
Appeal Decision

Site visit made on 10 December 2019

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2020

Appeal Ref: APP/P2935/W/19/3236189

42 Park Road, Swarland NE65 9JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr V. Rutherford against the decision of Northumberland County Council.
 - The application Ref 18/04479/OUT, dated 17 December 2018, was refused by notice dated 10 June 2019.
 - The development proposed is 5 no. bungalows (C3 Use)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for consideration at a later stage, and I have considered the appeal on that basis. The submitted plans show a potential rather than a definitive layout and design. However, they provide an indication of how the amount of development proposed could be achieved, and of its scale, and so I have had regard to them in considering the appeal proposal.

Main Issue

3. The effect of the appeal proposal upon the character and appearance of the area and the setting and historic interest of the adjacent Grade II listed building.

Reasons

4. Park Road is a long, fairly straight road which extends south from Swarland. Development along the road follows a generally linear form. Bungalows front the west side, with generous spacing allowing views between buildings and across the long back gardens to the dense woodland beyond. Open countryside stretches to the east of the road. Whilst not designated as a Conservation Area, the low density spacious character of this part of the village nevertheless reflects its origins as a planned settlement of cottages in a landscaped setting.
5. The significance of the Grade II listed building at 40 Park Road, immediately north of the appeal site, lies in its historical interest as one of the few relatively unaltered cottages of the 1930s Swarland settlement.

6. The proposed development would create a cul de sac of up to 5 bungalows behind 42 and 44 Park Road. In doing so, it would build over much of the back garden, introducing new buildings and hard surfaced areas for access and parking into undeveloped space that currently contributes positively to the setting of the listed building. This would fundamentally alter the predominantly linear pattern of development which lines the road, encroach on views through to the woodland to the west and substantially erode the spacious landscaped quality of the area.
7. As a consequence, the legibility of the adjacent listed building's origins as part of a planned landscaped settlement would be eroded. This harm would not be adequately mitigated by planting or boundary treatment. Thus, an aspect that underlies the significance of the listed building would be harmed and its setting and historic interest would not be preserved.
8. Whilst Douglas Crescent to the south of the appeal site is a short cul de sac of bungalows, it differs to the appeal proposal because it is not set behind the established ribbon of bungalows that line Park Road. Thus, it is not directly comparable to the proposed development.
9. I note that the Council has granted planning permission for the development of single dwellings to the rear of both 40 and 40A Park Road, and 2 dwellings to the rear of 36 Park Road. I do not have full details of these cases. However, based on the limited information before me, it would appear that the appeal scheme proposes a far greater amount of development and so they are not analogous. In any event, I must determine the appeal on the basis of the individual circumstances of the case and have done so.
10. The appellant refers to a revised scheme to reduce the number of units to 2. However, these revisions did not form part of the application to which this appeal relates. The acceptability of such a proposal is therefore not for me to judge in the context of this appeal. It is open to the appellant to seek a separate determination from the Council in that regard.
11. For the foregoing reasons, I conclude that the appeal proposal would have a harmful effect upon the character and appearance of the area and the setting and historic interest of the adjacent Grade II listed building, contrary to the design, landscape and heritage conservation and enhancement aims of Policies S13, S14, S15 and S16 of the Alnwick Local Development Framework Core Strategy (ACS) and the National Planning Policy Framework (Framework).
12. Whilst, in the parlance of the Framework, the harm I have identified is less than substantial, heritage assets are an irreplaceable resource and any harm requires clear and convincing justification. The creation of up to 5 bungalows which may be suitable for older or disabled people, would be within walking and cycling distance of services in Swarland, and which would deliver limited local economic and social benefits arising from employment created during the construction phase and subsequently from future residents' support of local services do not amount to public benefits sufficient to outweigh this harm.

Planning Balance and Conclusion

13. In accordance with the provisions of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, I have

a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

14. I have concluded that the appeal proposal would fail to preserve the setting and historic interest of the adjacent Grade II listed building. Conflict therefore arises with the design, landscape, heritage conservation and enhancement aims of the ACS and the Framework. This harm would not be outweighed by the public benefits of the proposal.
15. There is very little information before me in relation to housing land supply. However, even if I were to conclude that the Council cannot demonstrate a five year supply of deliverable housing sites, the application of policies in the Framework that protect assets of particular importance provides a clear reason for refusing the development proposed. Consequently, the presumption in favour of sustainable development does not apply.
16. I attach considerable importance and significant weight to the conflict between the appeal proposal and the development plan in relation to heritage harm.
17. Set against this harm, the development would provide up to 5 new bungalows with access to services in Swarland which would make a modest contribution to the overall supply and range of housing and give rise to limited local economic and social benefits in relation to construction phase employment and the future vitality of the village. I afford these benefits moderate weight.
18. Overall however, I conclude that the appeal proposal would conflict with the development plan and there are no other material considerations, including the provisions of the Framework, which outweigh this finding.
19. Therefore, for the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR