



Appeal Decision

Site visit made on 8 December 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/P2935/D/20/3259730

9 Longhirst Village, Longhirst NE61 3LT

- 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 A Hunter (Making Plans (NE) Ltd) against the decision of Northumberland County Council.
 - The application Ref 20/01697/FUL, dated 5 June 2020, was refused by notice dated 3 September 2020.
 - The development proposed is the construction of new rear two storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Longhirst Conservation Area (CA);
 - the effect of the proposal on protected species; and
 - the effect of the proposal on the living conditions of the occupants of No 8 Longhirst Village (No 8) with particular regard to outlook and daylight.

Reasons

Conservation Area

3. The appeal property is a mid-terrace dwelling located within the CA. This part of the CA is characterised by linear housing, with the western side of the road made up of blocks of terraced housing with some variation between the blocks. Forming part of a group of 3 houses with a consistent form and appearance, the appeal property makes a positive contribution to the character of the CA.
4. Other properties have been extended to the rear, in a variety of forms, although I do not have any details of the circumstances that led to them being built. Nonetheless, the terrace group containing the appeal property, despite ground floor extensions to the rear, retains a unity. The form and appearance of the roofscape at the rear remains strongly defined and makes a positive contribution to the overall character and appearance of the group.
5. The proposal would not result in any changes to the front elevation, as such the main appearance of the group from the street would be maintained. However, it would significantly alter the appearance of the rear elevation. The

- consistent character of the terrace group to the rear would be lost with the removal of the dormer, alteration to the roof form and extension proposed.
6. Even though the proposal would not project significantly to the rear and matching materials and windows would be used, the proposal would significantly alter and harm the unity of the terrace group.
 7. Policy LTC3 of the Castle Morpeth District Local Plan (2003) (LP) stipulates, amongst other things, that particular attention should be paid to the appearance of buildings fronting onto the main streets. However, the whole property and terrace group are within the CA, and any harm to it is a matter that attracts great weight, having regard to paragraph 193 of the National Planning Policy Framework (the Framework), and the statutory duty to preserve or enhance CA's.
 8. The proposal would be seen in private views to the rear, along the access track. Thus, even though it would not be dominant from wider views or seen from the main road through the village, it would, nonetheless, be an undesirable incremental change that would erode the overall character and appearance of the CA.
 9. The proposal would improve the living conditions associated with the property, whilst maintaining its parking arrangements. However, the overall benefits to the public would be limited. Heritage assets are irreplaceable and great weight should be given to their conservation. Therefore, as set out in paragraph 196 of the Framework, there are no public benefits that outweigh the less than substantial harm that would occur in this case.
 10. Accordingly, the proposal would conflict with the requirements of Policies H14, LTC3 and C29 of the LP and the Framework. These stipulate, amongst other things, that in CAs the design of the alteration of existing buildings should preserve or enhance the quality and character of their location in appearance and massing.

Protected Species

11. The proposal would result in alterations to a roof, in a location where there is the potential for the presence of protected species such as bats.
12. Circular 06/2005 states that the presence of protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It goes on to say that it *'...is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'* (paragraph 99). This is reinforced in advice within the Planning Practice Guidance (PPG).
13. The appellant advises that some ecological surveys have been undertaken. However, despite stipulating that the ecology report was attached with the appeal, no report was submitted, either with the appeal or following a subsequent request during the appeal process.
14. As such, in the absence of any survey work before me to understand the potential effects on protected species, I am unable to conclude that the

proposal would not have a harmful effect on such species. The proposal would therefore conflict with the requirements of Policy C11 of the LP and the Framework in this regard. These stipulate, amongst other things, that the council will not permit development which would adversely affect protected species unless it can be demonstrated that the reasons for the proposed development outweigh any adverse effect on the species.

Living Conditions

15. As a mid-terrace property, the proposal would have a close physical relationship with the attached neighbouring houses. No 8 is currently being extended at ground floor level. Although I do not have the details of this extension before me, from my observations on site, this will bring all the ground floor windows forward.
16. There is no substantive evidence before me as to the extent of any loss of daylight, though I note the Council's reference to the so called '45-degree rule'. Even without the extension currently being built, the ground floor windows of No 8 are offset from the common boundary, and given the extent of projection of the proposal, even with a breach of the 45-degree rule, I do not consider that this would significantly reduce daylight or outlook from the nearest window.
17. I therefore find that the proposal would not harm the living conditions of the occupants of No 8 with particular regard to outlook and daylight. The proposal would therefore comply with the requirements of Policy H14 of the LP and the Framework in this regard. These stipulate, amongst other things, that proposals to extend dwellings will be permitted where there is no adverse impact on the amenity of nearby residents.

Conclusion

18. Although the proposal would not result in an unacceptable effect on the living conditions of the occupants of No 8, it would result in harm to the character and appearance of the CA. Moreover, I am unable to conclude that the proposal would not have a harmful effect on protected species.
19. The absence of harm in relation to the living conditions of the neighbouring property is a neutral matter, weighing neither for or against the proposal. Moreover, other matters raised, including the benefits of the proposal, do not change the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR