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## Appeal Decision

Site visit made on 1 July 2020

**by A Caines BSc(Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 July 2020**

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**Appeal Ref: APP/P2935/W/20/3250092**

**4 Oxford Road, Stakeford, Choppington, Northumberland NE62 5HP**

- 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 John Coulson (Lion Garage Bedlington Ltd) against the decision of Northumberland County Council.
  - The application Ref 19/04461/FUL, dated 30 October 2019, was refused by notice dated 3 February 2020.
  - The development proposed is construction of a 2 bedroomed bungalow.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - The effect of the development on the character and appearance of the Oxford Road street scene;
  - the effect of the development on the integrity of designated sites of nature conservation; and
  - whether the development would provide satisfactory living conditions for existing and future occupiers, with particular regard to garden space.

### Reasons

#### *Character and appearance*

3. Saved Policy H5 of the Wansbeck District Local Plan 2007 (WDLP), which is still extant, expects new housing developments to be well designed and sets out a number of requirements including, among other things, that the new development relates well to its surroundings.
4. The appellant questions whether this policy is relevant to the appeal scheme. However, even a proposal for a single dwelling in an established area is a form of housing development. Achieving good design is a key aim of the National Planning Policy Framework (the Framework) and should be sought in all forms of housing development, whether it is a single dwelling, or a larger new housing estate. As such, Policy H5 is relevant to the proposal and I give it significant weight.
5. The proposal is to construct a bungalow on garden land immediately adjacent to 4 Oxford Road. The street scene in Oxford Road has a very consistent

- character. This is due largely to a consistent massing of two-storey, semi-detached houses and a well-defined building frontage, or 'established building line' as the Council have referred to it.
6. Within this context the proposed bungalow would be a building of inconsistent scale. In addition, its footprint-to-plot ratio and the space between the house and its roadside and back boundaries would be markedly at odds with the surrounding pattern of development. This would be emphasised by the projection of the bungalow beyond the front elevation of No 4, thereby disrupting the well-defined building frontage it would be seen in context with. The effect would be evident despite some screening from the roadside hedge.
  7. Accordingly, notwithstanding the use of appropriate materials and a roof design reflecting other existing houses, I find that the scale and layout of the development would not relate well to its immediate surroundings.
  8. In reasoning the above, I acknowledge that No 2 sits forward of the other houses in Oxford Road, but it lies at the end of the road and has a different orientation towards the junction with Stakeford Lane. It is also an original part of the estate. It therefore does not justify the proposed development being out of step with the otherwise well-defined building frontage it would be more closely associated with. A more recent property was developed at the end of Collingwood Street, a neighbouring street to the south. However, it lies at the end of a cul de sac so is not directly comparable to the appeal site. Moreover, it is not viewed in the same street scene context as the appeal site so a comparison cannot be reasonably drawn to the appeal scheme.
  9. I have also had regard to a number of porches and front extensions that are present in the street, some of which appear to have been approved by the Council. These extend beyond the front of the host buildings. However, the appeal scheme is not a similar form of development so again, comparisons cannot reasonably be drawn to this case. In any event, the extensions are in the minority and small in scale, such that they have a very limited influence on the character and appearance of the Oxford Road street scene. Therefore, and having regard to the judgement I have been referred to<sup>1</sup>, I do not consider that any precedent has been set for the appeal scheme, which I have considered on its own merits.
  10. The appellant also suggests that the Council adopted a subjective interpretation of the wording of WDLP Policy H5 in its first refusal reason because the Policy does not make specific reference to 'established building lines'. However, the consideration of matters such as building lines, scale, and layout are part and parcel of the assessment of design and how a development relates to the site and its surroundings. Indeed, paragraph 21 of the National Design Guide states that 'a well-designed place is unlikely to be achieved by focussing only on the appearance, materials and detailing of buildings. Therefore, and having regard to the judgement I have been referred to<sup>2</sup>, I do not consider it irrational or perverse to refer to building lines, or any other design terms, when assessing design within the context of an overarching design policy.
  11. I conclude, on this issue, that the development would cause harm to the character and appearance of the Oxford Road street scene. This is contrary to

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<sup>1</sup> *Guildford Borough Council v SSCLG* [2009] EWAC 3531

<sup>2</sup> *Tesco Stores v Dundee City Council* [2012] UKSC 13

WDLP Policy H5 in so far as it requires that new housing is well designed and relates well to its surroundings. It is also contrary to the Framework with regard to achieving well designed places.

*The integrity of designated nature conservation sites*

12. I am advised that the appeal site lies within the 10km zone of influence of the coast, which includes internationally and nationally designated sites of nature conservation<sup>3</sup>. The Habitats Regulations requires the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone or in combination with other plans or projects. This responsibility falls to me in the context of this appeal.
13. The appellant questions whether the development, being in a well-established urban area, would impact on the designated coastal sites and require mitigation. However, the proposal would introduce a further dwelling into the area. The increase in population arising from even a single dwelling, but also in combination with other development projects, can place extra recreational pressure upon the designated coastal sites and result in potential disturbance to the bird species and plants that are special features of the designated sites.
14. From the evidence, it appears that the Council has a coastal mitigation service. One potential mitigation strategy would be a financial contribution towards the coastal mitigation service to assist with the ongoing funding of a warden presence on the coast, but this would need to be secured through a completed legal agreement. I am satisfied that such an approach would comply with the relevant tests for planning obligations as set out in the Framework and in Regulation 122 of the CIL Regulations. However, no legal agreement has been submitted to secure the mitigation, and it is not a matter which can be left to a later stage. I do not find anything in the judgement I have been referred to<sup>4</sup> that leads me to a different conclusion.
15. In these circumstances, I conclude that the development would adversely affect the integrity of the designated sites of nature conservation, contrary to the requirements of the Habitats Regulations. It would also conflict with Policies GP10 and GP11 of the WDLP, which state that development should not have an adverse effect on national and local designated sites of nature conservation, and which seek to provide compensatory measures for any harm. The proposal would also conflict with the Framework in respect of conserving and enhancing the natural environment.

*Living conditions*

16. The bungalow would have garden space to the side and front. Whilst this would be narrow in width, I am satisfied that in total it would amount to adequate provision of garden space for occupiers of the two-bedroom bungalow. In addition, whilst the development would result in the loss of garden space for the occupiers of No 4, there would still be useable garden areas to the front and rear and I have not been referred to any minimum garden space standards or requirements.

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<sup>3</sup> The Northumberland Shore Site of Special Scientific Interest, Northumbria Coast Special Protection Area (SPA) and Ramsar Site, Northumberland Marine SPA, Berwickshire and North Northumberland Coast Special Area of Conservation (SAC) and North Northumberland Dunes SAC.

<sup>4</sup> *R(Wright) vs Resilient Energy Severndale Ltd and another* [2019] UKSC 53

17. I conclude, on this issue, that the development would provide satisfactory living conditions for existing and future occupiers, with particular regard to garden space. Thus, there is no conflict with WDLP Policy H5 in so far as it requires adequate provision is made for gardens. Nonetheless, this does not outweigh the harm I have found on the other main issues.

### **Other Matters**

18. I have had regard to the appellant's Building for Life Assessment accompanying the appeal, but for the reasons set out above, it does not lead me to a different overall conclusion.
19. The appellant raised concerns over the way the Council communicated during the application, particularly regarding the need for a legal agreement. This is a matter between the parties and does not alter my assessment of the planning merits of the appeal and the need for the legal agreement.

### **Conclusion**

20. I have found that the proposal would cause harm to the character and appearance of the area, and would adversely affect the integrity of designated nature conservation sites.
21. The proposal therefore conflicts with statutory requirements and the development plan as a whole. These matters provide a clear justification for finding the scheme to be unacceptable and for this reason the appeal should be dismissed.

*A Caines*

INSPECTOR