
Appeal Decision

Site visit made on 20 June 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 6th July 2017

Appeal Ref: APP/P2935/D/17/3171551
3 Brady Street, Seahouses NE68 7RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Helen Butler against the decision of Northumberland County Council.
 - The application Ref 16/04017/FUL, dated 26 October 2016, was refused by notice dated 23 December 2016.
 - The development proposed is removal of pitched roof over kitchen and replaced with a fibreglass flat roof with roof terrace over and accessed from first floor lounge. Glass balustrade guarding to perimeter of roof terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of pitched roof over kitchen and replaced with a fibreglass flat roof with roof terrace over and accessed from first floor lounge, glass balustrade guarding to perimeter of roof terrace at 3 Brady Street, Seahouses NE68 7RX in accordance with the terms of the application, Ref 16/04017/FUL, dated 26 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 64/16 Sheet 1, Revision 0 and 64/16 Sheet 2, Revision 0.

Preliminary Matter

2. At the time of my site visit, a timber balcony was in place at first floor level of the property and in a broadly similar position as that proposed. An appeal against the Council's refusal of planning permission for the in-situ balcony was dismissed in September 2016¹. This proposal seeks to overcome the previous Inspector's concerns in respect of the effect of the existing balcony on the character and appearance of the area.

Main Issues

3. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of 10 Jubilee Place with particular regard to privacy.

¹ APP/P2935/D/16/3151578

- The effect of the proposal on the character and appearance of the area, with particular regard to whether the proposal would preserve or enhance the character or appearance of the Seahouses Conservation Area, and the effect of the proposal on the landscape and scenic beauty of the Northumberland Coast Area of Outstanding Natural Beauty.

Reasons

Living Conditions

4. The appeal relates to a two-storey, terraced property. The property has an existing single storey extension to the front which has a lean-to roof. It is proposed to construct a balcony on the front elevation of the property. The lean-to roof of the front extension would be removed and replaced with a flat roof to form the roof terrace above.
5. The terraced property of 10 Jubilee Close lies perpendicular to the side elevation of the appeal property. It has an area of outdoor amenity space to the front, separated from the side of the appeal property by a narrow alleyway. The balcony would be in close proximity to the amenity space of No 10 and residents of the appeal property would be able to obtain views into the neighbouring property.
6. However, the balcony would be enclosed by 1.1m high obscurely glazed panels which would partially prevent overlooking from residents. Moreover, the proposal would be at a slight angle to No 10, the garage of which would also partially obscure views. Furthermore, whilst views into No 10 would be obtainable when standing, the neighbouring property is already overlooked to a significant degree from windows in the side elevation of the appeal property, as well as other surrounding properties. In my view, the balcony would not result in a harmful increase in the existing levels of overlooking between the properties. To that end, I find the proposal would not result in a harmful loss of privacy for the occupiers of No 10.
7. I conclude, therefore, that the proposal would not have a harmful effect on the occupiers of 10 Jubilee Close with particular regard to privacy. As such, the proposal would accord with Saved Policy F2 of the Berwick-upon-Tweed Local Plan 1999 (LP) which states that development should accord with its surroundings.

Character and Appearance

8. The appeal site is located on Brady Street within the Seahouses Conservation Area (SCA) and the Northumberland Coast Area of Outstanding Natural Beauty (AONB). Brady Street comprises a short lane of terraced properties overlooking a large caravan park. The properties are largely constructed in stone and reflect the predominant, narrow grain of traditional, terraced cottages that characterise the SCA. The significance of the SCA generally derives from its early 19th century origins as a fishing village. The importance of the AONB is rooted in its vast and varied coastal landscapes which are of substantial natural and historical value.
9. The Council indicates that the proposal would have a lesser impact on the SCA and the AONB than the existing structure. From what I have read and seen, I agree. Nevertheless, the Council remains concerned that the use of frosted glass screens would have a harmful visual impact on both the SCA and the

AONB. However, the screens would be 1.1m in height from the eaves level of the existing ground floor. They would, therefore, sit well below the eaves of the first floor and would ensure that a significant proportion of the front elevation of the property would be unobscured.

10. The balcony would be visible from several vantage points, including within Brady Street, from the end of Taylor Street, within Jubilee Place and from parts of the adjacent caravan park. It would also be visible in some long distance views from the coastal footpath which is a key thoroughfare through the AONB.
11. Nevertheless, the panels would be translucent in nature and, whilst the proposed materials would not necessarily be traditional in character, the balcony would be a lightweight structure in its appearance and would be a contemporary and subservient addition to the property. It would not, as a result, appear as an incongruous or intrusive feature in the immediate street scene nor would it be an insensitive or prominent component in the AONB.
12. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area, would preserve the character and appearance of the SCA and would not unduly impact upon the landscape and scenic beauty of the AONB. Consequently, the proposal would accord with Saved LP Policies F1 and F2 which state that primary importance will be given to sustaining, conserving and enhancing the area's environmental wealth, including its landscape. It would also accord with paragraphs 64 and 115 of the National Planning Policy Framework which state that permission should be refused for development of poor design and that great weight should be given to conserving landscape and scenic beauty of AONBs. It would also accord with paragraph 132 which states that great weight should be given to the conservation of heritage assets.

Other Matters

13. I note the concerns of the occupiers of the adjacent property, 2 Brady Street, however, the balcony would not result in overlooking of any private amenity space that is not already open to wider view. Thus, I afford such concerns little weight. Nor do I have any substantive evidence that the proposal would give rise to harmful levels of noise and disturbance in the context of any potential future use of the property as holiday accommodation.
14. I note the Inspector's view in the previous appeal that the use of glass panels and a shorter structure would be unlikely to overcome the harmful effects of the existing balcony. However, it seems to me that the Inspector's decision largely focussed on the proposal before him i.e. the timber balcony which is currently in-situ. In any case, there is no indication as to whether or not details of glass panels or a shorter structure were before the Inspector in that case and, if they were, what those details were. I am, therefore, unable to ascertain whether or not the proposal before me reflects the scheme before the Inspector and thus, the Inspector's comments in respect of the use of glass panels and a shorter structure, would not outweigh the lack of harm I have found in this instance.

Conditions

15. In addition to the standard time limit, a condition requiring compliance with the approved plans is necessary to provide certainty over the full details of the proposal.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR