



Appeal Decisions

Site visit made on 6 July 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020

Appeal A Ref: APP/P2935/W/20/3250037

5 North Street, Amble NE65 0BU

- 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 R Jackson against the decision of Northumberland County Council.
 - The application Ref: 19/04753/FUL, dated 28 November 2019, was refused by notice dated 14 February 2020.
 - The development proposed is construction of wall within rear yard.
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Appeal B Ref: APP/P2935/Y/20/3250043

5 North Street, Amble NE65 0BU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr R Jackson against the decision of Northumberland County Council.
 - The application Ref: 19/04754/LBC, dated 28 November 2019, was refused by notice dated 14 February 2020.
 - The works proposed are construction of wall within rear yard.
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Decision

1. **Appeal A** – the appeal is dismissed.
2. **Appeal B** – the appeal is dismissed.

Procedural Matters

3. These decisions address both planning permission and listed building consent appeals for the same site and for the same scheme. The remit of both regimes is different, and the main issue identified below relates to both Appeal A and Appeal B. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.
4. Reference is made in the Council's delegated report to the emerging Northumberland Local Plan, Publication Draft (Reg 19) (January 2019) (NLP), but no policies from the NLP are referred to in its decision notice. Bearing in mind Paragraph 48 of the National Planning Policy Framework (the Framework), I have not been provided with any substantive details regarding the stage of preparation of the NLP, the extent of any unresolved objections to the relevant policies and the degree of consistency of the relevant policies to the Framework. Therefore, I can only give these policies limited weight.

5. I observed on my site visit that a brick wall has already been erected within the yard to the rear of Nos 5 and 7 North Street. Therefore and for the avoidance of doubt, I have determined the appeals on the basis that the development and works have, in part, already occurred, having regard to the plans and information submitted with the application¹.

Main Issue

6. The main issue is whether the proposal preserves the Grade II listed building known as Nos 3, 5 and 7 North Street, including its setting or any features of special architectural or historic interest which it possesses.

Reasons

7. The appeal property, No 5 North Street, is part of a terrace of modest, two-storey properties that dates from 1837 and, along with the adjoining properties of Nos 3 and 7 North Street, is Grade II listed as a group (Nos 5, 3 and 7). The group is also located within the Amble Conservation Area (the ACA).
8. The front elevation of No 5 (along with Nos 3 and 7) is of tooled squared stone, described in the listing description as 'near ashlar quality'. Whereas the rear elevation of No 5 (along with No 7) is finished with a pebbledash render. The properties have tiled roofs.
9. To the rear of Nos 5 and 7 there is an enclosed yard that is owned by the occupant of No 5 and to which the occupant of No 7 has access rights over and a view into. The yard walls are finished with a pebbledash render similar to that of the houses and are capped with coping stones. The space is entered through a door from an alleyway which is accessed via a covered central archway off North Street between Nos 3 and 5.
10. From the evidence available to me, I consider that the significance of the Grade II listed building known as Nos 3, 5 and 7 to be largely derived from its historical illustrative value and aesthetic designed value as a group of domestic, terraced properties of early 19th century date, built during an important period in the town's development when Amble's Harbour was constructed. The modest but pleasing frontage of the building group, which is harmonious in design and materials with other terraces in the area, undoubtedly makes a considerable contribution to its special interest and significance. However, the listed building's age, use and surviving elements of historic plot-form and immediate setting, such as the rear yard of Nos 5 and 7, also add to its special interest and significance.
11. The wall which is the subject of the appeals is located within the yard to the rear of Nos 5 and 7. It is of basic red-brick construction to a height of, as stated by the appellant, 1500mm. It is in two sections. One section is straight and abuts the frame of the historic outbuildings within the yard. The other is of a dog-leg form and is freestanding within the yard. Although not shown on the proposed drawing submitted with the application, it is intended that the wall would be finished with a pebbledash render and coping stones to match the yard walls, the detail of which could be controlled by condition. This treatment would increase the height of the wall to 1650mm.

¹ Application Plans: 5 North Street, Amble – Rear Yard as Existing; and 5 North Street, Amble – Wall Constructed Within Rear Yard – Dwg No. 19/2260 – Date November 2019.

12. Although the wall provides a demarcation of the land within the yard of Nos 5 and 7, it awkwardly subdivides the space and in doing so detrimentally alters the historic plot form of the listed building. Given the very modest size of the yard, the wall appears as a dominant and incongruous feature which reduces the already limited space within it and markedly detracts from the architectural and historic integrity of the listed building. As a result, it does not sustain the significance of the heritage asset and erodes the contribution that its setting makes to its significance.
13. I recognise that previous permissions have granted works to No 5 that have resulted in alterations to the yard walls, the outbuildings within the yard and the appeal property². Nevertheless, it is evident that those permitted works have caused piecemeal change to No 5 and the setting of Nos 5 and 7 which have progressively diminished the listed building's architectural and historic integrity. On this basis, the addition of the wall, although seemingly minor, is another incremental alteration which further erodes the special interest of the listed building and its setting. Therefore, the fact that the Council has permitted other works to the property in the past, does not justify additional inappropriate and unacceptable development and works.
14. Whilst the proposed treatment of the wall with pebbledash render and coping stones would reflect the finish of the existing yard walls, it would not mitigate the adverse impact of the structure or overcome the fundamental objections to its location and form within this space. Indeed, the resultant increase in height would exacerbate the wall's undue prominence and the pebbledash render and coping stones would be a misplaced pastiche treatment only serving to confuse when considering the historical development of the building.
15. The appellant contends that the wall has been installed to provide much needed privacy for any occupant of No 5. However, it is apparent that, although the wall provides a degree of privacy when any rights of access by the occupier of No 7 are exercised, it does not stop the occupier of No 7 viewing into the private space created for No 5. As such, this can only be afforded limited weight.
16. I note the appellant's comments that the changes carried out and proposed would not be visible to the general public. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building or certain parts of it can be gained.
17. Drawing the above points together, the proposal fails to preserve the Grade II listed building known as Nos 3, 5 and 7 North Street, including its setting or any features of special architectural or historic interest which it possesses. In doing so, the development and works harm the special interest and significance of this designated heritage asset.
18. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to advise that significance can be harmed or lost from the asset's alteration or destruction, or from development within its setting and that this should have clear and convincing justification.

² Application Refs: 17/03981/LBC and 16/03835/LBC.

19. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the relatively localised and limited extent of the development and works, I find the harm to the listed building to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
20. Reference is made by the appellant to practical benefits of the wall in relation to the amenity and wellbeing of occupiers of Nos 5 and 7, including increased privacy, noise reduction and separation of activities. However, these are essentially private benefits to the occupier of No 5 and, as such, do not weigh in favour of the appeals. Furthermore, no evidence has been provided which verifies that the optimum viable use of the appeal property as a residential dwelling would be jeopardised or would cease if the appeals were to fail.
21. In the absence of any material public benefit arising from the proposal, the appellant has offered to commission the preparation of a comprehensive heritage statement or historic building assessment of No 5, the detail of which could be controlled by condition. The assessment would be undertaken by an appropriately qualified historic buildings consultant and placed on public record in a local archive. It is asserted that this would achieve an enhanced understanding and appreciation of No 5 and further the public knowledge of the property and Amble's history, which would be capable of amounting to a public benefit.
22. The Planning Practice Guidance declares that public benefits could be anything that delivers economic, social or environmental objectives as described in the Framework. It goes on to state that they should flow from the proposed development and should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, it also confirms that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits. Examples of heritage benefits may include, sustaining or enhancing the significance of a heritage asset and the contribution of its setting; reducing or removing risks to a heritage asset; and securing the optimum viable use of a heritage asset in support of its long term conservation³
23. A statement or assessment of the type proposed could be argued to support the delivery of the environmental objective of the Framework by indirectly contributing to the protection and enhancement of the historic environment and, therefore, provide some public benefit to the wider community. However, given the proposed scope of the document, any public benefit would be limited.
24. Moreover, whilst the harm identified may be less than substantial and even, as contended by the appellant, to be at the lower end of this scale, this should not be equated with a less than substantial planning objection, particularly where the statutory duty to preserve the listed building and its setting has not been met.
25. Mindful of the 'great weight' I am required to give to the asset's conservation irrespective of the level of harm found, I consider that the public benefit arising from the production and public availability of such a document would not be

³ Planning Practice Guidance Paragraph: 020 Reference ID: 18a-020-20190723.

sufficient to outweigh the harm I have found to the significance of the designated heritage asset and its setting.

26. Overall, I conclude that the proposal fails to preserve the Grade II listed building known as Nos 3, 5 and 7 North Street, including its setting or any features of special architectural or historic interest which it possesses. In doing so, it causes less than substantial harm to the significance of this designated heritage asset. In the absence of sufficient public benefit that outweighs the considerable weight which is given to this harm, the proposal is contrary to the requirements of Sections 16(2) and 66(1) of the Act and Paragraphs 192, 193 and 194 of the Framework.
27. The proposal also conflicts with Policies S15 and S16 of the Alnwick District Local Development Framework Core Strategy Development Plan Document 2007, insofar as they seek to conserve the district's built and historic environment and achieve a high standard of design reflecting local character and distinctiveness. As a result, the proposal does not accord with the development plan.

Other Matters

28. The appeal property lies within the ACA. The special interest and significance of the ACA is largely derived from the preservation of its historic street pattern as the town developed, along with the general architectural unity of the buildings in terms of their form, design and materials. The appeal property, as part of a group, makes a positive contribution to the character and appearance of the ACA and thereby to its significance as a designated heritage asset.
29. Having regard to the location and extent of the proposal, I consider that it has a neutral impact on, and therefore preserves, the character and appearance of the ACA when considered as a whole. As such, it does not conflict with the provisions within the Framework which seek to sustain the significance of designated heritage assets. Nevertheless, the avoidance of harm in this regard weighs neutrally and does not amount to a consideration in support of the appeals or alter my overall conclusion.
30. My attention has been drawn to properties on Church Street, Dovecote Street, Main Street and George Street that have undergone alterations to and/or within their rear yards. However, limited information has been provided and I do not know whether the buildings are listed, the detail of any development or works carried out or whether the development or works required any form of permission or consent. Therefore, I afford them only very limited weight. In any event, I have determined the appeals before me on their own planning merits and the specific context of the appeal site.
31. I note that the Council raised no concerns in relation to the effect of the proposal on the living conditions of the occupier of No 7. However, this is a neutral consideration in the planning balance.

Conclusion – both appeals

32. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

F Cullen INSPECTOR