

**Item No:** 2  
**Application No:** 22/00456/FULH Author: Julia Dawson  
Date valid: 21 March 2022 ☎: 0191 643 6314  
Target decision date: 16 May 2022 Ward: Whitley Bay

Application type: Householder Full application

**Location: Bay View Bungalow, Norma Crescent, Whitley Bay, Tyne And Wear, NE26 2PD**

**Proposal: Installation of new 2.4m steel mesh fencing to perimeter, replacing existing approx 1.7m high steel fencing to prevent trespass. Adjustment to existing brick wall at entrance to provide manual pedestrian pass gate into property adjacent to existing powered vehicular access gates**

Applicant: Mr and Mrs English, Bay View Bungalow Norma Crescent Whitley Bay NE26 2PD

Agent: Ainsworth Spark Associates, Peter Nugent 9 Summerhill Terrace Newcastle Upon Tyne NE4 6EB

**RECOMMENDATION:** Application Refused

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### 1.0 Main Issues

1.1 The main issues in this case are;

- The impact of the proposal upon the character, appearance and setting of the listed building and the conservation area.
- The impact upon neighbouring amenity.

1.2 Consultation responses and representations received as result of the publicity given to this application are set out in the appendix to this report.

#### 2.0 Description of the Site

2.1 The site to which the application relates is a single storey detached residential dwelling located on Norma Crescent in Cullercoats Conservation Area. It has a single storey detached outhouse in the garden to the east of the main dwelling. The host site occupies a site area of approximately 0.44 hectares on the headland at the most eastern point of Norma Crescent. The application site has an open aspect and is open to wide panoramic views from the coastline and the main highway along the coast, including residential properties in the locality and pedestrians using the coastal walking routes.

2.2 It is enclosed by a 1.7m high steel mesh fence along the northern, eastern and southern boundaries and by a lower-level brick wall and pillars with timber infill panels along the western boundary facing onto Norma Crescent. Vehicular access to the host site is provided via a pair of decorative, powered, inward opening gates located within the southern part of the front boundary.

2.3 Prior to becoming a residential dwelling, the host building was a BT radiotelegraph station. The buildings on the site are listed (Grade II).

### 3.0 Description of the Proposed Development

3.1 The proposal relates to the following:

- Replacement of the existing 1.7m high steel mesh fence with a new 2.4m high modern mesh green fence to the northern, eastern and southern boundaries.
- Removal of part of the brick wall and timber panel to the right of the existing powered gates, and the construction of a new pillar to match the existing, using the retained bricks.
- Installation of a new manually-operated gate of the same style as the existing to allow access by foot. The timber top panel on the wall the wall will be re-instated to match the existing.

### 4.0 Relevant Planning History

01/01130/FUL - Change of use of main building to residential dwelling with extension including double garage. Use of listed outbuilding as ancillary to the main dwelling (no extension or alteration) Amended scheme – Approved 22.02.2002

### 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)  
National Planning Practice Guidance (NPPG) (As amended)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

## **PLANNING OFFICERS REPORT**

### 7.0 Detailed Planning Considerations

#### 7.1 National Planning Policy Framework

7.2 Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good

design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

7.3 Paragraph 130 states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

7.4 Paragraph 199 of the NPPF states when determining the impact on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be.

## 8.0 North Tyneside Local Plan (2017)

8.1 Policy S1.4 'General Development Principles' states that proposals for development will be considered favourably where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should:

- a. Contribute to the mitigation of the likely effects of climate change, taking full account of flood risk, water supply and demand and where appropriate coastal change.
- b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.
- c. Make the most effective and efficient use of available land.
- d. Have regard to and address any identified impacts of a proposal upon the Borough's heritage assets, built and natural environment; and,
- e. Be accommodated by, and make best use of, existing facilities and infrastructure, particularly in encouraging accessibility and walking, cycling and public transport, whilst making appropriate provision for new or additional infrastructure requirements.

8.2 Policy DM6.1 'Design of Development' states that applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

8.3 Policy S6.5 Heritage Assets states that North Tyneside Council aims to proactively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

8.4 Policy DM6.6 Protection, Preservation and Enhancement of Heritage Assets states that proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset's significance and character;
- b. Repair damaged features or reinstate missing features and architectural detailing that contribute to the heritage asset's significance;
- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- f. Demonstrate how heritage assets at risk (national or local) will be brought into repair and, where vacant, re-use, and include phasing information to ensure that works are commenced in a timely manner to ensure there is a halt to the decline;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed effects of the development and influencing proposals accordingly.

8.5 Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public

benefits that outweigh the harm or loss to the historic environment and cannot be met in any other way.

#### 9.0 Cullercoats Conservation Area Character Appraisal (2009)

9.1 The application site falls within Cullercoats Conservation Area. The Character Appraisal (CA) refers directly to the application site (the Marconi Wireless radio telegraphy station at Brown's Point, built 1906) as an exceptionally early and well-preserved example of a building associated with the initial development of radio telegraphy. The shape of the conservation area, formed naturally along the coastline, allows for the ability to appreciate other parts of the conservation area from afar.

#### 10.0 Supplementary Planning Documents (SPD's)

10.1 The Council's "Design Quality" SPD states that each individual property contributes to the street scene and, as a result, the overall character of an area. It advises that an analysis of the immediate surroundings should form the foundation of any design. This must consider:

- a) Whether or not the property is listed, or is contained within a conservation area;
- b) The location of the extension in relation to the public zone of the street and the nature of that streetscape;
- c) The effect that the extension will have on adjacent properties and land;
- d) The effect that the extension will have on the existing property; and
- e) The forms and scale of existing built structures near the site.

10.2 The SPD states that boundary treatments can help to contribute towards the character of an area, improve the public realm and contribute towards natural surveillance and safety. Boundary treatments are an important feature of a property whether to its front, side or rear. It encloses not only the buildings but the space between the buildings which is often a road or street. Corner properties require careful consideration to avoid a monotonous and scene; sensitive planting can be used to make street corners more attractive.

10.3 In considering the design and siting of boundary treatments, a balance has to be struck between privacy, safety and security and aesthetic considerations. Boundary treatments should relate to the property that it surrounds and be appropriate to the appearance, style and scale of the building and street scene. Where new boundary walls/fences are required, their design should match those used elsewhere locally and in particular comprise of materials and detailing which relate to the context of the site.

10.4 Further consideration should be given to dwellings within conservation areas. In this instance extensions are required to maintain or enhance the character and appearance of the area. Similarly, with listed buildings regard will be given to maintaining its special interest.

#### 11.0 Planning Officer Comments

##### 11.1 Main Issues

11.2 The main issues in this case are:

- a) The impact of the proposal upon the character, appearance and setting of the listed building and the conservation area.
- b) The impact upon neighbouring amenity.

## 12.0 Character and Appearance

12.1 The host dwelling is a Grade II listed building located within the designated Cullercoats Conservation area. As such, the impact of the proposed works to the boundary of the host site must be considered with careful regard to their impact on the setting of the listed building, the character and appearance of the host dwelling and the wider conservation area.

12.2 Firstly, with regard to the proposed replacement fence to the northern, eastern and southern boundaries, the applicant has advised that the current 1.7m high fence is neither high nor robust enough to prevent intruders. They consider that the proposed 2.4m high fence will be off-putting to climbing attempts and should prevent people cutting through the private garden, as currently happens.

12.3 The applicant considers that although the proposals are for higher fences around the cliff edges, the new fencing system has been selected to be as open as possible visually, and as robust as possible to hold up to the extreme marine environment.

12.4 The Council's Design Officer has raised concerns with regard to the height of the proposed fence, which he considers inappropriate in this location, and has recommended that it be reduced to 1.8m in height. He has also noted gaps between the fence will measure 45mm and has suggested that a larger gap would improve the appearance of the fence whilst maintaining the required security.

12.5 In response the applicant's agent has advised that an increase in height of only 100mm when compared to the existing fence will not solve the issues the applicant has with trespassers. They consider that the only way that the issue can be addressed is via the introduction of a higher fence and advise that the applicant does not wish to restrict his view of the coastline more than necessary. The applicant's agent has stated that the proposed fence is arguably less intrusive due to the increased spacing of fence posts and the fine mesh make-up of the fencing material rather than the current adhoc scaffold pole verticals and midrails. They consider that the proposed will be less visible from distant views and more attractive than the current arrangement.

12.6 The applicant's response to the concerns is noted. However, the Local Planning Authority (LPA) remains of the opinion that a fence with a height of 2.4m in this exposed headland location where it is visible from many public vantage points in the surrounding conservation area and from further afield is inappropriate. Whilst the LPA is supportive of the principle of a replacement fence, understands the reasons why the application has been submitted and does not seek to see the existing fence retained or replicated, it is noted that due to its lower height it is less incongruous in this very visible headland location.

12.7 It is considered that the proposed fence, as a result of its significant height, will represent a highly incongruous feature. This will not relate well to the host building, immediate street scene or the surrounding conservation area. Indeed, it will result in harm to the setting of the listed building and the character and appearance of the conservation area, harming views from both within and outside the conservation area.

12.8 The proposed works to the front boundary treatment facing west onto Norma Crescent will follow the same design as the existing gates and boundary treatment and are considered to be acceptable.

### 13.0 Impact on Amenity

13.1 Whilst the proposed new 2.4m high fencing and works to the front boundary treatment will be visible from the front gardens and windows of several surrounding dwellings, it is not considered that either element of the scheme will result in such significant harm to the existing standard of residential amenity enjoyed by the occupants of these dwellings refusal of the application would be justified on these grounds.

13.2 Neighbouring occupiers have been consulted and no objections have been received.

13.3 With regard to the above the impact of the proposed development on neighbouring amenity is considered to be acceptable.

### 14.0 Local Financial Considerations

14.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

### 15.0 Conclusion

15.2 The proposed 2.4m high fencing, by virtue of its height and prominent location on the headland at the eastern most point on Norma Crescent, will represent a highly incongruous and intrusive feature to both the setting of the listed building, and to the character and appearance of the conservation area and street scene in general. As such the development fails to accord with the Council's 'Design Quality' SPD, Local Plan policies S1.4, DM6.1, S6.5, DM6.6, the Cullercoats Conservation Area Character Appraisal (2009) and advice within NPPF.

14.3 On balance, and with regard to all of the above, refusal is recommended.

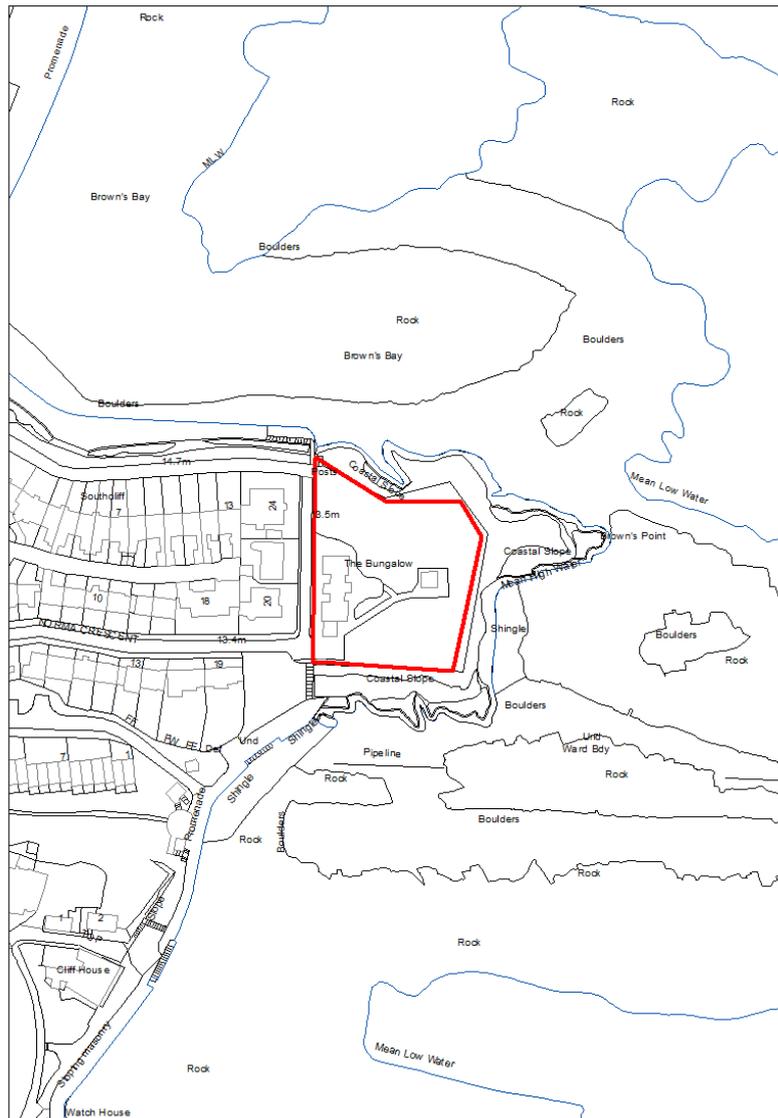
**RECOMMENDATION:     Application Refused**

**Conditions/Reasons**

1. The proposed 2.4m high fencing, by virtue of its height and prominent location on the headland at the eastern most point on Norma Crescent, will represent a highly incongruous and intrusive feature to both the setting of the listed building, and to the character and appearance of the conservation area and street scene in general. As such the development fails to accord with the Council's 'Design Quality' SPD, Local Plan policies S1.4, DM6.1, DM6.2, S6.5, DM6.6, the Cullercoats Conservation Area Character Appraisal (2009) and advice within NPPF.

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

The Local Planning Authority offered solutions to the applicant in order to make the development acceptable. The applicant was however unwilling to amend the plans. Without these amendments the proposal would not improve the economic, social and environmental conditions of the area and therefore does not comprise sustainable development. In the absence of amendments or conditions which could reasonably have been imposed to make the development acceptable it was not possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



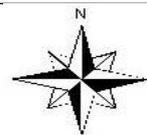
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**Proposal: Installation of new 2.4m steel mesh fencing to perimeter, replacing existing approx 1.7m high steel fencing to prevent trespass. Adjustment to existing brick wall at entrance to provide manual pedestrian pass gate into property adjacent to existing powered vehicular access gates**

Not to scale

Date: 21.07.2022

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**Appendix 1 – 22/00456/FULH  
Item 2**

**Consultations/representations**

1.0 Ward Councillors

1.1 Councillor John O'Shea (Whitley Bay)

1.2 In the event that the application is not approved, I wish the application to be considered by the Planning Committee.

2.0 Internal Consultations

2.1 Conservation

2.2 This is a grade II listed building situated within Cullercoats Conservation Area.

2.3 To the front of the property, a new pedestrian access point is proposed adjacent to the existing vehicle access gates. This will follow the same design as the existing gates and is acceptable.

2.4 To the side and rear of the site, an existing steel fence is proposed to be replaced and raised in height. It is unattractive and in need of repairs in places. The replacement fence is a modern mesh style. This style of fence would not normally be associated with residential dwellings, however on this site there is a desire to maintain a view through the fence while also enhancing security. It is considered that this could be achieved with a lower mesh fence than proposed.

2.5 A 2.4-meter fence is considered inappropriate, and a 1.8-meter-high fence is recommended. The gaps between the mesh measure 45 mm; a larger gap would improve the appearance of the fence while maintaining the desired security. This should be reviewed. The fence is proposed to be green which is acceptable.