

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Climate Change, Compliance, Planning and Transport

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 has been **one** new appeal lodged since the last committee:

DC/20/00752/FUL - York Road Fish Shop, 28 York Road, Birtley DH3 2BD
 Erection of a single storey extension to the existing hot food unit and the formation of new vehicle access to the South of the site (amended description and plans received 16.09.2020).

This was a delegated decision refused on 6 October 2021

Appeal Decisions

3. There have been **two** new appeal decisions received since the last Committee:

DC/21/00460/HHA - 3 Home Avenue, Low Fell, Gateshead NE9 6TX
 Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.

This was a committee decision refused on 12 August 2021

Appeal allowed 3 February 2022

DC/21/00732/FUL - Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding, Off Monkridge Gardens, Dunston Hill, Gateshead Borough NE11 9XE

Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).

This was a committee decision granted on 7 October 2021

Appeal allowed 8 February 2022

Appeal Costs

4. There has been **one** appeal cost decision:

DC/21/00732/FUL - Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding, Off Monkridge Gardens, Dunston Hill, Gateshead Borough NE11 9XE

Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).

This was a committee decision granted on 7 October 2021

Appeal allowed 8 February 2022

The costs have been refused

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

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

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 3.

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate

APPENDIX 2

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/20/00093/COU	Blaydon Butchers 15 Clavering Road Blaydon NE21 5HH	Change of use from cafe (Use Class A3) to a mixed use of cafe and hot food takeaway (mixed uses A3/A5)	Written	Appeal in Progress
DC/20/00752/FUL	York Road Fish Shop 28 York Road Birtley DH3 2BD	Erection of a single storey extension to the existing hot food unit and the formation of new vehicle access to the South of the site (amended description and plans received 16.09.2020).	Written	Appeal in Progress
DC/21/00460/HHA	3 Home Avenue Low Fell Gateshead	Proposed two storey extension to side elevation, porch to front elevation and construction of detached garage/store within side garden.	Written	Appeal allowed
DC/21/00525/CPL	Hillcrest Stannerford Road Ryton	CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT: Erection of two single-storey buildings within curtilage of existing dwelling to be used as games room and garden store.	Written	Appeal in progress
DC/21/00732/FUL	Lands At & To The Rear: 21 & 23 Monkridge Gardens With Disused Pavilion & Hardstanding Off Monkridge Gardens Dunston Hill	Proposed deletion of Conditions 5 and 6 (to remove footpath provision); and proposed variation of Condition 1 (approved plan suite); and Conditions 3 & 4 (materials); and Condition 9 (cycle storage); and Conditions 16 & 17 (bird & bat boxes) of extant application	Written	Appeal allowed

	Gateshead	GMBC Ref: DC/20/01183/FUL approved: 9 April 2021 for "full planning permission for the erection of 9 dwellinghouses with front and back gardens and driveway parking; new shared-surface, vehicular and pedestrian access between Numbers 21 & 23 (both retained), visitor parking area and landscaped areas (as amended 08/03/21)." (Amended 25/08/21).		
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