



Appeal Decision

Site visit made on 27 August 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/P2935/W/19/3229687

**Land North of Mags Newsagents, Main Street, Haltwhistle,
Northumberland**

- 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 Geoff Sloan against the decision of Northumberland County Council.
 - The application Ref 18/01850/FUL, dated 18 May 2018, was refused by notice dated 13 March 2019.
 - The development proposed is two semi detached, three bedroom properties, including landscaping and parking.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Geoff Sloan against Northumberland County Council. This application is the subject of a separate Decision.

Procedural Matters

3. Revised plans has been submitted with the appeal which removes the car parking provision and amend the siting of the dwellings. This is not the scheme that was considered by the Council or upon which interested people's views were sought. I cannot therefore be certain that if I accepted the amended plan, any party would not be prejudiced by my so doing. Therefore, I have not taken the amended plan into account and I have determined the appeal on the basis of the plans that were considered by the Council.
4. The Procedural Guide – Planning Appeals – England advises that the appeal process should not be used to evolve schemes, and that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application.

Main Issues

5. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area, including Haltwhistle Conservation Area;

- ii) Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to outdoor space; and
- iii) Whether or not a safe and suitable access could be provided.

Reasons

Character and appearance

6. The appeal site is a largely vacant area of land to the rear of Main Street, accessed from the road via a narrow alley between buildings. It is within Haltwhistle Conservation Area (the CA). The CA covers a large area of land including the densely built historic centre of Haltwhistle, the more sparsely developed and open land extending eastwards to the river and a long section of the Haltwhistle Burn corridor to the north. Main Street is located in the historic centre, and it is characterised by densely developed traditional 2 and 3 storey terraced buildings constructed in stone or, less frequently, render and with slate roofs. Side streets and alleys lead to backland areas with compact residential development characterised by modest dwellings, including terraces.
7. The appeal proposal is a pair of substantial semi-detached dwellings. The modern detached building would be markedly dissimilar to the 2 and 3 storey terraced properties that characterise Main Street. Moreover, it would not have the appearance of more modest traditional dwellings characteristic of backland development in the area. The dwellings would not relate well to the surrounding historic built environment or to the more recent residential developments that provide the visual context for the proposal. They would be conspicuous by virtue of their overly large size and scale and overtly modern appearance.
8. Although originally proposed to be constructed in brick with tiled roofs and uPVC windows and doors, the Council considered amendments including the use of render and stone surrounds to windows in the front gable feature and stone infill detail to the side of the front entrances. However, the use of some traditional materials and features would not alter the fact that the building would be out of scale and out of character with the unexceptional and simple dwellings that are typical of residential backland development in the CA. Consequently, the dwellings would be incongruous features in this location and they would not make a positive contribution to local distinctiveness.
9. Therefore, I find that the proposal would fail to preserve or enhance the character or appearance of the Haltwhistle CA. However, while the proposal would be visually obtrusive when viewed in the surrounding context, it would not be visible in juxtaposition with the front elevations of the historic properties that line this part of Main Street. Moreover, the proposal is somewhat modest in the context of the CA as a whole. Consequently, it would cause less than substantial harm to the CA as a designated heritage asset.
10. Notwithstanding this, the National Planning Policy Framework (the Framework) advises that great weight should be given to the asset's conservation. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of the heritage asset, that harm should be weighed against the public benefits of the proposal. In this case, the proposal is for private dwellings and no public benefits have

been demonstrated that would outweigh the harm to the CA. I therefore find that the proposed development would be in conflict with the Framework.

11. By virtue of the harm to the character and appearance of the area, including the CA, the proposal would conflict with the development plan including Policy BE1 of the Tynedale Local Development Framework Core Strategy Adopted October 2007 (the CS) and Policies GD2, H32 and H35 of the Tynedale District Local Plan Schedule of Adopted Policies Adopted October 2007 (the LP). These require, among other things, that development maintains and enhances distinctive local character, being appropriate in terms of scale, proportions and positioning, and conserves the CA. It would also conflict with policies in the Framework that relate to designated heritage assets and that require development to be sympathetic to local character and the surrounding built environment.

Living conditions

12. The dwellings would be sited close to the boundary of the site. Both parties agree that the resulting narrow paved areas to the rear of the properties would not function as outdoor recreational space. While there would be small gardens to the front of the properties, by virtue of their limited size, low boundary treatments and their relationship to the front doors, paths and parking areas, they would not offer any privacy for future occupiers.
13. Moreover, by virtue of their small size and layout, the front gardens would not provide an adequate extent of outdoor amenity space for properties of the size proposed, taking into account the reasonable requirements of future occupiers for children's play areas, spaces for sitting out, the drying of clothes or the storage of gardening equipment or bicycles.
14. While I appreciate that there are properties elsewhere in the densely built historic centre with limited private outdoor space, these tend to be traditional properties. They are not therefore directly comparable with the proposed substantial modern family dwellings. Furthermore, while there may be accessible public open space within Haltwhistle, such areas would not meet the reasonable basic needs of future occupiers.
15. In his evidence, the appellant refers to additional outdoor space to the side of both properties. However, this appears to be a reference to the amended plans submitted with the appeal, which I have not accepted for the reasons explained above. The appeal scheme before me would not provide any significant recreational space to the side of the northernmost property and there would be no private outdoor space to the side elevation of the southernmost dwelling.
16. Therefore, the proposal would fail to provide adequate living conditions for future occupiers of the development, with regard to external amenity space. It would conflict with the residential amenity and open space aims of Policies BE1 of the CS and Policies GD2, H32, H35 and NE37 of the LP. It would also conflict with policies in the Framework that require development to provide high standards of amenity for future users.

The provision of a safe and suitable access

17. The access to the dwellings would be from Main Street via an archway and narrow alley between buildings which provides access to the rear of several residential properties and business premises. The access would be single width

for the entirety of its length. Consequently, opportunities to pass and manoeuvre would be limited to the car parking area adjacent to the dwellings and on Main Street itself.

18. While the existing access is used by vehicles, the proposal would result in an increase in vehicular and pedestrian movements, including future residential occupiers and their private and commercial visitors. Given the constrained nature of the access in terms of its length, width and visibility, an increased number of vehicle movements, particularly at busy times of day, would result in an increase in potential conflicts between road users. The increased number of vehicles attempting to use the access would result in vehicles waiting and manoeuvring around the access onto Main Street, potentially obstructing traffic in the town centre and reversing over the footway in conflict with pedestrians.
19. Evidence submitted with the appeal suggests that the off-street car parking provision could be removed, with future occupiers instead being forced to park their vehicles on surrounding streets. However, the appeal scheme before me is the scheme that was considered by the Council and it includes off-street car parking provision. Moreover, even if the scheme did not include car parking provision, there is nothing before me to demonstrate that future occupiers and their visitors would be prevented from driving to and from the appeal dwellings. Consequently, and notwithstanding that the appeal site is in an accessible town centre location such that some journeys could be made by sustainable forms of transport, there would nevertheless be an increase in vehicle movements resulting in conflict in and around the access road.
20. Therefore, the proposal would fail to provide a safe and suitable access to the highway. It would conflict with policies in the Framework including the requirements of paragraphs 108 and 110 relating to the provision of a safe and suitable access for all users, and the need for development to minimise the scope for conflicts between pedestrians, cyclists and vehicles. Paragraph 109 of the Framework is clear that development should only be refused on highway grounds if there would be unacceptable impacts on highway safety. For the reasons set out above, I consider that the intensification of the use of the access would result in an unacceptable impact on highway safety in this location.
21. I appreciate that the reason for refusal will have been a disappointment to the appellant, given that the Highways Authority did not initially object to the proposal. However, the application was determined on the basis of current planning policy, including the revised Framework which was published in February 2019 during the time that the application was being considered by the Council.

Conclusion

22. For the reasons set out above, the appeal should therefore be dismissed.

Sarah Manchester

INSPECTOR