilst the current level of noise and disturbance from industrial and business activity may not be significant, this situation has clear potential to change, as I have noted above. The likely limitations on the height of boundary treatments and the depth and density of landscaping, and more fundamentally, the close proximity to potentially noise generating uses, would create a substantial risk of significant disturbance to the occupiers of the proposed dwellings. High levels of sound insulation could be incorporated into the dwellings, but this would need to be balanced with the need for adequate ventilation and the garden areas would be exposed.

Other Matters

18. There is no evidence that the site was previously occupied by a permanent structure and it does not, in my view, form part of the curtilage of developed land. Therefore although the site may have been used to deposit material during the construction of the industrial estate, it does not constitute previously developed land as set out in Annex B to Planning Policy Statement 3: Housing (PPS3).
19. I acknowledge that the proposed dwellings would be reasonably well located in terms of facilities and transport links and that there would be some benefit in providing for vehicle turning at the end of Irene Avenue. I also accept that there is potential to continue the form and style of development that currently exists along Irene Avenue. These factors are not sufficient to outweigh the harm that would be caused by the proposed development however, nor is the fact that no precedent would be set given the lack of similar sites in the area.
20. The existing fence at the end of Irene Avenue provides a strong physical barrier between the industrial estate and the residential area. I have no substantive evidence before me that there is a particular problem with crime and anti-social behaviour and in any case I consider that such matters could be addressed without developing the site for housing.
21. I note the appellant's argument that the proposed development would improve security arrangements for the nursery business. I also note however that the nursery has been operating for some time without a dwelling linked to the business. Whilst the Council has in the past indicated that it could give consideration to a single dwelling for a caretaker, there is no substantive evidence that such a dwelling is necessary. In any case, the appeal before me concerns a proposal for two dwellings. Whilst I appreciate the appellant's business and family circumstances, including the desire to live close to elderly relatives, these do not justify the development of the site for housing.

22. Despite the concerns raised by the appellant, the Council's procedures for internal consultation and the delegation of decisions, along with the wording of public notices are not matters of relevance in terms of my determination of the appeal.

Conclusions

23. I find that the proposed dwellings are inappropriate in principle given the location of the site within an area identified in the UDP as existing business and industrial land and its function as a buffer between potentially incompatible land uses.
24. Whilst the proposed development would not have a significant effect on levels of noise and disturbance experienced by the occupiers of dwellings in Irene Avenue and Joan Avenue, it would adversely affect their living conditions in terms of visual amenity.
25. It would have a significant adverse effect on the living conditions of future occupiers of the proposed dwellings in terms of noise and disturbance and visual amenity.
26. For the above reasons and taking account of other matters raised, I conclude that the proposed development would be contrary to Policies EC4, SA1, B2 and EN6 of the UDP and that the appeal should be dismissed.

Kevin Ward

INSPECTOR



Appeal Decision

Site visit made on 30 April 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:
15 May 2009

Appeal Ref: APP/J4525/H/09/2097485

Land fronting old pump house, Leechmere Road, Sunderland SR2 9TT

- 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 Clear Channel Outdoor Ltd against the decision of Sunderland City Council.
- The application Ref 08/04039/ADV, dated 15 October 2008, was refused by notice dated 22 December 2008.
- The advertisements proposed are 2 x 48 sheet freestanding non illuminated panels on a monoleg base.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the panels on the visual amenity of the area.

Reasons

3. The area is characterised by a mix of commercial, industrial and residential uses. The appeal site is between a large superstore car park and industrial units and there are dwellings on the opposite side of Leechmere Road. There is a totem sign and small panel sign associated with the superstore and its petrol filling station. However, the industrial units are reasonably well landscaped and overall there is limited signage visible in the immediate area.
4. The proposed panels would be seen as isolated features unrelated to surrounding buildings. They would be close to the back edge of the footway and would project above the fence and vegetation on the site, appearing as a skyline feature which would be likely to have an overwhelming effect on passing pedestrians. The panels would be visible from a number of dwellings on Leechmere Road. Although they would be perpendicular to the dwellings directly opposite, views from others further along the road in both directions would be more pronounced.
5. Whilst they would not result in a cluttered appearance given the limited amount of other advertisements and signage in the immediate area, they would be unduly dominant and obtrusive features in the street scene. Their dominance would be exacerbated by the rising level of Leechmere Road from the superstore car park past the appeal site up to the industrial units. Rather than adding colour and interest, I find therefore that the proposed panels would have a significant adverse impact on the visual amenity of the area.

6. There are significant differences between the panels that were previously sited on the pump house and those currently proposed. The previous panels were positioned on what appears to have been a relatively substantial building. The pump house is now demolished and the site is open. The proposed signs are freestanding and closer to the road. Notwithstanding the size of one of the previous panels, the impact on the visual amenity of the area is therefore likely to be significantly different.
7. Whilst I note the lack of objections from occupiers of dwellings on Leechmere Road, this does not necessarily indicate that the appeal proposals are acceptable in terms of the main issue.
8. For the above reasons I conclude that the appeal should be dismissed.

Kevin Ward

INSPECTOR