
Appeal Decision

Site visit made on 21 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 01 December 2017

Appeal Ref: APP/P2935/W/17/3181245

Old School House, Meadow Lane, Beadnell NE67 5AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Darren and Lisa Kell against the decision of Northumberland County Council.
 - The application Ref 17/00968/FUL, dated 16 March 2017, was refused by notice dated 21 July 2017.
 - The development proposed is demolition of existing Old School House and erection of 4 no. residential units.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing Old School House and erection of 4 no. residential units at Old School House, Meadow Lane, Beadnell NE67 5AJ in accordance with the terms of the application Ref 17/00968/FUL, dated 16 March 2017 and subject to the conditions set out in the schedule at the end of this decision letter.

Application for costs

2. An application for costs was made by Mr & Mrs Darren and Lisa Kell against Northumberland County Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are i) the effect of the development on the character and appearance of the surrounding area including the Northumberland Coast Area of Outstanding Natural Beauty (AONB) and ii) whether the occupation of the dwellings should be restricted to principal places of residence only.

Reasons

Character and Appearance

4. Meadow Lane is characterised by significant variation in the scale, appearance and layout of properties. There are both single and two storey buildings and a range of external materials evident including stone, brick and render with roofs constructed in grey slate and orange clay tiles. Buildings are set back to varying degrees from the highway with intervening tree and shrub planting present and accordingly the street scene lacks a strong sense of a uniform forward building line. The immediate locality is therefore characterised by its
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architectural variety interspersed with greenery. It seems to me that collectively this serves to dilute its distinctiveness.

5. The proposed dwellings, each constructed in the same modern design would form a distinct grouping. However, though taller and closer to the highway than the existing dwelling on the site and the adjacent property at No 19 Meadow Lane, they would be broadly consistent with the height of Alexandra House on the opposite side of the site. In addition, I concur with the view that the proposed use of smooth white rendered walls and slate grey metal cladding would be sympathetic to the colouring of other buildings in the locality, helping to integrate the development into its surroundings.
6. The density of development on the site would be noticeably increased, however the set back of dwellings from the highway and inclusion of soft landscaping to the front would mitigate against an overbearing appearance. Furthermore the spacing between buildings and around the perimeter of the site means that the development would not appear cramped within the overall plot area. In the context of the aforementioned architectural variety and layout of buildings along the street, I find that the proposal would not therefore appear obtrusive or incongruous or that the site would stand out as excessively developed. Despite the proposed use of rooflights, the scheme is limited in scale and given the surrounding developed context, would not result in any material harm in terms of light pollution on the quality of dark sky.
7. The front boundary wall of the appeal site and a number of other properties in the vicinity are constructed in stone. However despite the removal of some of the wall to allow for access to the driveways of the proposed dwellings, this would not be to the extent that it would result in material harm to the character of the location.
8. I conclude that the development would not result in harm to the character, appearance and overall visual amenity of the surrounding area. I acknowledge that the appeal site would be close to the historic core of Beadnell as identified in the emerging North Northumberland Coast Neighbourhood Plan 2017 – 2032 Submission Version (October 2017) (NP). However from the evidence before me and my visit I am not persuaded that the proposal would harm the setting of this area. Furthermore the limited scale of the development would not fail to conserve the coastal landscape and scenic beauty of the wider AONB.
9. It would therefore conform with the National Planning Policy Framework (the Framework) and Policy F2 of the Berwick upon Tweed Borough Local Plan 1999 insofar as they seek to secure high quality design that accords with its surroundings, allowing for appropriate innovation whilst promoting the reinforcement of local distinctiveness.

Occupation Restriction

10. The Council's second reason for refusal is that the scheme would fail to secure the development as 'Principal Residence' only, due to the absence of a legal agreement with the appellants and that as such it would be in conflict with Policy 14 of the NP.
11. The Council consider this approach is justified due to what it considers to be the disproportionate and increasing number of homes in Beadnell that are not permanently occupied. Evidence within the NP indicates that more than half of

the dwellings in Beadnell are not Principal Residence housing. The Council is concerned about the impact of this on the ability to sustain local services and the consequent need for residents to travel further to gain access to day to day services and facilities.

12. However, it appears that the NP is at a relatively early stage of preparation, Beadnell Parish Council having confirmed that the Plan is yet to go through the formal examination part of the process. The Parish Council has also confirmed that there are some unresolved objections that have been made by interested parties in relation to Policy 14.
13. I am mindful that the Framework advises that weight should be given to relevant policies in emerging plans according, amongst other things, to the stage of preparation of the plan and the extent to which there are unresolved objections. In this context and despite the point being made that a similar policy in a different part of the country survived a High Court challenge, in the absence of further information regarding the nature of objections to the policy, I give very limited weight to Policy 14 in terms of having a bearing on this decision. In addition, when considering the relatively limited scale of development involved, the Council has not set out compelling reasons why this would result in harm in terms of the provision of day to day services and the need to travel further. It seems to me that in this case it could equally be argued that the net increase of units on the site would lead to increased expenditure in the local economy even if the dwellings are not permanently occupied.
14. Whilst, in the absence of a planning obligation from the appellants, there would be conflict with Policy 14 of the NP, drawing the above considerations together I am not persuaded that the occupation of the dwellings should be restricted to principal places of residence only. I therefore find that the absence of a planning obligation should not weigh against the proposal in this case.

Other Matters

15. A number of further representations have been made against the development by third parties. Concern is raised that the development would result in the playground area to the rear of the site being closely overlooked which could result in child protection issues. It was evident from my visit that whilst the design of the existing dwelling on the site would limit views over this area, there is a dwelling on the nearby Kennedy Green development that directly overlooks the playground.
16. In any event, it seems to me that there is nothing unusual about housing being in close proximity to and overlooking a playground, for example associated with a park or school playing field. Indeed I concur with the appellants' stance that this is a positive design factor, in that it would improve the natural surveillance of the playground therefore benefitting the security of this location. The assumption that a new resident, even if occupying the property on a temporary basis only, would behave inappropriately is simply not based on reason and is not therefore a robust ground on which to resist the development, just as a general fear that a new resident may engage in criminal or anti-social behaviour at some time in the future would also be unjustified.
17. The limited scale of the development would not be expected to generate significant levels of traffic. In addition, with each property allowing for three

car parking spaces, it is undisputed that this would be in keeping with Council's parking standards. I am not therefore persuaded that the development would lead to significant levels of overspill parking on the adjacent highway. However were this to occur, from the information before me and my visit, it would not prevent the free flow of traffic. Whether manoeuvring from the properties or along the highway, vehicle speeds would reasonably be expected to be very low, as drivers exercised due caution in a residential environment, whilst also considering the relatively narrow configuration of the road and the 30mph speed restriction. Drawing these considerations together and also that the Council's highway engineers have not objected to the scheme, I am satisfied that the proposal would not result in any material harm to highway safety.

18. In terms of scale and siting, I am satisfied that sufficient separation would be maintained with existing adjacent dwellings, for the development not to result in residents experiencing any undue sense of enclosure and therefore oppressive living conditions.
19. The proposed plots would incorporate relatively small private garden areas to the rear. However the gardens would nevertheless provide a suitable space for children's play and, for example, to relax or dry laundry during finer weather.
20. Reference has been made to the proximity of the site to a potential future conservation area designation. However, I have not been provided with any details regarding the potential whereabouts and extent of this area or the likelihood of its future adoption. Accordingly I am unable to afford weight to this matter in my decision.
21. Beadnell Parish Council has set out that it considers the proposed scheme to be in conflict with additional policies in the NP, concerning the need for high quality design, conservation of local landscapes, provision of car parking space and the protection of the historic core of the village. These considerations have been covered within my decision letter.
22. Whilst I acknowledge that some objectors have suggested that a different proposal would be more suitable for the site, I am required to consider the scheme before me on its own individual merits rather than in relation to any potential alternative.

Conditions

23. I have considered the conditions suggested by the Council. Conditions specifying the plans and requiring details of the external materials and boundary treatments are needed for the avoidance of doubt and to safeguard the character and appearance of the area, with the latter also required in the interests of highway safety.
24. Conditions controlling the completion of access points, the completion and retention of parking arrangements and the provision of a construction method statement are all required to protect the living conditions of residents and in the interests of highway safety. A condition requiring drainage details is required to ensure the satisfactory drainage of the site.
25. The Government's Planning Practice Guidance states that conditions restricting the future use of permitted development rights should only be used in exceptional circumstances. However I am satisfied that, because of the relative size of the plots combined with their prominent location, the

circumstances justifying such a condition are adequately demonstrated in this case.

26. I have made minor alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in national planning guidance.

Conclusion

27. For the reasons given above, and having considered all other points raised, I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL_780_001; PL_780_301 Revision C.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until a scheme of boundary treatment, including layout, height, materials and programme for implementation, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement of the dwellings or freestanding buildings and structures shall be constructed.
- 6) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with a detailed scheme that shall first have been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be retained.
- 7) No development shall take place, including any works of demolition, until a Demolition / Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;

- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt;
- vi) details of temporary traffic management and access measures.

The approved Demolition / Construction Method Statement shall be adhered to throughout the development period.

- 8) No dwelling shall be occupied until space has been laid out within the site, in accordance with drawing no. PL_780_301 Revision C, for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles associated with the development.
- 9) No dwelling shall be occupied until a means of vehicular access serving the dwelling has been constructed in accordance with the approved plans.

END OF CONDITIONS SCHEDULE