



Appeal Decision

Site visit made on 21 July 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/P2935/W/20/3252884

Kirkville, Cottingwood Lane, Morpeth NE61 1EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Tindale against the decision of Northumberland County Council.
 - The application Ref 20/00273/VARYCO, dated 27 January 2020, was refused by notice dated 16 April 2020.
 - The application sought planning permission for Demolition of existing double garage and rebuilding with larger footprint without complying with conditions attached to planning permission Ref 15/01665/FUL, dated 19 August 2015.
 - The conditions in dispute No 2 and No 3 which states that: The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials, and, Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plan number AL(00)000 and AL(00)102 dated Jan.15.
 - The reasons given for the conditions are; In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Castle Morpeth Local Plan policy H14, and; To ensure the development is carried out in accordance with the approved plans.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The emerging Northumberland Local Plan has undergone independent examination in May 2019. Minor modifications have been undertaken and formal consultation has occurred. The plan is progressing towards adoption.
3. The Council's Delegated Report refers to the appeal site located within the Morpeth Conservation Area (CA), however, the appeal site abuts the CA but is not included within it.

Main Issue

4. The main issue is the effect of the proposal on the significance of the listed Kirkville and on the character and appearance of the CA.

Reasons

5. Morpeth CA broadly extends along the route of the River Wansbeck and towards Oldgate and Bridge Street with a strong medieval settlement pattern to the town. Closer to the appeal site, St James The Great Church is the most dominant building, set within a context of both mid-late 19th Century and 20th Century housing.
6. The appeal site is located within the curtilage of the Grade II Listed Kirkville, the former Presbyterian Church, and dates from the early 1700's has been converted into residential use. It has a strong presence given its location close to the boundary with Cottingwood Lane and stands out as it is set amongst residential dwellings. The combination of red brick and stone walls with corner quoins and the high gabled roof and the round-headed windows, adds to the significance of the listed building.
7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Also, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
8. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. The Framework also acknowledges the contribution made by the setting. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification.
9. Permission has been granted to demolish the detached garage and to erect a replacement garage¹ within the curtilage of Kirkville to accommodate approximately four vehicles, constructed of both stone and brick with a pitched roof with a central apex. The appeal before me seeks to increase the width as well as the height to allow internal space above the main garaging area by varying conditions 2 and 3 of the previous approval. Whilst the overall increase in size may be approximately 6.8%, it is a combination of the proposed larger footprint and higher ridgeline that would make a consequential change to the scheme already approved
10. This increased height of approximately 2m to the ridgeline would significantly alter the appearance of the garage from what was previously approved, regardless of whether or not the eaves height would change. It would no longer appear subservient to Kirkville but would instead appear as a prominent and incongruous building that would be further emphasised by the large vertical picture window above the garage door, extending into the ridgeline. The

¹ Application reference 15/01665/FUL

proposal would compete for attention with Kirkville detracting from the setting of the listed building, and would not enhance the significance of the heritage asset.

11. The site shares a very close relationship with the CA. It would be shielded from public views by St James Terrace and Copper Chare to the south of the appeal site. However, the rear elevations of houses along St James Terrace and Cooper Chare that are within the CA, backs onto the appeal site and has a strong presence to them, and are relatively unaltered, and are very visible from Cottingwood Lane due to the width of the present drive and the openness that ensues. Also, a number of rear elevations of properties along Newgate Street are also partially visible above the existing garage from Cottingwood Lane, and are also included within the CA.
12. The proposed increase in its scale would detract from the visual appreciation of the rear elevations of St James Terrace and Copper Chare. It would further obscure the rear elevation of the other properties along Newgate Street that are visible in longer range views from Cottingwood Lane. I am of the view that due to its proposed scale, it would compromise views experienced into the CA from Cottingwood Lane.
13. There may be vehicles and structures within the curtilage of Kirkville, these are low level and largely typical domestic paraphernalia which would be expected to be located within any domestic curtilage. The fact that these are in existence does not persuade me in favour of the appeal.
14. The proposal would cause harm to the setting of the listed building and fail to preserve or enhance the character and appearance of the conservation area. The proposed development would not conserve the heritage assets in a manner appropriate to its significance in line with one of the core planning principles of the Framework. The proposal would result in less than substantial harm arising to the significance of the designated heritage assets with no public benefits cited to outweigh the harm.
15. Therefore the proposal would be contrary to Des1 of the Morpeth Neighbourhood Plan 2011-2031 (May 2016) in its design principle aims for development to conserve, preserve, reflect and enhance the historic assets and the historic environment, as well as the advice contained within the National Planning Policy Framework to conserve and enhance the historic environment.

Other Matters

16. A previous scheme for two bungalows² was approved by the Council, and the appellant has provided me with an extract from the Council's Building Conservation Officer's comments. They have rounded off their comments by seeking the case officer to make a decision based on the National Planning Policy Framework. The Council came to a view to approve that particular proposal although I am not furnished with the precise details behind this decision. The appellant's own views on this scheme are their own. The proposed appeal before me is materially different to the bungalows development and cannot be directly compared.
17. Whilst in this particular appeal proposal, the Council have come to the view that it should be refused, in line with consultee advice, this is the conclusion

² Application reference 18/00336/FUL

they have reached. Any inconsistencies in decision making that the appellant perceives should be directed to the Council in the first place, as well as matters in relation to communication between them and the Council, as it is not within my remit to offer comment.

18. Whilst similar finish characteristics to the approved garage is proposed, and that there are no concerns raised by either party with respect to overlooking of neighbouring properties, and although the enlarged garage would provide a better use of the space for the appellant, and they are of the view it would be more sustainable, none of these matters alters the view I have reached.

Conclusion

19. Therefore, for the reasons given, and having had regard to all other matters raised, the appeal for the variation of permission is dismissed.

Alison Scott

INSPECTOR