



Appeal Decision

Site visit made on 25 February 2020

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/W4515/D/19/3242576

6 Cliff Row, Cullercoats NE30 4QT

- 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. Edward Gibney against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 19/01028/FULH, dated 30 July 2019, was refused by notice dated 20 September 2019.
 - The development proposed is loft conversion with flat roof dormers to the front and rear elevation. Glazed canopy to ground floor rear elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the names provided on the submitted application form, I note that the appeal form confirms that the appellant is Mr. Gibney and I am determining the appeal on that basis.

Main Issue

3. The main issue is whether the proposed dormers would preserve or enhance the character or appearance of the Cullercoats Conservation Area (the CA).

Reasons

4. The appeal property is located within the CA, on a single row of reasonably modern terraces. Properties along Cliff Row are characteristically simple in style with fairly large windows, finished in a mix of traditional brick, pebbledash and smooth render. Due to the stepped formation of the terraces, properties fall towards the sea. A public green space is located to the immediate south of Cliff Row, creating a prominent gap in the built form with sea views beyond.
5. Due to the shape of the CA, which stretches along the coastline, open views out to sea through gaps in the built form are an intrinsic part of its significance. From the evidence before me, it would appear that the significance of the CA also relates to the form of the buildings present, with the Cullercoats Conservation Area Character Appraisal (CCACA) (2009) commenting that this includes the uniform nature of terraces. The CCACA also notes that, whilst a variety of properties are present within the CA, both in terms of age and architectural style, each building or group of buildings is individual, which is also part of its significance.

6. Significantly, the document clearly notes that, just because a location or feature may not be included within the CCACA document, it should not necessarily be regarded as having no special interest or making no positive contribution to the character and appearance of the area. Whilst the properties along Cliff Row are of a functional style, they are noted within the CCACA for their tight, terraced layout as representative of “a hark back to the former dense village form”. Although the properties are reasonably modern, the terrace still forms part of the CA. Due to its uniform, terraced nature and largely unaltered roofscape, the grouping, including the appeal property, has a traditional appearance that contributes positively to the character and appearance of the CA.
7. The appellant asserts that, although the dormers would occupy a large proportion of the roof space, they would be visually subordinate and not top-heavy and therefore in accordance with the guidance for dormers, as set out in the Council’s Design Quality SPD (2018). Whilst I note the evidence regarding the positioning and massing of the proposed dormers, I do not consider that the proposed dormers are appropriate, by virtue of their location within the CA. By reason of their scale and position, the front and rear dormers would together effectively create a new storey, which would not appear as subordinate or in keeping with the street scene, when viewed in the context of Cliff Row.
8. Whilst it is clear that the proposed dormers have been well-considered in terms of detailed aspects of their design and materials, as features they would still appear highly intrusive and discordant in the context of the existing consistent form and pattern of the roofscape along Cliff Row, which consists of largely unaltered, traditional pitched roofs. They would divert the eye unnecessarily when viewing Cliff Row from the surrounding area, presenting a distraction to the open views out to sea and would create an unnatural interruption to the current uniform roofscape. This is illustrated by the 3D renderings provided by the appellant.
9. A variety of dormers already exist within the surrounding area, however I note that these are not directly comparable in terms of their immediate context, or their position within the CA. The CCACA document also notes that many modern examples present within the CA are inappropriate, for reasons including their size or location, and have therefore had an adverse effect on the roofscape within the CA. In any event, I have considered the proposal before me on its merits and I therefore attribute limited weight to the examples provided.
10. I have also had regard to a number of appeal decisions presented. Although they relate to dormers within Conservation Areas, the locations of the appeal sites are elsewhere in the country, including a number of examples within London. I have little reason to conclude that they are directly comparable to the appeal site, in terms of its location or its immediate context. In addition, the appeal decisions provided are also not directly comparable with regards to the amount and type of development proposed. I therefore attribute minimal weight to these decisions in the consideration of this appeal.
11. For the reasons given, the proposed dormers would result in less than substantial harm to the character and appearance of the CA. Paragraph 196 of the National Planning Policy Framework (the Framework) requires that, where a

development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

12. I note the appellant's comments regarding the tall and narrow design of the existing property and the desire to improve it to the benefit and enjoyment of current and future occupiers. I understand his aspiration to live sustainably and in accordance with his principles, and note the proposed use of solar panels, Passivhaus design and other sustainable design features. Relative to the harm I have identified, however, these factors attract limited weight in favour of the appeal. I also note that solar panels can already be found on the pitched roof of a neighbouring property and therefore it is open to question whether this may already be an option in relation to the existing, unextended form of the appeal property. I have had regard to comments regarding the regeneration of the property and the wider area, which is consistent with a letter of support for the proposal from a resident living within the wider area, to which I also attach limited weight. Benefits arising from short-term employment during construction would be modest and would therefore also attract limited weight.
13. Although I have had regard to the benefits put forward by the appellant, I do not consider that the public benefits proposed outweigh the harm that I have identified.
14. Any increase to the value of the property arising from the proposed development would not be a public benefit but a private one. As planning is concerned with land use in the public interest, I cannot give such a benefit weight in the consideration of this appeal.
15. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. Overall, the proposed dormers would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm, in the words of the Framework.
16. The proposed dormers would conflict with adopted Policies DM6.5 and DM6.6 of the North Tyneside Local Plan Adopted July 2017 (NTLP), which relate to the preservation and enhancement of heritage assets, including the need to ensure that proposals do not harm the significance of such assets. The proposed dormers would also be contrary to adopted Policy DM6.1 of the NTLP, which requires that designs are specific to place, based on a clear analysis of the characteristics of the site and contrary to adopted Policy DM6.2 of the NTLP, which requires, amongst other things, extensions to complement the form and character of the original building. The proposed dormers would also conflict with the guidance set out in the Design Quality SPD.

Other matters

17. I note the proposed development includes various other elements, including a glass canopy to the rear of the property and replacement windows and doors. I further note the LPA raises no specific objections in those regards and no evidence is before me to suggest harm in those respects. It is not therefore necessary for this decision to consider those aspects of the proposed development any further.

18. I also note procedural concerns raised by the appellant, however I am focussing on the planning merits of the appeal before me and upon the evidence provided.
19. Whilst I have had due regard to other points raised in the appellant's evidence, including the reference to permitted development rights, this does not alter my assessment in relation to the main issue.

Conclusion

20. For the reasons given, the appeal should be dismissed.

M L Milliken

INSPECTOR