

Appeals Received South Sunderland

Between 01/11/2009 and 30/11/2009

Ref No	Address	Description	Date Appeal Lodged
09/00042/REF	76 Park Lea Sunderland SR3 3SZ	Erection of new fence to rear and side (Retrospective)	09/11/2009
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.	25/11/2009

Appeals Determined Sunderland South

Between 01/11/2009 and 30/11/2009

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00024/REF	MGT Paving And Garden Ltd□Pallion New Road□Sunderland□SR4 6UA□	Retrospective change of use from waste transfer station to garden and block paving supplies but keeping existing non ferrous metals operation and erection of portacabin.	DISMIS	05/11/2009
	09/00038/REF	44 Gayhurst Crescent□Sunderland□S R3 2TB□	Erection of single storey extension to front and side and new boundary wall.	ALLOW	17/11/2009



Appeal Decision

Site visit made on 18 September 2009

by **Keith Manning BSc (Hons) BTP MRTPI**

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

The Planning Inspectorate
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Decision date:
5 November 2009

Appeal Ref: APP/J4525/A/09/2107196

**MGT Paving & Garden Ltd, Pallion New Road, Sunderland, Tyne & Wear
SR4 6UA**

- 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 MGT Paving & Garden Ltd against the decision of Sunderland City Council.
- The application Ref 08/03674/FUL, dated 23 September 2008, was refused by notice dated 6 January 2009.
- The development proposed is change of use from waste transfer station to garden and block paving supplies but keeping existing non-ferrous metals operation and erection of portacabin.

Decision

1. I dismiss the appeal.

Procedural Matter

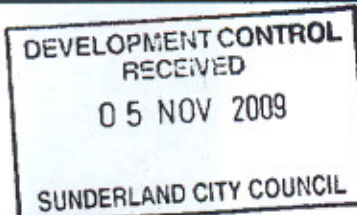
2. The appeal concerns a development that has already taken place. I therefore treat it as an application for retrospective planning permission.

Main issues

3. I consider the main issues to be whether the proposed development would conflict harmfully with the intentions of relevant policy concerning industrial, retailing and mixed uses and whether it would be harmful to highway and pedestrian safety.

Reasons

4. The appeal site is a parcel of land close to a roundabout connecting principal thoroughfares through an area shown on the Council's Unitary Development Plan proposals map as a business/industrial area to be retained and improved and therefore subject, inter alia, to saved policies EC4 and S13. The Council says that saved policy EC5 on mixed use is also relevant and on that basis it seems to me that, in principle, the proposed use would be compatible with the intentions of that policy, if not on its specific merits those of EC4, insofar as the display and retail sale of paving, aggregates and certain gardening supplies is not something that may readily be accommodated in an existing shopping centre. The retention of the existing non-ferrous metals operation in the existing industrial unit is not, in land use terms, necessarily incompatible with such a use, albeit that there are distinguishing operational differences.



5. One such difference is that the proposed retail operation would necessarily attract visiting members of the public in some numbers and on an uncontrolled basis, with the consequential potential for conflict between heavy traffic and pedestrians in particular. That conflict would be exacerbated by the inability of pantechnicons and similar vehicles to turn within the site owing to the extent and disposition of the display areas, as reversing in close proximity to members of the public on foot within the site would be inherently unsafe. Moreover, reversing out of the site on a routine basis would create unacceptable highway safety problems, especially bearing in mind the geometry of the existing entrance, its relationship to the nearby roundabout, and the necessity for car-borne retail customers to share the same entrance. For these reasons I consider that the proposed development would conflict harmfully with the intentions of saved UDP policy T14, which is comprehensively concerned with safety considerations of this nature.
6. The appellant maintains that smaller vehicles would be used to service both the non-ferrous metals operation and the retail operation. However while that may be the current practice and intention, a future operator of the site could deploy different practices, less considerate of safety, and I do not consider that a readily enforceable condition could be attached to a grant of planning permission to ensure that did not occur.
7. Nor am I satisfied on the basis of my site visit and the plans and evidence before me that proper pedestrian segregation and adequate turning for large vehicles could simultaneously be achieved within the context of the retail use and layout of the site as currently conceived and proposed. The Council suggests that conditions could be imposed requiring parking, turning and pedestrian segregation to be subsequently approved. However, given the extent, nature and arrangement of the proposed retail display, I have no firm evidence to demonstrate that such detailed arrangements could be implemented without substantially and unreasonably modifying the nature of the permission sought, contrary to the advice of Circular 11/95.
8. For the reasons given above I conclude that the appeal should be dismissed.

Keith Manning

Inspector



Appeal Decision

Site visit made on 11 November 2009

by **N R Taylor** BSc CEng MICE MIHT

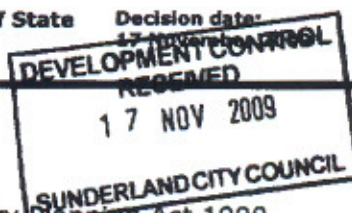
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Decision date:

17 November 2009



Appeal Ref: APP/J4525/D/09/2114606

44 Gayhurst Crescent, Sunderland SR3 2TB

- 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 Ms Margaret Barkes against the decision of Sunderland City Council.
- The application Ref 09/02676/FUL, dated 14 July 2009, was refused by notice dated 27 August 2009.
- The development proposed is described as a single storey extension to front and side of property. New garden wall.

Decision

1. I allow the appeal, and grant planning permission for a single storey extension to front and side and new boundary wall at 44 Gayhurst Crescent, Sunderland SR3 2TB in accordance with the terms of the application, Ref 09/02676/FUL, dated 14 July 2009, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural matter

2. The planning application form describes the proposal as a single storey extension to front and side of property. New garden wall. I consider that the description set out in the refusal notice and appeal form, which I have repeated in my decision above, is a more accurate description of the proposal and it is on this basis that I have considered the appeal.

Main issue

3. The main issue is the likely impact of the proposed development on the street scene and on the character and appearance of the area.

Reasons

4. The appeal property is situated in an estate of mostly semi-detached houses of generally similar styles. It occupies a corner plot at the junction of Gayhurst Crescent and Lawnhead Square.

5. Whilst I note that the proposed development would extend beyond the building line of the properties along Lawnhead Square, the appeal building is separated from these properties by its rear garden and garage, and the garage of No 11 Lawnhead Square. It is also clearly orientated differently from them. As a result, the gable end of No 44 does not, in my view, relate visually to the front of the properties in Lawnhead Square.
6. Lawnhead Square is a street of generous proportions, having wide footways, grass verges and parking areas in front of the dwellings. It has therefore a very spacious aspect. The proposed single storey extension, which would be of limited proportions in relation to this space, would intrude little into this area. Moreover the elevation facing on to Lawnhead Square is shielded from the street to some extent by a mature tree located in the grass verge. I have therefore formed the opinion that the development would not cause significant harm to the street scene or surrounding area.
7. My attention has been drawn to other extensions in Gayhurst Crescent; one in particular, at No 47, is similar to the proposed development at No 44 in a similar situation. In my view this demonstrates that, with sympathetic materials, such extensions can be successfully set in the street scene, and be subordinate and in harmony with the host property.
8. I therefore consider that the proposal, subject to a condition to ensure materials match the existing dwelling, would not conflict with Policy B2 of the City of Sunderland Unitary Development Plan which seeks to ensure that extensions to existing buildings respect and enhance the best qualities of nearby properties and the locality. I have noted the Council's reference to the emerging Supplementary Planning Document (SPD). However, this does not appear to have been adopted by the Council. Planning Policy Statement 12: *Local Development Frameworks* indicates that on commencement of the new planning system, existing supplementary planning guidance will not automatically lose its status and will continue to exist as non-statutory guidance whilst the relevant saved policies are in place. I have therefore noted its content but have not given significant weight to the SPD.
9. The Council has suggested one condition, in addition to the standard one on timing, seeking to ensure that the materials used match those of the existing building. As I have indicated above, I consider that this is necessary to ensure that the development would comply with Local Plan Policy B2 and I attach a condition to this effect.
10. For the reasons given above I conclude that the appeal should be allowed.

N R Taylor

INSPECTOR