



Appeal Decision

Site visit made on 10 March 2020

by M L Milliken BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/P2935/W/19/3241512

105 Front Street, Newbiggin-By-The-Sea NE64 6AD

- 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 Dorothy Hall against the decision of Northumberland County Council.
 - The application Ref 19/02137/FUL, dated 30 June 2019, was refused by notice dated 11 October 2019.
 - The development proposed is erection of railing to rear of property to existing flat roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the suggestion on the original application form that at the time of the application the development had commenced and was complete, I noted at my visit that there was no railing, wall or other boundary present in the location shown on the submitted plans.
3. Furthermore, it appears from the evidence that, during the determination period, revised drawings were submitted by the appellant which were publicised by the Council. I am therefore determining the appeal on the basis of the details as set out in those revised drawings.

Main Issue(s)

4. The main issues are:
 - (i) Whether or not the proposed development would preserve or enhance the character or appearance of the Newbiggin-by-the-Sea Conservation Area (the CA); and
 - (ii) The effect of the proposed development on the living conditions of neighbouring residents, including any possible implications for overlooking.

Reasons

Character and Appearance

5. The appeal property is located within the CA, on an existing row of properties, fronting onto one of the main routes through the town centre. From the evidence before me, the significance of the CA appears to relate to its intrinsic

architectural and historic character, with the existing street pattern along Front Street reflecting the historic medieval form and layout.

6. The appeal property appears to be constructed of traditional stone, with render present to the rear and has a pitched roof that accords with other properties along Front Street. Whilst not displaying particular heritage features in itself, the rear of the property forms an integral part of the host building, of the wider CA and contributes accordingly. Overall, by virtue of its form and location within the CA, the host building has architectural merit and makes a positive contribution to the significance of the historic asset.
7. The Council has submitted as part of its evidence a copy of the Newbiggin-by-the-Sea Conservation Area (Existing & Proposed) Management Strategy Supplementary Planning Document (2009). Objective G of the document comments that new design in the CA should respond to and reinforce local distinctiveness, sit happily in the pattern of development and respect the layout, height, scale and massing of neighbouring buildings.
8. The proposed development would comprise a wall which would be rendered to be sympathetic to the existing materials located to the rear of the building. The proposed balcony would however be located in a prominent and exposed position above the main eaves of the host property. Due to its height and elevated position, it would be visible from routes to and from the neighbouring seafront and from the rear ground level its presence would appear as a visually intrusive, prominent feature in the street scene, when placed in the context of existing similar properties.
9. Rather than respecting the form of the host property or existing neighbouring buildings, the proposed development, by virtue of its design and location, would result in an alien feature which would appear characteristically out of place, especially at such an elevated position.
10. For the reasons given, the proposed development would result in less than substantial harm to the character and appearance of the CA. Whilst I note reference to its description as a non-designated heritage asset, this status has not been substantiated or otherwise clarified by the Council and I am therefore considering the heritage implications on the basis of the other evidence already before me. 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.
11. Whilst I have had regard to the appellant's comments regarding the need to comply with building regulations and to ensure safety, I am not satisfied there may not be other possibilities available to address concerns around safety. I also note the appellant's desire to improve the property in order to take full advantage of local views.
12. 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. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is also a matter of considerable importance and weight.

13. The proposed development would conflict with saved Policy GP18 of the Wansbeck District Local Plan (WDLP) (2007), which seeks to ensure that development within a Conservation Area should be in sympathy with the character and appearance of the area and development likely to have an adverse impact will not be permitted. It would also conflict with saved Policy GP30 of the WDLP, which seeks to prevent significant harm, in visual terms, to the character or quality of the surrounding environment, and saved Policy GP31, which encourages high quality design.

Living Conditions

14. The proposed development would introduce a new, private balcony at a highly elevated position, which would afford wider and closer views across neighbouring properties, particularly those on Vernon Place. Although some separation distance would exist between the balcony and the existing rear windows of the dwellings opposite, there would still be clear views into these dwellings, at height. Whilst I have had regard to the proposed installation of an internal shelf in order to limit views, this would not significantly reduce potential overlooking from the view.
15. The appellant asserts that the erection of a balcony would prevent and eliminate rear property to property views in some instances. Whilst I note comments regarding existing rear window views at the host property, in addition to a neighbouring example, for reasons including its elevated position, the proposed development is not directly comparable to the existing rear window views between properties, nor do I consider that the proposed development would have a beneficial effect in relation to existing rear window views.
16. Whilst I have had regard to new-build examples elsewhere, in relation to properties with existing rear window and back yards views, I note that these are also not directly comparable in terms of their immediate context, or the host property's position 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.
17. Overall, the proposed development would have an adverse effect on the living conditions of neighbouring residents and would be contrary to saved Policy GP23 of the WDLP, which seeks to ensure the amenity of local residents. It would also be contrary to saved Policy GP25 of the WDLP, which seeks to prevent significant harm arising from noise and disturbance, and saved Policy H8, which seeks to ensure that proposals do not have a significant adverse effect on neighbouring properties in terms of privacy.

Conclusion

18. For the reasons given, I conclude the proposed development to be in conflict with the development plan as a whole, and that finding is not outweighed by other material considerations. Accordingly, the appeal should be dismissed.

M L Milliken

INSPECTOR