

TITLE OF REPORT: Planning Appeals

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **three** new appeals lodged since the last committee:

DC/17/00899/COU - Da Vincis, 10 Harraton Terrace, Durham Road, Birtley
Change of use from A3 (food and drink) to A3/A5 to allow for home delivery
(amended 05/09/17).

This application was a committee decision refused on 15 November 2017.

DC/17/01109/HHA - 24 Wilsons Lane, Low Fell, Gateshead NE9 5EQ
Proposed external rear roof terrace with bi-fold doors.

This application was a committee decision refused on 3 January 2018.

DC/17/01110/COU - 321 And 323 Rectory Road, Bensham, Gateshead, NE8 4RS.
Change of use from dwelling (use class C3) to an eight-bedroom house in multiple
occupation (HMO) (sui generis use)

This application was a committee decision refused on 3 January 2018.

Appeal Decisions

3. There has been **one** new appeal decision received since the last Committee:

DC/17/00010/FUL - Ogilvie House, Princes Park, Gateshead, NE11 0NF.
Erection of 2.4m high mesh fencing around perimeter of site. Proposal includes
installation of single automatic roller gate at site entrance, single leaf pedestrian
gate to east elevation and single pedestrian gate to west elevation.

This application was a delegated decision refused on 14 August 2017.

Appeal dismissed on 9 March 2018.

Details of the decisions can be found in **Appendix 2**

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

APPENDIX 1

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 2

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



The Planning Inspectorate

Appeal Decision

Site visit made on 16 February 2018

by **M Seaton** DipTP MRTPI

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

Decision date: 09 March 2018

Appeal Ref: APP/H4505/W/17/3189512

Ogilvie House, Princes Park, Princesway, Team Valley Trading Estate, Gateshead, NE11 0NF

- 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 Mr D Horn (on behalf of Net Defence Ltd) against the decision of Gateshead Council.
 - The application Ref DC/17/00010/FUL, dated 13 December 2016, was refused by notice dated 14 August 2017.
 - The development proposed is the erection of 2.4m high mesh fencing around the perimeter of the site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian to west elevation.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within part of the Team Valley Trading Estate, and is occupied by a detached two-storey commercial/office building, with associated parking and limited areas of landscaping surrounding. The wider area is comprised of commercial and office units of various sizes, with associated yard areas utilised in some instances for storage and deliveries, and in other instances for parking.
4. I observed the appeal site to occupy a prominent location within the Princes Park area of the Team Valley Trading Estate, with Ogilvie House particularly visible when gaining access to Princes Park from PrincesWay. The building stands alone in contrast to the context of other development within the immediate vicinity, which is predominated by 'terraces' of commercial units with multiple occupiers.
5. In this location, the erection of a 2.4 metre high black mesh fencing around the outer boundary of the entire appeal site would appear as a highly visible addition and feature within the streetscape and area. Given the largely open plan character of the land in front of and surrounding nearby units and

- buildings, the position, scale and design of the proposed fencing and gate would be of an incongruous appearance and visually obtrusive.
6. In respect of the effect on the existing trees and landscaping, on the basis of the submitted plans and my observations of the appeal site, it is evident that the proposed position and route of the fencing would conflict with the existing location of some of the landscaping located around the boundaries of the appeal site. The existing trees and planting provide an important visual softening and contrast to the predominantly hard landscaping of the area, and in this respect are important to the amenity of the area. I am satisfied that the proposed development would have the potential to have an adverse impact on the current level of provision through the need for removal, or would have an adverse impact on the health and longevity of the existing planting, to the detriment of the character and appearance of the area.
 7. I have carefully considered the appellant's assessment of the character of the area, and the contention that the proposed black mesh fencing would have a far less austere appearance than the examples of galvanised steel palisade fencing viewed elsewhere within the immediate area. Whilst I would not disagree with this assessment, it is the comparative prominence of the location and the principle of the fencing in this position which results in the adverse impact, rather than solely a question of the appropriateness of the materials as proposed.
 8. It is evident from the reference to existing approved fencing at 1 Princes Park that the context is not the same as in the case of the appeal site, with the 2014 approval being for replacement fencing rather than newly introduced. Furthermore, the amount of fencing was significantly less than as proposed, with the existing planting and trees providing a far greater level of screening in contrast with what would transpire as the resultant appearance of the appeal site. Whilst I accept that there are other examples of fenced compounds in the vicinity, I am not persuaded that these define the character of the area, or would set a justifiable or desirable precedent for the appeal proposals.
 9. In respect of the impact on the landscaping of the appeal site, whilst I have had regard to the appellant's assessment as to the poor quality of the existing landscaping, I am not persuaded that the proposed use of fencing would be justifiable as a deterrent to prevent further erosion and damage from pedestrian incursions. Furthermore, whilst I have noted the reference to the possibility of a condition requiring a further landscaping scheme, it is evident that given the relationship in particular between the pavement and position of the proposed fence, that there would not be sufficient space in which to make any meaningful additional landscape provision to screen the proposed development.
 10. On the basis of the submissions and my observations of the appeal site, I am satisfied that the proposed development would result in an adverse impact on the character and appearance of the area. As a consequence, I have found conflict with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, and saved Policy ENV3 of the Gateshead Unitary Development Plan 2007, which seek to ensure development contributes to good place-making through the delivery of high quality design, and makes a positive contribution to the established character and identity of its locality.

Other Matters

11. The appellant has drawn my attention to the nature of the business undertaken at Ogilvie House, specifically information security, as a primary justification for requiring additional security arrangements. In particular, reference has been made to the sensitive nature of information which would be held in connection with the needs of a new client.
12. I acknowledge the appellant's desire to make improvements to existing security arrangements, although I am not persuaded that the proposed fencing around the whole compound would provide the only solution or means of achieving this objective. In the absence of any compelling evidence justifying this approach, or details of other measures considered and reasons why they have been discounted, this is not a matter to which I have attached any more than limited weight in support of the proposal.
13. Furthermore, whilst I have also had regard to the appellant's contention that there would be an adverse impact on existing and future jobs and contracts, and the adverse impact that would arise in respect of the viability of the business as a whole if the fence were not constructed, there is no detailed supporting basis set out within the evidence to justify this claim. I have not therefore attached any significant weight to this contention.

Conclusion

14. For the reasons set out above, I am satisfied that the limited benefits identified would not outweigh the harm to the character and appearance of the area, and that the appeal should therefore be dismissed.

Martin Seaton

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/16/01261/FUL	Coalburns Cottages 4 Coalburns Cottages Greenside Ryton NE40 4JL	Demolition of existing garage followed by erection of new dormer bungalow with four parking spaces (as amended 16.05.2017)	Written	Appeal In Progress
DC/17/00156/COU	Site Of Scottish Motor Auctions Group Shadon Way Birtley DH3 2SA	Change of use from unused land to a hardstanding parking area with drive through route and enclosure by means of a new perimeter security fence	Written	Appeal In Progress
DC/17/00473/HHA	17 Limetrees Gardens Low Fell Gateshead NE9 5BE	First floor extensions to side and rear	Written	Appeal in Progress
DC/17/00010/FUL	Ogilvie House Princes Park Gateshead NE11 0NF	Erection of 2.4m high mesh fencing around perimeter of site. Proposal includes installation of single automatic roller gate at site entrance, single leaf pedestrian gate to east elevation and single pedestrian gate to west elevation	Written	Appeal Dismissed
DC/17/00724/HHA	26 Colegate Leam Lane Estate Felling NE10 8PN	Drop kerb from classified road to allow access to drive	Written	Appeal in Progress

DC/17/00817/ADV	Land At Askew Road West Gateshead	Removal of existing 5no illuminated 48 sheet advertising displays and replacement with 1no 48 sheet digital LED advertisement (amended 24.08.17).	Written	Appeal in Progress
DC/17/00899/COU	Da Vincis 10 Harraton Terrace Durham Road Birtley	Change of use from A3 (food and drink) to A3/A5 to allow for home delivery (amended 05/09/17).	Written	Appeal in Progress
DC/17/01109/HHA	24 Wilsons Lane Low Fell Gateshead NE9 5EQ	Proposed external rear roof terrace with bi-fold doors.	Written	Appeal in Progress
DC/17/01110/COU	321 And 323 Rectory Road Bensham Gateshead NE8 4RS	Change of use from dwelling (use class C3) to an eight- bedroom house in multiple occupation (HMO) (sui generis use)	Written	Appeal in Progress