

PLANNING COMMITTEE

AGENDA



Wednesday 12th November 2025

at 10:30 am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Bailey-Fleet, Boddy (C), Dunbar, Feeney, Jorgeson, Little, Napper, Oliver, Roy (VC) and Thompson

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 15th October 2025.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Neighbourhoods and Regulatory Services*

1. H/2025/0196 Young's Fish Shop, 32 the Front (page 1)
2. H/2025/0140 Alvin House, 9 South End (page 13)

5. ITEMS FOR INFORMATION

- 5.1 Update on Enforcement Actions – *Director of Neighbourhoods and Regulatory Services*
- 5.2 Planning Appeal – Plot 3 Manor Park, Rear of Milbank Close, Land at Fens – *Director of Neighbourhoods and Regulatory Services*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone.

The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

7. **FOR INFORMATION**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 10th December 2025.

FOR INFORMATION

Date of next meeting – 10th December 2025 at 10:00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

15th OCTOBER 2025

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool.

Present:

Councillor: Moss Boddy (In the Chair)

Councillors: Martin Dunbar, Tom Feeney, Michael Jorgeson, Sue Little, Amanda Napper, Karen Oliver, Aaron Roy (VC), Carole Thompson.

Officers: Sarah Scarr, Head of Service (Heritage and Open Spaces)
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DM) Team Leader
Scott Parkes, Consultancy Manager
Jade Harbottle, Senior Planning Officer
Peter Frost, Highways, Traffic and Transport Team Leader
Umi Filby, Principal Property, Planning, Commercial Solicitor
Claire Mcpartlin, Democratic Services and Legal Support Officer

30. Apologies for Absence

Apologies were submitted by Councillor Hargreaves.

31. Declarations of interest by members

None.

32. Confirmation of the minutes of the meeting held on 20th August 2025

Confirmed.

33. Planning Applications (*Assistant Director, Neighbourhood Services*)

Number: H/2025/0144

Applicant:	JENNIFER NYESOM PRIMROSE DRIVE LEEDS
Agent:	RHEMUA DESIGN MR DANIEL MZIRAY 12 PRIMROSE DRIVE LEEDS
Date Received:	12/05/2025
Development:	Change of use to a children's home
Location:	72 BRENDA ROAD HARTLEPOOL

The Senior Planning Officer outlined the application. The officer recommendation was to approve the application subject to conditions listed within the report.

The Chair highlighted to Members this application was to only be considered on planning grounds. This was reiterated at a further point in the meeting to ensure members only considered their decision with regard to planning issues and matters.

The agent representing the applicant was present at the meeting and addressed the Committee seeking support of the application. The proposal had not raised any objection from consultees. It was acknowledged that objections had been received from several local properties. The agent assured Members that the home would adhere to Ofsted registration and safeguarding protocols. A contact line would be available for neighbours to raise any concerns. The agent confirmed it would not contribute to nitrate pollution, there is no increase in occupants and would not generate excessive traffic and noise.

In response to Members' queries, the following points were noted:

- Prior to the application being submitted, consultation had taken place with Children's and Adults Social Care. The applicant had tried to consult with immediate neighbours but had been unsuccessful to date.
- The child that would be residing in this property would not have severe learning or clinical needs.
- Appropriate equipment would be hired for the property.
- The property would be fitted with secure entry systems.
- Assessments are completed prior to a plan being agreed for the safe care of an individual. Risk assessments would be in place to mitigate any safety concerns. As part of the assessment the suitability for the child to be placed within this property would be determined.
- The applicant had experience in this field and was delivering the same services in Bradford and Wakefield.

In general discussion a Member commented on the increase in applications for change of use from family dwelling to a home providing care. Concerns were raised in terms of the connectivity with the community around this as part of the social objective within the National Planning Policy Framework.

A Member noted that the location of this property was on a busy and narrow road with a barrier between the property and the road. This could be problematic if the child was to require school transport. Parking is limited in this area and would not be suitable for school transport to provide pick up and drop offs as well as parking for the staff working within the property.

Members queried whether the property would be suitable for the child's needs in terms of the layout. The bathroom within the property was located on the ground floor and bedrooms were on the first floor. The agent had discussed the potential for hiring equipment such as a stair lift. It was noted due to the narrow staircase, a member of staff would be unable to accompany the child up the stairs which raised safety concerns.

A Member also noted that in line with safety and security there would be an impact on the character and appearance of the house which would change the aspect of the area.

Councillor Boddy moved that this application be approved as per the officer recommendation. This was seconded by Councillor Thompson.

Those for – None.

Those against – Councillors Boddy, Martin Dunbar, Tom Feeney, Michael Jorgeson, Sue Little, Amanda Napper, Karen Oliver, Aaron Roy, Carole Thompson.

Those abstaining – None.

Councillor Thompson moved that this application be refused on planning considerations relating to the adverse effect on the adjacent highway and the detrimental impact on the character of the surrounding residential area. This was seconded by Councillor Boddy.

Those for – Councillors Boddy, Martin Dunbar, Tom Feeney, Michael Jorgeson, Sue Little, Amanda Napper, Karen Oliver, Aaron Roy, Carole Thompson.

Those against – None.

Those abstaining – None.

The application was, thereby, refused.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development would result in a detrimental impact on the character of the area by virtue of introducing a C2 Residential Institution use within a residential area, contrary to Policy QP4 of the Hartlepool Local Plan 2018 and paragraph 135 of the NPPF.
2. In the opinion of the Local Planning Authority, the proposed development would constitute an unacceptable form of development by virtue of the lack of in curtilage car parking to serve the use, that would have the potential to exacerbate traffic and parking in the area to the detriment of highway and pedestrian safety, contrary to Policy QP3 of the Hartlepool Local Plan 2018 and paragraphs 115 and 135 of the NPPF.

Members considered representations on this matter.

Number:	H/2025/0196
Applicant:	MRS CATHARINA HODGMAN 32 THE FRONT HARTLEPOOL
Agent:	MRS CATHARINA HODGMAN YOUNGS FISH SHOP 32 THE FRONT HARTLEPOOL
Date Received:	12/06/2025
Development:	Advertisement consent for the installation of 1no. externally illuminated fascia sign to replace existing sign

The Planning (DM) Team Leader outlined the application. The officer recommendation was to refuse the application. It was the opinion of the Local Planning Authority; the proposed advertisement would be out of keeping with the character and appearance of the host property and surrounding Conservation Area.

The Applicant was present at the meeting and addressed the Committee seeking support of the application. The current sign had been up for 10 years, and the applicant expressed concerns from a health and safety perspective given the age of the sign. The

proposed design for the new sign included a smaller sign with downlighting. The applicant indicated that the sign would be wooden and more traditional similar to what had been used previously.

In response to Members' queries, the following points were noted:

- The proposed sign would be made from Diabond, this is a man-made material and not wood. The sign would be similar to the existing sign but smaller in size.
- If the sign was to be traditionally painted it would not last due to the exposure to the elements faced in this location.

It was noted by the Planning (DM) Team Leader that the design submitted as part of the application had been deemed unacceptable by officers. The proposed design is bigger than what would be expected from a traditional shop sign. In this context, the Planning (DM) Team Leader reiterated the requirements of the Council's Shop Fronts and Commercial Frontages Design Guide SPD (2014) and highlighted a picture within the power point presentation of a sign present to the front of the application building from circa 2009 which showed what officers considered to be a suitable scale, design and appearance of an advert. The Planning (DM) Team Leader advised that officer would strongly advocate any replacement signage to be of a similar appearance to the previous sign that was present on the building.

In general discussion it was noted that conservation is a key aspect of heritage as Seaton is a traditional seaside resort. A Member commented that some paint was able to withstand exposure to the elements and it would be preferable to use a traditional signwriter rather than modern materials. A Member commented that other businesses in Seaton have neon lights and 3D letters as part of their signage.

Councillor Roy proposed to defer this application to allow for discussions between the applicant and the Planning Team to look at the measurements and materials, taking into account the heritage concerns raised by Members. This was seconded by Councillor Jorgeson.

Those in favour – Councillors Boddy, Martin Dunbar, Michael Jorgeson, Sue Little, Amanda Napper, Aaron Roy, Carole Thompson.

Those against – Councillors Tom Feeney, Karen Oliver.

Those abstaining – None.

Decision: Deferred

Members considered representations on this matter.

34. Planning Appeal – Land North of the A179 and West of Tremaine Close *(Assistant Director, Neighbourhood Services)*

A planning appeal in respect of erection of single-story dwelling with three car garage and access and drainage works. The appeal was dismissed. A copy of the Inspector's decision was attached at Appendix 1.

Decision

That the report be noted.

35. Planning Appeal – Caravan at Brierton Moorhouse Stables, Dalton Back Lane *(Assistant Director, Neighbourhood Services)*

A planning appeal had been submitted against the Council's decision to refuse an application for a Certificate of Lawfulness for Existing Use or Development (CLEUD) in respect of the retention of an existing domestic residential caravan on site. The application was refused by Planning Committee at their meeting on 24th April 2025. The reasons were detailed within the report.

Decision

That the report be noted.

36. Enforcement Notice Appeal – Caravan at Brierton Moorhouse Stables, Dalton Back Lane *(Assistant Director, Neighbourhood Services)*

An enforcement notice appeal had been submitted against the Council's decision to issue an enforcement notice in respect of the sitting of a residential unit and a truck body at the appeal site. The enforcement notice was issued on 15th July 2025. The reasons were detailed within the report.

Decision

That the report be noted.

37. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items of business should be considered by the Committee as a matter of urgency in accordance with the provisions of

Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

Minute 38 – Lawful Development Certificates Training

38. Lawful Development Certificates Training

The Planning and Development Manager advised training would take place at prior to the next Planning Committee scheduled for Wednesday 12th November 2025 regarding Lawful Development Certificates.

The meeting concluded at 11:20 am.

CHAIR

No: 1.
Number: H/2025/0196
Applicant: MRS CATHARINA HODGMAN, 32 THE FRONT,
 HARTLEPOOL, TS25 1BS
Agent: MRS CATHARINA HODGMAN, YOUNGS FISH SHOP,
 32 THE FRONT, HARTLEPOOL, TS25 1BS
Date valid: 12/06/2025
Development: Advertisement consent for the installation of 1no.
 externally illuminated fascia sign to replace existing sign
Location: YOUNGS FISH SHOP, 32 THE FRONT, HARTLEPOOL

PURPOSE OF REPORT

1.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

1.2 The application was deferred at the planning committee meeting of 15th October 2025 to allow officers to engage with the applicant to seek an amended design and scale of signage to reflect the discussions of the planning committee meeting.

1.3 The applicant has since provided amended details (set out in full below) and appropriate re-consultations have been undertaken (as detailed below) and the report updated to reflect the consideration of the amended details.

BACKGROUND

1.4 The following applications are considered relevant to the application site:

HADV/1958/0540 - Erection of illuminated hanging sign. Approved 20/12/1985.

HFUL/1992/0453 - Erection of rear first floor kitchen and bathroom extension and external access stairs. Approved 14/10/1992.

HFUL/1992/0559 - Installation of new shop front. Approved 20/01/1993.

H/2016/0261 - Display of illuminated sign (retrospective application). Approved 25/08/2016.

H/2018/0284 - Installation of replacement windows (retrospective application). Refused 04/10/2018. The application was later dismissed at appeal, APP/H0724/C/18/3215099, appeal decision date 10/07/2019.

PROPOSAL

1.5 The application proposes the installation of an illuminated sign to the shop front of Young's Fish Shop, 32 The Front, Seaton Carew. The proposal would replace an existing sign that was granted retrospective advertisement consent (H/2016/0261) at planning committee in 2016 (approved contrary to officer recommendation).

1.6 The proposed sign has been amended since the application was considered at the planning committee meeting of 15th October 2025 (where the officer recommendation was to refuse the application). The amended proposed sign would be sited approximately 3.5 metres above ground level, and would be rectangular in shape, measuring approximately 5.1 metres wide and 0.6 metres tall and would be set back to the original sign and comprise hand painted lettering onto a replacement timber fascia panel within the existing shop front. Owing to its angle, the top edge would project approximately 0.6 metres from the shop front, whilst the bottom edge would be flush with the front of the shop windows. The amended details include the replacement of the two decorative corbels (one at each side of the proposed sign).

1.7 The submitted plans indicate that the board would be hand-painted with the background being 'flute blue' and the lettering being a mixture of 'schooner blue' and white.

1.8 The applicant has confirmed that the proposed sign would be externally illuminated by 6no. LED down lights, which would be installed facing downwards in an overhanging lip at the top of the fascia. The applicant indicates that the overhanging lip forms part of the existing, timber fascia of the traditional shop front. As such, it is taken the proposal would include alterations in the form of the drilling of holes into the timber frame to accommodate the downlights.

1.9 The amended proposed sign replaces the previously proposed signage which was constructed from aluminium composite and measures approximately 5.7 metres in length (thereby spanning the full width of the shop front and not including corbels), by approximately 0.7 metres in width.

1.10 The application has been referred to be determined in the planning committee following a request from a Local Ward Councillor, in line with the Council's Scheme of Delegation.

SITE CONTEXT

1.11 The host property, 32 The Front, is an east-facing, three-storey, mid-terrace, hot food takeaway within the Seaton Carew Conservation Area.

1.12 It is characterised by a glazed, timber-framed shop front with two access doors (one providing access to the fish shop and another providing access to the upper floors). A first-floor bay window sits above this.

1.13 The shop front features an existing sign which is not currently illuminated (albeit the associated retrospective advertisement consent for this sign included an

external trough light/illumination). Its width spans the full width of the existing shop front, though its height is greater at approximately 0.98 metres.

PUBLICITY

1.14 The application has been advertised by way of six neighbour letters, a site notice, and an advert in the local press. To date, no responses have been received from members of the public.

1.15 As noted above, further consultations were issued following receipt of amended plans/information. The period for publicity expires on 11/11/2025 and Members will be updated on any additional responses received at the committee.

1.16 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165547>

CONSULTATIONS

1.17 The following consultation replies have been received.

HBC Heritage & Open Spaces:

Original comments received in respect to the previously proposed signage:

The application site is located in the Seaton Carew Conservation Area. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 219, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 203 & 210, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal is a replacement fascia sign. There currently exists a sign on the property which is over sized and covers the fascia and part of the above bay window, dominating the frontage of the building.

The Shop Front and Commercial Premises Design Guide which provide the following guidelines with regard to signage,

New signs on existing shop fronts should be in proportion and scale with the whole of the building as well as the shop front itself.

Site signs carefully on the property to ensure that they do not obscure architectural features on the shop front or building.

Choose signage which will reflect the character of the building and the wider area.

As with all signage restraint is the key as excessive amounts can reduce the individual message and introduce unnecessary clutter.

Lettering and graphics should be clear, simple and in proportion to the type of sign.

The photo showing the proposed sign suggests that this will cover architectural details and appears to stray onto the neighbouring premises. This would appear to be an opportunity to provide a sign which does fit within the existing fascia board, including allowing any architectural details which remain, such as corbels and pilasters to either side of the shop to be uncovered. Ideally the sign would be of a traditional detail and hand painted or individual letters on a painted fascia board, as those seen elsewhere in the area.

It is considered that in the current form the proposal will cause less than substantial harm to the designated heritage asset (NPPF, 215). This is due to the size of the sign, obscuring architectural details and not fitting within the existing shop front. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated comments received 27/10/2025 following receipt of amended plans/information:

This appears to be an improvement on the previous proposed works. It's welcomed to see the reduced fascia sign and the proposal to place corbels either side of this to restore detailing that is currently lost. A hand painted sign with appropriately located lighting would address the concerns that have been raised. If it was to go forward I would suggest that the work is conditioned to understand how the lights will be integrated into the shopfront and the final details and positioning of the corbels but in principle I would have no objections.

Update 28/10/2025 following clarification from the applicant and discussions with the case officer regarding potential planning conditions regarding painting the fascia and the installation of lighting:

I think that sounds like a good solution and I'd be happy to support that.

HBC Traffic & Transport: There are no highway or traffic concerns.

HBC Landscape Architect: There are no landscape issues with the proposed development.

HBC Public Protection: No comments received.

Civic Society: No comments received.

PLANNING POLICY

1.18 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Hartlepool Local Plan

1.19 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

LS1: Locational Strategy
 LT3: Development of Seaton Carew
 SUS1: The Presumption in Favour of Sustainable Development
 QP4: Layout and Design of Development
 QP6: Technical Matters
 QP8: Advertisements
 RC1: Retail and Commercial Centre Hierarchy
 RC16: The Local Centres
 HE3: Conservation Areas

1.20 Shop Fronts and Commercial Frontages Design Guide SPD (2014)

National Planning Policy Framework (NPPF, 2024)

1.21 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a strong reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA039: Decision making

PARA048: Determining applications

PARA085: Building a strong competitive economy

PARA090: Ensuring the viability of town centres

PARA092: Considering edge of town centre proposals

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA139: Achieving well-designed places - advertisements

PARA141: Achieving well-designed places

PARA207: Conserving and enhancing the historic environment

PARA208: Proposals affecting heritage assets

PARA210: Proposals affecting heritage assets.

PARA212: Considering potential impacts on heritage assets.

PARA213: Considering potential impacts on heritage assets.

PARA215: Considering potential impacts on heritage assets.

PARA216: Considering potential impacts on heritage assets.

PARA219: Considering potential impacts on heritage assets.

PLANNING CONSIDERATIONS

1.22 Paragraph 141 of The National Planning Policy states that:

“The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls

the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

1.23 As such, the main planning considerations in respect to this application are the impact on the amenity of the surrounding area (including the impact on the Seaton Carew Conservation Area and the amenity of neighbouring land users) and the impact on public safety.

IMPACT ON AMENITY OF THE SURROUNDING AREA

1.24 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 219 of the National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area.

1.25 Local Plan Policy HE3 (Conservation Areas) states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

1.26 Local Plan Policy QP4 (Layout and Design of Development) requires, amongst other provisions, that proposals should be of an appropriate size, design and appearance in keeping with / sympathetic to the host property and the character of the surrounding area.

1.27 Local Plan Policy QP8 (Advertisements) states that the LPA will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. This includes an assessment of the impact of the advertisement either individually or by a resultant cumulative effect upon the building/land on which it is to be displayed or upon the surrounding area.

1.28 It is further noted that the Council's Shop Front and Commercial Frontages SPD (2014) states that signage should be in proportion with the scale of the shop front and the building as a whole; that it should not obscure architectural features on the shop front and the building as a whole; that it should reflect the character of the host property and surrounding area; that it should be designed in a way which minimises clutter; and that lettering and graphics should be clear, simple and in proportion to the type of sign.

1.29 The host property features a traditional, timber-frame, glazed shop front. Such shop fronts are considered important to the character of the Conservation Area. The Council's Head of Service for Heritage and Open Space has commented that the Conservation Area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alterations to windows, doors, shop fronts, and signs

1.30 As noted in the Background section of the report, the application has been amended following the previous planning committee meeting whereby consideration of the application was deferred to allow further discussions to take place with the applicant and to take account of the discussion and concerns raised by Members during the meeting.

1.31 As such, the proposals have been amended from the previously proposed signage comprising aluminium composite sheeting, and the proposed sign now comprises hand painted signage on a timber fascia panel to be affixed to the existing shop front. In addition, the proposed signage has been shortened to a width of approximately 5.1 metres and includes the installation of replacement corbel detailing to each side of the proposed signage, allowing the proposed sign to 'fit' within the original shop front/dedicated fascia panel which was illustrated in the powerpoint/handout to Members at the committee meeting and based on historic google street view images of the shop frontage from circa 2009.

1.32 The Council's Head of Heritage and Open Spaces commented that the original proposal, being not of a traditional design using traditional materials, would obscure the fascia of the traditional shop front, and cause 'less than substantial' harm to the Seaton Carew Conservation Area and that no information was provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

1.33 Accordingly, the Council's Head of Service for Heritage and Open Spaces has been consulted on the amended proposed signage and has commented that it is welcomed to see the reduced fascia sign and the proposal to place corbels either side of this to restore detailing that is currently lost. A hand painted sign with appropriately located lighting would therefore address the concerns that have been raised. Following further clarification between the case officer and the applicant with regards to the 6 spotlights being installed flush within the existing shop front overhang and the signage being painted onto a timber fascia panel to be affixed to the shop front, the Council's Head of Service for Heritage and Open Spaces has confirmed no objections in principle, subject to appropriately worded planning conditions to ensure that the lighting is an appropriate colour ('warm white' or other similar, suitable colour) and installed flush with the overhanging shop front, and that the corbels are installed and painted an appropriate colour. Such conditions are recommended accordingly, and the proposal is considered to be acceptable in this respect.

1.34 Accordingly, it is considered that the proposed replacement signage would not result in a significant adverse impact on the privacy or amenity of neighbouring occupiers owing to the established siting of the shop front (and signage) and its relationship to the surrounding properties (including the first floor flat and associated bay window), whilst the proposals would not significantly alter the footprint of the property and would not therefore have any significant implications regarding light or outlook for neighbouring occupiers. Furthermore, no objections or comments have been received from HBC Public Protection.

1.35 The proposal (as amended) is therefore considered acceptable when considering the requirements of Policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), the Council's Shop Fronts and Commercial Frontages Design Guide SPD (2014) and paragraphs 208, 210, 212, 213, 215, 216, and 219 of the NPPF (2024).

PUBLIC SAFETY

1.36 Local Plan Policy QP8 (Advertisements) states that the LPA will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. This includes an assessment of the impact upon public safety, and in particular whether the advertisement itself, or the location proposed, is likely to be so distracting or impacts upon site lines that it creates a hazard.

1.37 The proposed advert would be affixed to the existing shop front at ground floor level. HBC Traffic & Transport was consulted on the original proposal, raising no objections. Whilst any further comments are awaited at the time of writing (in response to the amended plans), given the similar scale and positioning of lighting to the original proposal (where no highway objections were raised), the proposal is considered acceptable in relation to its impacts on public and highway safety.

CONCLUSION

1.38 In view of the above considerations and subject to the recommended planning conditions (as set out above), the proposal (as amended) is generally considered to be acceptable when considering the requirements of Policies QP4, QP8, and HE3 of the Hartlepool Local Plan (2018), the Council's Shop Fronts and Commercial Frontages Design Guide SPD (2014), and paragraphs 208, 210, 212, 213, 215, 216, and 219 of the NPPF (2024). It is therefore recommended the application is conditionally approved.

EQUALITY DUTY

1.39 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

CRIME AND DISORDER ACT IMPLICATIONS

1.40 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.41 In this instance, there are no Section 17 implications.

REASON FOR DECISION

1.42 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – subject to the consideration by officers of any comments received in respect of a consultation outstanding at the time of writing, that Members be minded to **APPROVE**, subject to the following conditions:

1. The express consent is granted for the display of “1no. externally illuminated fascia sign to replace existing sign” as applied for. The consent is for five years from the date of this decision and is subject to the five ‘standard conditions’ set out in Schedule 2 of the Town and Country Planning (Control of Advertisements) Regulations 2007.

In the interest of visual amenity.

2. The development hereby permitted shall be carried out in accordance with the plans and details: Location Plan (at a scale of 1:500), Block Plan (‘Youngs Fish’, scale 1:200), received by the Local Planning Authority on 12th June 2025; Picture No. 1 (featuring proposed signage details), the sectional drawing and installation details, and the document showing ‘corbel photo’ and ‘corbel sizes’, received by the Local Planning Authority on 24th October 2025.

For the avoidance of doubt.

3. The approved signage hereby approved shall be hand painted onto a timber fascia panel affixed to the existing shop front and in accordance with the details set out in condition 2 (approved plans) of this decision notice. The approved corbels shall be affixed to the shop front and shall be painted in a colour to match the signage (flute blue) in accordance with the ‘cover letter’ and the document showing ‘corbel photo’ and ‘corbel sizes’, both received by the Local Planning Authority on 24th October 2025.

In the interests of visual amenity and to protect the character of the Conservation Area.

4. Notwithstanding the submitted details, the 6no. spotlights shall be installed flush with the overhanging shop front fascia in accordance with the ‘cover letter’ received by the Local Planning Authority on 24th October 2025, and shall be illuminated with “warm white” colour lighting unless any alternative similar colour is submitted to and approved in writing with the Local planning Authority.

In the interests of visual amenity and to protect the character of the Conservation Area.

BACKGROUND PAPERS

1.43 Background papers can be viewed by the ‘attachments’ on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165547>

- 1.44 Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

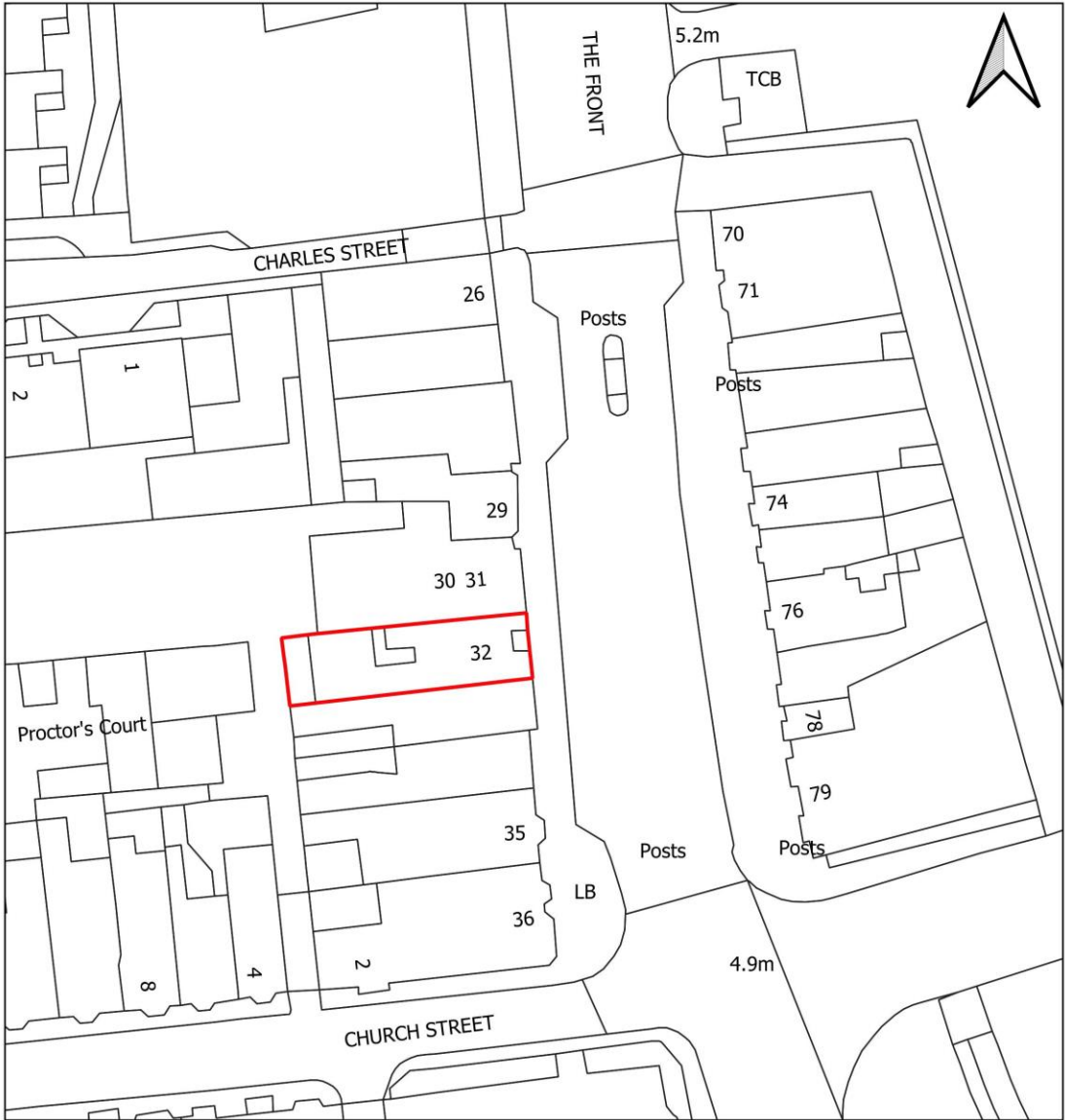
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THIS PLAN IS FOR IDENTIFICATION PURPOSES ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN LH	DATE 25/09/2025
	Scale 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DWG.NO H/2025/0196	REV

No: 2.
Number: H/2025/0140
Applicant: MR BORTHWICK 9 SOUTH END, HARTLEPOOL, TS25 1DB
Agent: WARDMAN BROWN MR CHRIS BROWN 62 DUKE STREET, DARLINGTON DL3 7AN
Date valid: 10/06/2025
Development: Erection of entrance porch and the erection of a fence (part retrospective)
Location: ALVIN HOUSE 9 SOUTH END, HARTLEPOOL

PURPOSE OF REPORT

2.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 The following planning applications are considered to be relevant to the current application;

HFUL/1990/0241 - Change of use to bed and breakfast accommodation and alterations and erection of a rear kitchen and dining room extension with bedrooms over – Approved 03/08/1990.

HFUL/2003/0520 - Change of use from Guest House to dwellinghouse – Approved 27/08/2003.

PROPOSAL

2.3 The application seeks retrospective planning permission for the erection of a front entrance porch and the erection of a fence to enclose the front garden.

2.4 The front porch (as built) projects from the front (east) elevation by approximately 2 metres in depth and extends in width by approximately 2.9 metres. The porch has a pitched roof, with an eaves height of approximately 2.9 metres and a maximum height of approximately 3.6 metres.

2.5 The front elevation of the porch has a window measuring approximately 0.9 metres in width x approximately 2.1 metres in height, and the side (north) elevation features an entrance door. The external walls of the porch are constructed from red brick, and the window and door are white UPVC. The roof is constructed from double roman clay tiles.

2.6 The boundary treatment as erected (and initially proposed on submission of the retrospective application) comprises of a close boarded timber fence which

surrounds the perimeter of the grassed garden area to the front of the host property and measures approximately 2.4 metres in height. The plans indicate that this approximately 2.4m high fence replaced a previous low (1.2m) boundary fence along the northern boundary and an approximately 1.8m high fence along part of the southern boundary, that formerly enclosed the front garden area, albeit the extent of the enclosed area (subject to this application) is larger than the previous enclosed garden, with the fencing enclosing part of an existing 'gravel parking/turning area'. The original submitted plans indicated that the erected fence would be reduced to approximately 2 metres in height.

2.7 This element of the scheme (to reduce the unauthorised erected 2.4m high fence down to 2m in height) has been amended following concerns raised by officers and the consultation comments from the Council's Head of Heritage and Open Spaces and the case officer subsequently requested that the entire boundary treatment be reduced to a height of approximately 1 metre.

2.8 In response, the applicant's agent provided amended proposed plans, which shows the existing, unauthorised (approx.) 2.4 metre high timber fencing as being reduced in height to approximately 1 metre. An approximately 0.6m high fence would sit on top of the existing dwarf brick wall along the southern boundary and adjacent to the retained/remaining car parking/gravel area (overall height approximately 1m). The plans also indicate a yew hedge to be planted and maintained at an approximate height of 2 metres and additional tree planting internally. Such planting works do not require planning permission.

2.9 The application has been referred to be determined in the planning committee due to the number of objections received (more than 2), in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.10 The application site relates to an end of terrace, two storey dwelling within the Seaton Conservation Area. The site features amenity space to the front, and benefits from off-street parking (located beyond the enclosed front garden). A number of trees are present to the front of the site adjacent to the car parking area.

2.11 The external walls of the host dwelling are finished in white render, with the roof being finished in greyish concrete tiles. Prior to the boundary enclosures being erected which forms part of this application, the previous and established front and side boundary is understood to have consisted of a fence to the side boundaries measuring approximately 1.2 metres on the northern side, with low level brick walls to the front measuring approximately 0.9 metres in height and approximately 1.8m high fence along part of the southern boundary. Low-level boundary treatments are common with other boundaries throughout the street scene of South End.

2.12 The host property adjoins no. 8 South End to the side (north), which forms part of a small terrace (No's 5 to 8, inclusive) that are Grade II Listed Buildings, while flats 9 to 20 Regal Close are to the rear (west). To the side (south), the site is bounded by a highway and a parcel of open space with flats no. 1 to 8 (inclusive) Regal Close beyond.

PUBLICITY

2.13 The application has been advertised by way of a press advert, site notice and 22 neighbour notification letters (which include flats). Following receipt of amended plans to reduce the height of the boundary fence to the front, a full re-consultation was undertaken.

2.14 To date, there have been three responses (including more than one objection from the same person/address), two of which are in the form of an objection which are summarised as follows:

- The fence has been erected too high,
- The proposals are not in keeping with the conservation area,
- The fence is in a prominent position as you enter Seaton Carew,
- The fence looks industrial rather than residential,
- The height of the fence is not in line with that permitted,
- The fence negatively impacts the overall visual impression of the terrace of houses,
- The fence blocks the light to the adjacent property,
- The adjacent properties are listed buildings so regard for the sensitivity of the buildings should have been made,
- A number of other concerns were raised regarding damage to neighbouring property, and the use of scaffolding. These amount to civil/non-planning matters and are therefore not considered further within this report.

2.15 In addition, another response was received indicating they do 'not object' although it raises a number of concerns. This can be summarised as follows:

- Disappointed that the porch was constructed without any consideration to the buildings location within the Seaton Carew Conservation Area.
- The fence in its current form is ugly, overbearing and unnecessarily over-engineered
- The fence is completely out of character with the row of houses to which no. 9 is attached, which are all Grade II listed buildings.
- The fence itself overshadows the front windows of No.8 South End and must impact on the light to the front of the property.

2.16 Background papers can be viewed via the 'click to view attachments' link on the following public access page:
<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165087>

2.17 The period for publicity has expired.

CONSULTATIONS

2.18 The following consultation replies have been received:

HBC Heritage and Countryside: The application site is located in Seaton Carew Conservation Area and adjoins a row of grade II listed buildings, both of which are

considered to be designated heritage assets. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 219, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 203 & 210, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

Attention should be paid to the desirability of preserving the setting of a listed building in accordance with section 66(1) of the 1990 Act. The NPPF looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 212, NPPF).

Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs, and the impact of the Longscar site, a substantial vacant space on the boundary of the conservation area.

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

The proposal is a retrospective application for the erection of a boundary fence to the front of the property and a porch.

The boundary fence is a close boarded timber fence, to the immediate front of the house a private space has been created where it is proposed the current 2.4m fence will be reduced to a height of 2m. To the remainder of the space, a proposed parking area, the fence is reduced in height to 0.9, on top of an existing dwarf wall and 1.2ms respectively.

Surrounding properties have varying boundary treatments the immediate neighbour has a low boundary fence, with planting used to create privacy. More widely in the terrace low walls are the predominant boundary treatment of small front hard standing.

It is noted that the applicant is proposing to reduce the fence closest to the property in height, however this remains a dominant feature in the street scene, particularly given the prominence of low boundary treatments elsewhere in this terrace. Further to this, whilst not part of the original South End houses, the later development to the south of the side (Regal Close) is open plan and therefore more broadly within this area, such a high fence is out of character.

With regard to the porch, whilst the house is rendered, this addition is a contrasting paler, stone coloured brick. A long window is on the main elevation, with the door located to the side. It has a low, pitched roof and sits tightly between the two ground floor windows.

Whilst this property and the terrace itself sits some distance from the public footpath and views are therefore limited, it remains visible. Further to this it is accepted that the design of the property is different to those in this street, but it does still sit within the conservation area, and more widely, porches are not a feature commonly seen. Within this context, the proposal is a somewhat bulky and incongruous addition to the front elevation. The relocation of the door to the side of the extension and the insertion of the large window unbalances the simple fenestration arrangement.

It is considered that the proposed works would cause less than substantial harm to the designated asset that is Seaton Carew Conservation Area.

This property formed the setting for the adjacent listed buildings. Previously whilst of a different design as noted above, its simple elevation arrangements, and low boundary wall had a neutral impact on the neighbouring properties. The erection of the fence and porch, both dominant additions, draw attention to the property and unbalance the common features of the terrace, it is therefore considered that these also cause less than substantial harm to the setting of the listed building.

Updated comments received 05/09/2025 following the receipt of amended plans:

The proposed reduction in the height of the fence is welcomed and it is considered that if these works were to be carried out, the fence would not impact on the significance of the conservation area.

It is considered that the porch would remain a dominant incongruous feature to the front of the dwelling and would continue to cause less than substantial harm for the reasons previously outline.

HBC Arboricultural Officer: It is noted that a Yew hedge is to be planted to the north, east and southern fencing and additional tree planting is proposed internally inside the garden. The details of such planting should be conditioned for its submission prior to completion including. A planting plan should include species to be planted, size of stock, location and planting method.

Suggested condition:

Notwithstanding the submitted details and prior to the completion of development, a detailed scheme for the provision of all soft landscaping (primarily in respect to the tree and hedge planting) within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species and indicate the proposed layout. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following completion. Any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.

HBC Traffic and Transport: There are no highway or traffic concerns

Civic Society: The proposed porch to the front of the property appears to be both out of character and proportion to the rest of the building. The materials are a stark contrast to the rest of the building and the location of the door at the side of the extension and the large window creates an imbalance. All of this is detrimental to the character of the Conservation Area.

HBC Building Control Manager: I can confirm that a Building Regulation application is required for Erection of entrance porch as from the proposed drawing the works under Building Regulations is a “Hall Extension” The application would be retrospective.

PLANNING POLICY

2.19 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Hartlepool Local Plan

2.20 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

SUS1: The Presumption in Favour of Sustainable Development;
 QP4: Layout and Design of Development;
 QP6: Technical Matters
 HSG11: Extensions and alterations to Existing Dwellings.
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE4: Listed Buildings and Structures
 HE7: Heritage at Risk
 NE1: The Natural Environment

Supplementary Planning Document

2.21 Residential Design Guide Supplementary Planning Document (2019)

National Planning Policy Framework (NPPF)(2024)

2.22 In December 2024 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018, 2019, 2021 and 2023 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a strong reason for refusal or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application;

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA039: Decision making

PARA048: Determining applications

PARA056: Planning conditions and obligations

PARA057: Planning conditions and obligations

PARA131: Achieving well-designed places

PARA135: Achieving well-designed places

PARA 139: Refusing poor designed development

PARA203: Conserving and enhancing the historic environment
 PARA 208: Identifying significance of heritage asset
 PARA 210: Decisions affecting heritage assets.
 PARA 212: Decisions affecting heritage assets.
 PARA 213: Decisions affecting heritage assets.
 PARA 215: Decisions affecting heritage assets.
 PARA 219: Decisions affecting heritage assets.
 PARA 220: Decisions affecting heritage assets.
 PARA 231: Implementation

PLANNING CONSIDERATIONS

2.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the character and appearance of the application site and surrounding conservation area (and adjoining heritage assets), and the impact on the amenity and privacy of neighbouring land users. These and any other planning matters are discussed in the sections below.

IMPACT ON CHARACTER AND APPEARANCE OF THE APPLICATION SITE AND SURROUNDING CONSERVATION AREA (& ADJOINING HERITAGE ASSETS)

Legislation and Policy Context

2.24 The application site is located in the Seaton Conservation Area, which is a designated heritage asset. The host property also adjoins a small terrace of Grade II Listed Buildings (No 8 South End being immediately adjoined to the north).

2.25 In considering a planning application which affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

2.26 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Local Plan Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

2.27 NPPF Paragraph 212 goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area. The NPPF looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 212, NPPF). NPPF Paragraphs 203 and 210 require Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness.

2.28 When considering an application which affects the setting of a listed building(s), section 66(1) of the 1990 Act requires LPAs to pay special attention to the desirability of preserving the setting of a listed building. Policy HE4 of the local plan states, 'to protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting'.

2.29 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset it will only be permitted where the harm is outweighed by the public benefits of the proposal, as set out within paragraph 215 of the NPPF (2024) and Policy HE1 of the Local Plan.

2.30 In response to the risk facing the Seaton Carew Conservation Area, Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

2.31 Furthermore, Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires, amongst other provisions, that proposals should be of an appropriate layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features, character and history of the local area as well as respecting the surrounding buildings, structures and environment.

2.32 The requirements of Policy QP4 are echoed in Local Plan Policy HSG11 and the Council's Residential Design SPD (2019). In respect to fence enclosures, the aforementioned SPD states that the type of boundary enclosure chosen should be reflective of the area and sympathetic to each dwelling and its position in the street scene in order to add to the overall visual amenity of a housing area.

2.33 Paragraph 135 of the NPPF (2024) states that decisions should ensure that developments b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, and paragraph 139 of the NPPF (2024) states that development that is not well designed should be refused. It is therefore particularly important that the development proposed, including the materials used, is of high quality and respects local character.

Significance of the identified heritage assets

2.34 The Council's Head of Heritage and Open Spaces has provided the context to the significance of the Seaton Carew Conservation Area as set out in their detailed comments of the Publicity section.

2.35 With respect to the significance of the adjoining Grade II Listed Building of 8 South End, the entry listing for the property notes that it is an early/mid C19 dwelling *"with scattered fenestration off-centre mid C20 door; 2 mid C20 casements to left,*

one to right and 2 similar on first floor; all in original openings, with rendered lintels and painted stone sills. Included for group value”.

2.36 As noted above, the adjoining properties beyond No 8 (No's 5 and 6, and 7 South End) are also Grade II Listed Buildings. The Council's Head of Heritage and Open Spaces notes that the application site property “formed the setting for the adjacent listed buildings”.

Assessment of the impacts of the proposals on the designated heritage assets

i. Erection of front porch (retrospective)

2.37 The host dwelling is a relatively modest two-storey dwelling, adjoined to the north by a small terrace of Grade II Listed Buildings including No 8, immediately adjoined to the north. The main massing of its original principal elevation is simple, and measures approximately 8.2 metres wide. The front porch adjoins the east front elevation of the host dwelling, sited between the two windows to the ground floor front elevation. Extensions at the front require careful consideration to ensure that they can be satisfactorily accommodated and to ensure that any extension would not dominate the existing property or appear unduly obtrusive within the street scene.

2.38 The front porch extends beyond the east front elevation of the host dwelling by approximately 2 metres and extends to have a width of approximately 2.9 metres. The porch has a pitched roof, with an eaves height of approximately 2.9 metres and a maximum height of approximately 3.6 metres.

2.39 Whilst each application has to be assessed on its own individual merits, an assessment of the surrounding street scene is an important consideration when understanding what the prevailing character is of the area.

2.40 The host property is an end of terrace dwelling which sits in a short row of 5 properties within the Seaton Conservation Area. While the property itself is not listed, the host property adjoins Grade II Listed Buildings of No 8 South End with No's 7, 6 and 5 beyond. It is noted that when observing the dwellings within the terrace the host property sits within, there are no extensions to the front. The character of the terraced properties on South End is considered to be one of simple massing and form with relatively low boundary treatments and open front amenity spaces. Whilst it is acknowledged that the property is different in design to those in the street scene, in particular the adjoining terrace of listed buildings, it sits within the Seaton Conservation Area (and within the setting of the adjoining Listed Buildings) where careful consideration is required.

2.41 With regards to the scale and siting of the porch as built relative to the main dwelling, it is considered that the overall scale and massing of the porch would fail to achieve a subservient or complementary design that respects the proportions of the host dwelling. Further, due to the siting of the porch (sited between the two-ground floor front windows), there is a small resultant gap between the porch and the windows located to either side. The lack of space between the porch as built to the identified ground floor windows, as well as the shallow pitch in the roof, further

emphasises the massing of the extension, and is considered to result in a poor form of design.

2.42 Further, the principal elevation of the host property featured an entrance door which was sited just off centre. The design of the porch has resulted in the loss of a central entrance door and it features a large window to the front elevation with the entrance door to the side (north) elevation of the porch. The Council's Head of Heritage and Open Spaces has raised concerns that this design unbalances the simple fenestration arrangement of the existing host dwelling (and that of the adjoining properties).

2.43 With regard to the choice of materials and the external appearance of the porch, the porch has been constructed from red brick, which introduces a 'new' appearance to the host property, and differs from the white render appearance of the host dwelling. It is noted that the properties to South End are largely finished in white render (excluding no. 7 South End which is finished in stone). It is further considered that the resultant form and appearance of the porch, in addition to its overall scale and prominent position, adds to its starkness and overall incongruous appearance within the street scene.

2.44 By virtue of the porch design, combined with its overall scale, use of materials and massing, it appears as an anomalous feature in relation to the original dwelling. As such, the introduction of the porch is considered to disrupt the simple detailing of the original frontage of the property.

2.45 Notwithstanding the position of the porch, set back from the front boundary of the property, it is still considered to be visible from the road, both immediately to the front of the property and in views towards the site along South End (it would be made even more visible by the requirement (and agreed amendment) to lower the erected unauthorised fence to approximately 1m). Consequently, it is considered that the porch represents an overly dominant, unsympathetic and visually intrusive form of development to the detriment of the character and appearance of the host dwelling and the conservation area, contrary to Policies HE1, HE3, HE7, HSG11 and QP4 of the HLP and the relevant paragraphs of the NPPF.

2.46 The Council's Head of Heritage and Open Spaces has reiterated that porches are not a common feature of the Seaton Conservation Area, and the porch as built is considered to be a dominant and incongruous addition to the front elevation of the host dwelling and the immediate surrounding conservation area. As a result, it is considered that the works cause less than substantial harm to the designated asset that is Seaton Carew Conservation Area to which no public benefits have been identified to outweigh such harm (contrary to the requirements of paragraph 215 of the NPPF and Policy HE1 of the Local Plan).

2.47 The porch is also considered to cause harm to the setting of the adjacent listed building(s). This view is echoed within the comments received from the Council's Head of Heritage and Open Spaces who notes that the host property forms the setting for the adjacent listed buildings. It is considered that the erected porch draws attention to the property and is considered to unbalance the common features of the terrace of listed buildings. Therefore, it is considered that the porch causes

less than substantial harm to the setting of the adjoining listed building, to which no public benefits have been identified (contrary to the requirements of paragraph 215 of the NPPF and Policy HE1 of the Local Plan).

2.48 For the above reasons, the case officer requested that the application be amended with a request for the porch be removed from the building in its entirety or to replace the erected porch with a porch of a scale so that it fell within the parameters of permitted development (to which the LPA would have no control as such works would not require planning permission). However, the applicant's agent confirmed that they wished for the application to be considered as submitted (along with the amended fence design), and the application has therefore been considered accordingly.

2.49 In view of above, it is considered that the front porch by virtue of its use of materials, design, scale and prominent siting, results in a visually intrusive and unsympathetic form of development that is detrimental to the character and appearance of the host dwelling and conservation area, and to the setting of the adjoining listed building. This harm is considered to amount to less than substantial harm to the designated heritage assets (Seaton Carew Conservation Area and 8 South End, contrary to Policies HE1, HE3, HE4, HE7, HSG11 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 135, 139, 203, 210, 212, 215 and 219 of the NPPF (2024). This would therefore warrant a reason to refuse the application in this instance.

ii. Erection of fence to front

2.50 Section D of the Council's Residential Design SPD (2019) requires that "the type of boundary enclosure chosen should be reflective of the area and sympathetic to each dwelling and its position in the street scene". This section goes on to detail "appropriate boundary enclosures considerations", stating that the enclosures should usually be no more than one metre high and should be sympathetic and not dominate a street frontage.

2.51 The case officer requested amendments to the erected fence to reduce the height to approximately 1 metre. The applicant's agent provided amended plans reducing the height of the fence to 1 metre, with a yew hedge atop measuring a total height of approximately 2 metres, so the application has therefore been considered against the revised design.

2.52 By virtue of the layout of the plots within the street scene, the host property and its front garden are sited adjacent to the highway of Tees Road. It is considered that the erected fencing is readily visible and is highly prominent from a number of vantage points along this section.

2.53 Given the amended proposal would reduce the height of the front boundary treatments (to approximately 1m) and is what could be erected under permitted development and is considered to be acceptable in visual terms, it is considered that this element of the proposal is acceptable. Furthermore, the provision of a hedge does not amount to 'development' or works that require planning permission (such hedges also add to the softening of the existing low boundary walls in the area).

2.54 The Council's Head of Heritage and Open Spaces has confirmed that the amended proposed reduction in the height of the fence is considered to be acceptable (in effect addressing their objection to the original proposals) and therefore raises no objections to this element.

2.55 Notwithstanding this, the erected fence as built is considered to be unacceptable and would have a detrimental impact to the character of the host property and surrounding conservation area. As such and had the application been considered acceptable in all respects, a planning condition would need to have been secured to ensure the reduction in the height of the fence and in accordance with the scheme as amended.

2.56 Taking account of the design and scale of the amended proposed fence, it is considered that the proposal would not appear as an unduly incongruous feature and on balance, the proposed fence is considered acceptable in terms of impact on the character of the dwelling and the conservation area (and adjoining listed buildings).

AMENITY + PRIVACY OF NEIGHBOURING PROPERTIES

2.57 In addition to the requirements of Policy HSG11, Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. These requirements are reiterated in the Council's adopted Residential Design SPD (2019). The following minimum separation distances must therefore be adhered to:

- Provide and maintain separation distances of at least 20m from habitable room to habitable room.
- Provide and maintain separation distances of at least 10m from habitable room to non-habitable room and/or gable end.

Impact on no. 8 South End (side/north) and properties beyond

2.58 Adjoining the host site to the side (north) is no. 8 South End, a residential Grade II Listed Building with other adjoined properties within the terrace located beyond it. It is noted that the host dwelling is sited further forward than the neighbouring dwelling by approximately 0.8 metres.

Erection of front porch (retrospective)

2.59 The erected porch projects by approximately 2 metres in depth and extends in width by approximately 2.9 metres. The porch is set away from the shared boundary by approximately 2.25 metres and has an oblique separation distance of approximately 3.7 metres to the nearest window to the ground floor front elevation of no. 8. Consideration is also given to the single storey scale of the erected porch extension. Given the remaining separation distances and relationships, it is considered that there would be no adverse impact on the amenity of the

neighbouring property in terms of loss of outlook, overbearing and overshadowing impact.

2.60 In terms of privacy, there are no proposed side windows (in the north elevation) to the erected front porch albeit an access door is present in the side elevation. Given the nature of the extension (that it would serve a non-habitable room), the positioning of the installed door and slight oblique angle between the door and nearest windows in the front elevation of No 8, it is considered that there would not be any direct views achieved into habitable room windows in the front elevation of the neighbouring dwelling and would therefore not result in an unacceptable loss of privacy in terms of overlooking as to warrant a refusal of the application.

Erection of fence

2.61 The proposed fence (as amended) would be sited to the shared boundary and would measure approximately 1 metre in height, projecting along the front boundary to No 8. It is considered that the proposed boundary treatment would be visible from windows to the front of no.8 however historic imagery shows a low boundary fence to have existed in this location. Given the proposed fencing would fall within the parameters of permitted development and therefore would benefit from the 'fall back' position of permitted development (and any associated impacts), it is considered that the proposed boundary treatment would not result in any adverse impacts on the amenity or privacy of the occupants of No. 8 South End in terms of overshadowing, overbearing impression, loss of outlook or overlooking.

Impact on no. 1-8 Regal Close (side/south)

2.62 To the side of the site (south) are flats 1-8 Regal Close. A separation distance of approximately 21 metres is maintained between the erected porch and the northern side elevation of the flats at 1-8 Regal Close with a highway between, and a distance of approximately 20 metres is maintained from the proposed boundary treatment to the northern side elevation of the flats at 1-8 Regal Close with a highway between.

2.63 Given the aforementioned satisfactory separation distances that would remain with the presence road in between, it is considered that the porch and proposed boundary fences would not have a significant detrimental impact on the amenity and privacy for any neighbouring property to the south (including Nos. 1-8 (inclusive) Regal Close) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

Impact on no. 9-20 Regal Close (rear/west)

2.64 To the rear of the site (west) are flats 9-20 Regal Close. It is considered that the host dwelling would sufficiently screen the erected porch and proposed fence and a separation distance of approximately 29 metres is maintained between the erected porch and the eastern front elevation of the flats at 9-20 Regal Close with a highway between, and a distance of approximately 29.8 metres would be maintained from the proposed boundary treatment to the eastern front elevation of the flats at 9-20 Regal Close with a highway between.

2.65 Given the aforementioned satisfactory separation distances that would remain with the presence road in between, it is considered that the porch and proposed erection of the boundary fences would not have a significant detrimental impact on the amenity and privacy for any neighbouring property to the south (including Nos. 9-20 (inclusive) Regal Close) in terms of loss of outlook, overbearing impression, overshadowing or overlooking.

OTHER PLANNING MATTERS

Impact on Trees

2.66 The HBC Arboricultural Officer was consulted on the proposed block plan which included the planting of a yew hedge to the north, east and southern fencing, and an additional tree is proposed to the inside of the front garden. It was confirmed that subject to a planting plan condition (that would have been secured had the application been considered acceptable in all other respects), it is considered that there would be no unacceptable impact on trees and hedges and the proposed landscaping scheme is acceptable in principle.

Highway Safety

2.67 Local Plan Policy QP3 (Location, Accessibility, Highway Safety, and Parking requires that developments should be safe and accessible, including through the provision of adequate car and cycle parking. It further requires that residential development should accord with the provisions of The Hartlepool Residential Design Guide SPD.

2.68 HBC Traffic and Transport have commented on the proposal confirming there are no objections. The proposal is considered acceptable in this respect.

CONCLUSION

2.69 It is considered that the erected front porch to the host property represents an unsympathetic and visually intrusive form of development, to the detriment of the character and appearance of the host dwelling and the surrounding Conservation Area, and to the setting of the adjoining listed building. It is further considered that there is no information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore considered to be contrary to Policies HE1, HE3, HE4, HE7, HSG11 and QP4 of the Hartlepool Local Plan (2018), and paragraphs 135, 139, 203, 210, 212, 215, and 219 of the NPPF (2024).

EQUALITY AND DIVERSITY

2.70 The Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact

on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 IMPLICATIONS

2.71 There are no Section 17 implications.

REASON FOR DECISION

2.72 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE, for the reason below:

1. In the opinion of the Local Planning Authority, the erected front porch extension, by virtue of its design, use of materials, scale and siting, constitutes an unsympathetic and visually intrusive form of development, to the detriment of character and appearance of the host dwelling and surrounding Conservation Area, and to the detriment of the setting of the adjoining Grade II Listed Building. As such, the development causes less than substantial harm to the designated heritage assets (Seaton Carew Conservation Area and 8 South End respectively). It is further considered that there is no information to indicate that this harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to Policies HE1, HE3, HE4, HE7, HSG11 and QP4 of the Hartlepool Local Plan (2018), as well as Paragraphs 135, 139, 203, 210, 212, 215, and 219 of the National Planning Policy Framework (2024).

BACKGROUND PAPERS

2.73 Background papers can be viewed by the 'attachments' on the following public access page:

<https://planning.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=165087>

2.74 Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet>

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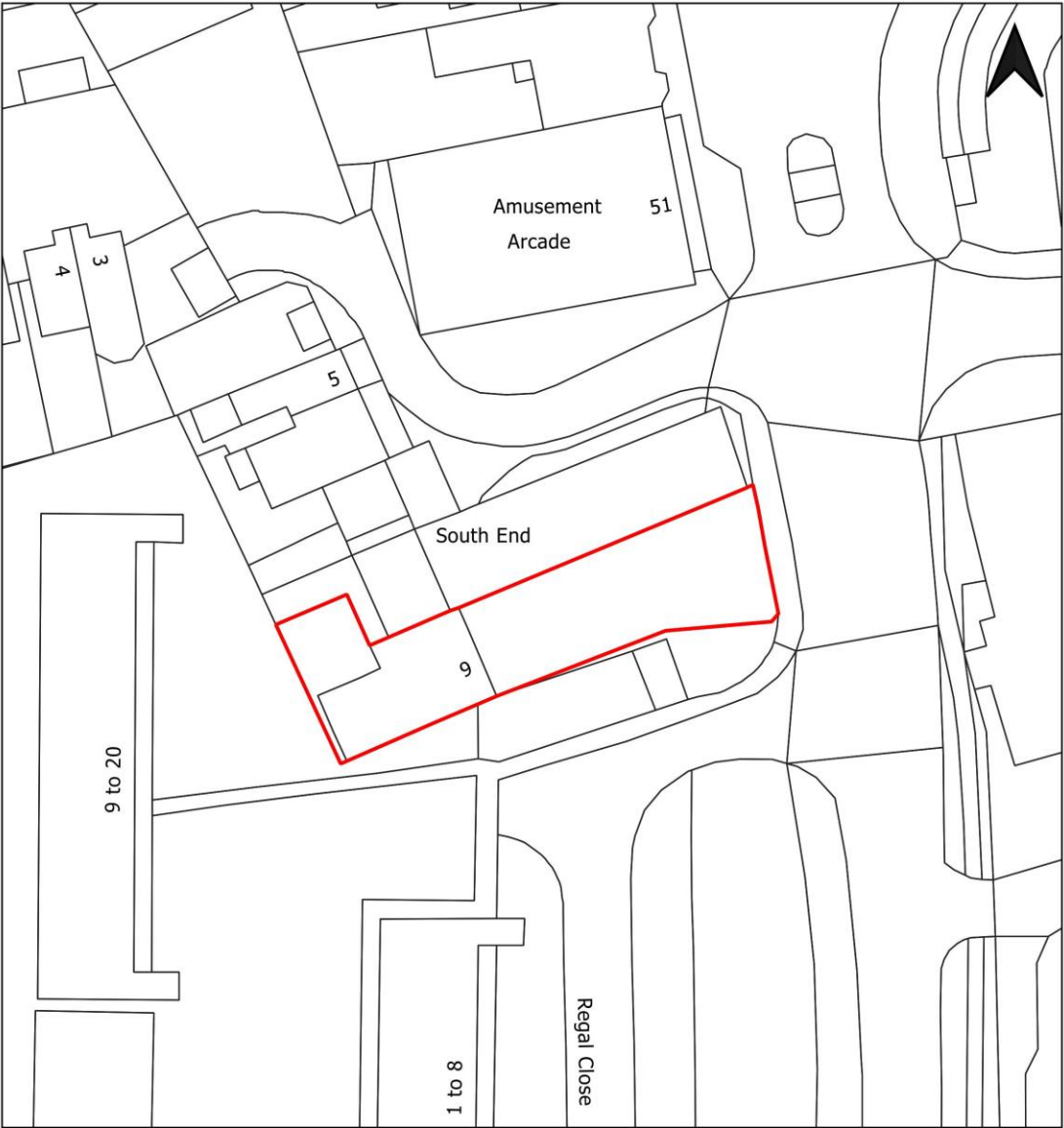
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HARTLEPOOL BOROUGH COUNCIL	DRAWN LH	DATE 20/10/2025
	Scale 1:500	
Dept of - Development, Neighbourhoods and Regulatory Services Civic Centre, Victoria Road, Hartlepool TS24 8AY	DWG.NO H/2025/0140	REV

POLICY NOTE

The following details a precis of the overarching policy documents referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN 2018

<https://www.hartlepool.gov.uk/localplan>

HARTLEPOOL RURAL NEIGHBOURHOOD PLAN 2018

[https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031 -
made version - december 2018](https://www.hartlepool.gov.uk/downloads/file/4876/hrnp_2016-2031_-_made_version_-_december_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
and waste development plan documents for the tees valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2024

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

ILLUSTRATIVE EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

Material Planning Considerations	Non Material Considerations
<i>Can be taken into account in making a planning decision</i>	<i>To be ignored when making a decision on a planning application.</i>
<ul style="list-style-type: none"> Local and National planning policy 	<ul style="list-style-type: none"> Political opinion or moral issues
<ul style="list-style-type: none"> Visual impact 	<ul style="list-style-type: none"> Impact on property value
<ul style="list-style-type: none"> Loss of privacy 	<ul style="list-style-type: none"> Hypothetical alternative proposals/sites
<ul style="list-style-type: none"> Loss of daylight / sunlight 	<ul style="list-style-type: none"> Building Regs (fire safety, etc.)
<ul style="list-style-type: none"> Noise, dust, smells, vibrations 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Pollution and contaminated land 	<ul style="list-style-type: none"> Private access disputes
<ul style="list-style-type: none"> Highway safety, access, traffic and parking 	<ul style="list-style-type: none"> Land ownership / restrictive covenants
<ul style="list-style-type: none"> Flood risk (coastal and fluvial) 	<ul style="list-style-type: none"> Private issues between neighbours
<ul style="list-style-type: none"> Health and Safety 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Heritage and Archaeology 	<ul style="list-style-type: none"> Loss of trade / business competition (unless exceptional case)
<ul style="list-style-type: none"> Biodiversity and Geodiversity 	<ul style="list-style-type: none"> Applicants personal circumstances (unless exceptional case)
<ul style="list-style-type: none"> Crime and the fear of crime 	
<ul style="list-style-type: none"> Planning history or previous decisions made 	

(NB: These lists are not exhaustive and there may be cases where exceptional circumstances require a different approach)

PLANNING COMMITTEE

12 November 2025



Report of: Director of Neighbourhood and Regulatory Services

Subject: UPDATE ON ENFORCEMENT ACTIONS

1. PURPOSE OF REPORT

- 1.1 To update members with regard to enforcement actions that have been taken.
- 1.2 The following enforcement actions have been taken within this reporting period:
 - 1. An Enforcement Notice has been served in respect of the erection of close boarded timber fencing with brick pillars to the front, side and rear boundaries of a residential property in Farr Walk.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

12th November 2025



Report of: Director of Neighbourhoods and Regulatory Services

Subject: PLANNING APPEAL: PLOT 3 MANOR PARK, REAR OF MILBANK CLOSE, LAND AT FENS, HART
APPEAL REF: APP/H0724/W/25/3368059
HBC REF: H/2023/0086
Section 73 application to vary condition 1 (approved plans) of planning permission H/2022/0304 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 house type.

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of the Section 73 application to vary condition 1 (approved plans) of planning permission H/2022/0304 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 house type, in particular a detached garage.
- 1.2 The planning application (Ref H/2023/0086) was approved on 24 January 2025 and planning permission was granted subject to conditions. The appeal related proposals to vary the approved plans to amend the design and scale of the approved garage.
- 1.3 The appeal was dismissed primarily on the basis of the appellant failing to provide all relevant and updated plans/information to support the appeal (and proposed amendments). A copy of the Inspector's decision (dated 17/10/2025) is attached (**Appendix 1**).

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

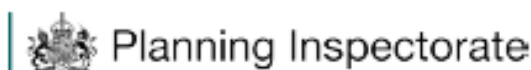
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Appendix 1.



Appeal Decision

Site visit made on 15 October 2025

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/H0724/W/25/3368059

**Plot 3 Manor Park, Rear of Milbank Close, Land at Fens, Hart, Hartlepool
TS27 3BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
- The appeal is made by Mr Kevin Ord of Kevin Ord Paving against the decision of Hartlepool Borough Council.
- The application Ref H/2023/0086 was approved on 24 January 2025 and planning permission was granted subject to conditions.
- The development permitted is:

Section 73 application to vary condition 1 (approved plans) of planning permission H/2022/0304 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 house type.

- The condition in dispute is No 1, which states that:

The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

14_019_001 (OS Plan)

received 25th February 2019 by the Local Planning Authority;

14_019_01_P_005 REV. B (Plot 1 - Elevations, Layouts and Site Plan Draft 6),

14_019_04_P_005 REV. B (Plot 4 - Elevations, Layouts and Site Plan),

14_019_05_P_005 REV. B (Plot 5 - Elevations, Layouts and Site Plan),

14_019_07_P_005 REV. A (Plot 7 - Elevations, Layouts and Site Plan),

14_019_09_P_005 REV. A (Plot 9 - Elevations, Layouts and Site Plan),

14_019_10_P_005 REV. A (Plot 10 - Elevations, Layouts and Site Plan),

14_019_11_P_005 REV. A (Plot 11 - Elevations, Layouts and Site Plan),

14_019_15_P_005 REV. A (Plot 15 - Elevations, Layouts and Site Plan),

14_019_C_1200 (EXISTING BLOCKING PLAN)

received 8th July 2019 by the Local Planning Authority;

14_019_02_P_005 REV. B (Plot 2 - Elevations, Layouts and Site Plan),

14_019_14_P_005 REV. B (Plot 14 - Elevations, Layouts and Site Plan),

14_019_C_1213 (Plot 7 and Plot 8 Land Sections)

received 29th July 2019 by the Local Planning Authority;

14_019_13_P_005 1 of 2 REV. J (Layouts and Site Plan - plot 13),

14_019_13_P_005 2 of 2 REV. J (Layouts and Site Plan - plot 13)

received 30th August 2019 by the Local Planning Authority;

14_019_C_1209 REV. A (BOUNDARY TREATMENTS)

received 4th September 2019 by the Local Planning Authority.

14_019_12_P_005 REV. A (Plot 12 - Planning - Draft 4 Elevations, Layouts and Site Plan),

received 17th February 2020 by the Local Planning Authority;

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/H0724/W/25/3368059

*14_019_06_P_005 REV. B (Plot 6 - Elevations, Layouts and Site Plan),
Received 6th September 2021 by the Local Planning Authority;*

*14_019_08_SK_01 (Planning Draft 1(proposed elevations and floor plans for Plot 8)) Received 15th
August 2022 by the Local Planning Authority.*

*14_019_C_1212 REV. E (Road & Site Levels Layout) received 20/03/2023
14_019_C_1201 REV. G (RMA PROPOSED BLOCKING PLAN)
14_019_C_1203 REV. H (RESERVED MATTERS EXIST/PROP LEVELS PLAN)
14_019_C_1208 REV. H (RESERVED MATTERS MATERIALS LAYOUT)
14_019_C_1204 REV. H (RMA Proposed Street Scene/Land Section A-A)
14_019_C_1207 REV. E (RMA Proposed Street Scene/Land Section D-D, all
received 20th March 2023 by the Local Planning Authority;*

*14_019_03_P_005 REV. F (Plot 3 - Elevations, Layouts and Site Plan),
received 22nd July 2024 by the Local Planning Authority*

*14_019_C_1202 REV. J (Reserved Matters Planning Layout)
14_019_C_1211 REV. N (Reserved Matters Landscape Layout)
14_019_C_1205 REV. G (RMA Proposed Street Scene/Land Section B-B)
received 20th January 2025 by the Local Planning Authority and;*

*14_019_C_1206 REV. D (RMA Proposed Street Scene/Land Section C-C Land
Sections 1-1, 2-2 & 3-3) received 21st January 2025 by the Local Planning Authority.*

- The reason given for the condition is:
To define Planning Permission and for the avoidance of doubt.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The permission referenced in the banner heading above relates to a reserved matters approval granted in January 2025. This approval itself represents a variation of an earlier scheme for the development of 15 dwellings. The appeal before me concerns proposed changes to a single plot within that scheme – Plot 3.
3. At the time of my site visit, the wider development remained under construction. Whilst some plots were completed and occupied, others appeared to be in the early stages of construction.
4. The approved dwelling on Plot 3 comprises a detached house and a detached garage. Although construction was ongoing at the time of my visit, the external structure and fabric of both buildings appeared broadly complete and in accordance with the approved plans referenced above.
5. The appeal seeks to amend the approved details of the garage only. The proposed changes involve a revised roof design and an increase in height to accommodate an internal staircase, providing access to a storage area within the roof space.
6. The appellant has confirmed that the purpose of the appeal is to supersede one of the drawings listed under condition No 1, as referenced above.

Appeal Decision APP/H0724/W/25/3368059

7. The drawing currently listed under condition No 1 and proposed to be removed is:
*14_019_03_P_005 REV. F (Plot 3 - Elevations, Layouts and Site Plan),
received 22nd July 2024 by the Local Planning Authority.*
8. The drawing proposed to supersede it is:
14_019_03_P_005 REV. C (Planning Elevations, Layouts and Site Plan - Draft 3).
9. I have determined the appeal on this basis.

Main Issue

10. The main issue is whether the proposed variation of condition No 1 would result in a planning condition that would be sufficiently precise and enforceable.

Reasons

11. Paragraph 57 of the National Planning Policy Framework (the Framework) requires planning conditions to be kept to a minimum and only imposed where they satisfy the tests of being necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
12. Condition No 1 is a standard 'approved plans' condition, listing the drawings that form part of the approved 15-dwelling scheme. Based on the details before me, both the existing and proposed versions of this condition would meet the tests of necessity, relevance and reasonableness, as they provide certainty on the approved details.
13. The appellant has submitted copies of all drawings approved under condition No 1, as required for the determination of this appeal. As the permission relates to the entire 15-dwelling scheme, Plot 3 comprises only a small part of the approved development as a whole. The appeal seeks only to update the drawings relating to that specific plot.
14. However, among the drawings approved under condition No 1 are others that also depict elements of Plot 3. Notably, drawing number *14_019_C_1205 REV. G* illustrates a proposed street scene encompassing Plots 3 to 9, and clearly shows the garage of Plot 3 in its current approved form.
15. No updated street scene drawing has been provided as part of the appeal, nor has it been suggested that this drawing is no longer necessary or relevant to the permission. In the absence of such evidence, I find no justification for its removal from the list of approved plans.
16. Consequently, allowing the appellant's proposal to supersede the drawings for Plot 3 alone would result in a discrepancy between the revised plot-specific drawings and the retained street scene drawing. This inconsistency would introduce ambiguity into the approved plans, rendering the condition imprecise and potentially unenforceable.
17. For these reasons, I conclude that the proposed variation would fail to meet the relevant tests set out in the Framework.

Appeal Decision APP/H0724/W/25/3368059

Other Matters

18. The Council and interested parties have raised concerns regarding the potential impact of the proposed increase in the garage's scale on the living conditions of neighbouring occupiers. However, given my findings on the main issue, it is not necessary to reach a conclusion on this matter, as it would not affect the outcome of the appeal.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR