



Appeal Decision

Site Visit made on 4 February 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/P2935/W/20/3260563

Land South East of Lifeboat House, Haven Hill, Craster NE66 3TR

- 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 (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr David Sean Pringle (Pringle Building Services Ltd) against the decision of Northumberland County Council.
- The application Ref 20/00581/VARYCO, dated 2 March 2020, was refused by notice dated 27 July 2020.
- The application sought planning permission for 'Change of use of buildings used as garage/storage, office, and small washroom to 2 new homes with external car parking and amenity space' without complying with conditions attached to planning permission Ref 17/03658/FUL, dated 22 December 2017.
- The conditions in dispute are Nos 2, 4, 5, 8 and 9, which state that:
- (2) 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; Location Plan (submitted 23/11/17); (90) 003 Rev B – Proposed Site Plan; (00) 007 Rev B – Proposed Ground Floor ; (00) 008 – Proposed First Floor; (00) 009 – Proposed Roof Plan; (00) 010 Rev A – Proposed Front Elevation; (00) 011 – Proposed Rear Elevation; (00) 012 – Proposed West Elevation.
- (4) Notwithstanding any description of the materials in the application, prior to the application of external finishes to the dormers hereby approved; Precise details, to include samples, of the materials to be used in the construction of the external faces and roof of the dormers Shall be submitted to, and approved in writing by, the Local Planning Authority. All approved details are to be used in the construction of the development shall conform to the materials approved and retained thereafter.
- (5) A detailed landscape planting plan, including the planting of locally native trees, shrubs and wildflowers of local provenance, shall be submitted to and agreed in writing with the Local Planning Authority with the planting to be fully implemented during the first full planting season (November – March inclusive) following the commencement of development.
- (8) Notwithstanding the submitted details, the development hereby approved shall not be occupied until details of the form and location of the boundary along the Haven Hill site frontage, and the details of arrangements for vehicular access and car parking spaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be taken into use until the layout has been implemented in accordance with the approved details and shall thereafter be retained accordingly.
- (9) No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with approved details.

- The reasons given for the conditions are:
 - (2) To ensure the development is carried out in accordance with the approved plans.
 - (4) In the interests of visual amenity in accordance with Policy S16 of the Alnwick LDF Core Strategy.
 - (5) To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site in accordance with Policy S12 of the Alnwick LDF Core Strategy.
 - (8) For the avoidance of doubt and in the interests of highway safety in accordance with the National Planning Policy Framework.
 - (9) To ensure sufficient and suitable facilities are provided for the storage and collection of household waste in accordance with Chapter 7 of the National Planning Policy Framework.
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Decision

1. The appeal is allowed in part and the planning permission Ref 17/03658/FUL for change of use of buildings used as garage/storage, office, and small washroom to 2 new homes with external car parking and amenity space at Land South East of Lifeboat House, Haven Hill, Craster NE66 3TR granted on 22 December 2017 by Northumberland County Council, is varied by deleting and substituting conditions 2 and 5, and deleting Condition 4, as set out in the Schedule attached to this decision.

Procedural Matters

2. The application has been submitted on the basis that works have already begun. However, at the time of my site visit I observed that the works carried out are not entirely consistent with the revised plans I am being asked to consider. This includes in respect of the size of the front upper floor windows; the design and position of the entrance door within the arched opening to unit 2; the design of the entrance door to unit 1; and the position of the bin stores. These changes are not referred to in any of the appeal submissions or the Council's officer report. Accordingly, and for the avoidance of any doubt, I have considered this appeal on the basis of the submitted plans.
3. Although there is no specific reference in the Council's refusal reasons to the matters subject of conditions 4, 5, 8 and 9 as applied for, the application was refused in its entirety so they fall to be considered in this appeal.

Background and Main Issues

4. The appeal building is part of a range of buildings facing Craster Harbour, and lies within the Northumberland Coastal Area of Outstanding Natural Beauty (AONB). Planning permission was granted for conversion of the building into two dwellings under application 17/03658/FUL in December 2017.
5. The proposals now subject to this appeal seek minor design changes to the approved scheme and also the removal/discharge of conditions requiring further details in relation to landscaping, access/parking, and refuse storage. Specifically, the design changes include the use of uPVC for windows and doors; the installation of two flues in the front roofslope; and omission of the former arched doors as 'shutter' features. Although not specifically referred to, I also note omission of dormers from the rear roofslope.

6. Against this background, the **main issues** are:

- The effect that varying condition 2 would have on the character and appearance of the area, with particular regard to the AONB;
- Whether condition 4 is reasonable and necessary;
- Whether condition 5 is reasonable and necessary, with particular regards to the character and appearance of the area, and biodiversity;
- Whether condition 8 is reasonable and necessary, with particular regard to highway safety; and
- Whether condition 9 is reasonable and necessary, with particular regard to the character and appearance of the area.

Reasons

Condition 2

7. Although clearly of some age, and noting the Parish Council comments regarding the historic significance of the harbour setting, the appeal building is not designated as a heritage asset and does not lie within a conservation area. Nor has my attention been drawn to any formal list maintained by the Council of locally protected buildings which this building is included on. Whilst the building lies within the AONB, it is within a village location rather than the rural landscape, such that it is viewed in an urbanised context. In addition, planning permission 17/03658/FUL authorises new openings, rear dormers, and full height glazing within the arched doorways, which would inevitably alter the appearance of the building and give it a domestic character.
8. Concerns are raised over the effect of the flues on the front roof slope. However, flues of the type proposed are a common addition to converted buildings, and in the context of the above, no harm would be caused to the appearance of the building or surrounding area.
9. In terms of the glazing materials, there is no substantive evidence that the previous window frames were timber. I also saw that uPVC is the predominant window material throughout the village, including in the adjoining buildings. In this context, and given the changes already established by the planning permission, the use of uPVC rather than timber would now have only a limited effect on the character of the building and surrounding area. In any event, whilst condition 3 removes some permitted development rights, it does not include any control over window and door replacement. Condition 4 relates only to approval of the external materials for the rear dormers. Consequently, even if timber windows and doors were to be installed, there is nothing that would prevent their later replacement with uPVC.
10. Regarding the omission of the arched doors as 'shutters', the appellant points out that it would have been impractical for the doors to open flat against the outer walls as they were recessed within the openings. Furthermore, it is unlikely that the doors would have been previously kept in an open position. Nor would they perform any functional role for the new residential use. Thus, the fixing of the doors in an unnatural manner on the building would be a contrived form of development. Of greater importance is the retention of the

size and form of the openings, which has been achieved. Accordingly, the omission of this element from the scheme would not be harmful.

11. The omission of the previously proposed dormers has not been commented on in the submissions, but in my view, is positive.
12. In reaching my conclusion, I have had regard to the purposes of the AONB, and advice in paragraph 172 of the National Planning Policy Framework (the Framework), which states that great weight should be given to conserving and enhancing landscape and scenic beauty within such areas. In view of my findings above, the proposed changes would not cause harm to the character or appearance of the landscape and the scenic beauty of the area.
13. Drawing these matters together, I conclude that varying condition 2 as proposed would not be harmful to the character and appearance of the area, including the AONB. In this regard, the proposal complies with saved Policies BE8 (Appendix A) and RE16 of the Alnwick District Wide Local Plan 1997 (ALP). It also complies with Policy S16 of the Alnwick District Core Strategy Development Plan Document 2007 (ACS). Among other things, these seek a high standard of design, respect for local character and context, and to avoid adverse effects on the AONB.
14. However, as the 'shutters' are still shown on the submitted site plan, and given my findings below, I shall exclude the site plan from the list of approved plans in the substituted condition.

Condition 4

15. As the dormers are now omitted from the scheme, this condition would cease to have any objective effect or purpose. Therefore, its retention is unnecessary.

Condition 5

16. Despite small areas of soft landscaping still being shown to the front of the units on the submitted site plan, the application form states that no landscaping is now proposed. However, even if opportunities for new planting at the front of the site are limited, I have not been provided with any evidence to justify none being provided at all, including as shown on the site plan and in other parts of the site. Furthermore, whilst I note reference in the Council's officer report to "retention of the green area to the rear", it is not identified as being retained on any plan before me so could not be secured. Moreover, there is no justification provided as to why this area could not be enhanced with native plants to provide biodiversity net gains, as required by ACS Policy S12 and paragraph 170(d) of the Framework.
17. Thus, in view of the site's location and the requirements to enhance biodiversity, I conclude that the condition remains reasonable and necessary, in accordance with ACS Policies S12 and S16, and also paragraphs 127, 170(d) and 172 of the Framework. However, a minor redrafting of the condition is required in respect of the timing of planting and retention requirements in order to meet the tests in paragraph 55 of the Framework. I have therefore deleted the condition and replaced it with a slightly modified version.

Condition 8

18. In terms of the boundary treatment, I note that the Council and local highway authority do not raise any objection to the post and chain 'fence' being retained along the Haven Hill frontage. As there has been no change to access arrangements in this regard, this aspect is acceptable. However, notwithstanding the appellant's reference to five parking spaces being provided within the site, only two are shown on the submitted site plan, which does not meet the Council's parking standards set out in Appendix E of the ALP. Due to the absence of on-street parking opportunities nearby, it is necessary that all of the required parking spaces are clearly identified to ensure their provision and retention.
19. Thus, I conclude that the condition remains reasonable and necessary in the interests of highway safety, in accordance with Policy TT5 and Appendix E of the ALP.

Condition 9

20. The location of two bin storage areas are shown on the submitted site plan and I note reference to discussions with the Council's waste collections department. I have no reason to doubt that the facilities are sufficient to serve the development. Nevertheless, I have not been provided with any details of the design of the refuse stores, which the condition specifically requires. As the refuse stores would be highly prominent features at the front of the site, their design and appearance is important and cannot be properly assessed in the absence of further details.
21. Thus, in view of the site's location, the condition remains reasonable and necessary in the interests of ensuring a satisfactory appearance of development which respects the character of the area, in accordance with Policy S16 of the ACS and Policies BE8 (Appendix A) and RE16 of the ALP.

Other Conditions

22. The Planning Practice Guidance (Use of Planning Conditions - paragraph 31) makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. No details have been provided by either party regarding the status of the remaining undisputed conditions. In the absence of further detail about the status of these conditions, I shall impose all of them again, with some minor tidying amendments, and I endorse the reasons for their imposition, as stated in the original decision notice. In the event that some have in fact been discharged, that is a matter that can be addressed by the parties.

Conclusion

23. For the reasons given above, I conclude that the appeal should succeed in part. The planning permission should be varied by substituting conditions 2 and 5, and deleting condition 4.

A Caines

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from 22 December 2017.
- 2) 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; Location Plan; BR_879_301 Rev C – Proposed Ground and First Floor Plans; BR_879_302 – Proposed Elevations.
- 3) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no; extensions; outbuildings; porches; or roof extensions beyond a 150mm projection, shall be erected on any part of the development hereby permitted without planning permission first being granted.
- 4) Condition removed.
- 5) No dwelling shall be occupied until a detailed landscape planting plan, to include the planting of locally native trees, shrubs and wildflowers, and the proposed timing of planting, has been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be carried out in accordance with the approved specification and timing, and if within a period of 5 years from the date of planting, any trees or plants die, are removed or become seriously damaged or diseased, they shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 6) The development shall take place in accordance with the avoidance, mitigation and enhancement measures detailed within the ecological report ('Ecological Assessment - Land South East of Lifeboat House, Haven Hill, Craster - August 2017', Budhaig Environmental, 6.10.17) including, but not restricted to, retention of crevice above arch on north elevation (as specified); adherence to precautionary working methods; and adherence to external lighting recommendations in accordance with 'Bats & Lighting in the UK', Bat Conservation Trust/Institution of Lighting Engineers, 2008'.
- 7) The development shall be carried out in accordance with a Construction Method Statement, which shall first have been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement shall, where applicable, provide for: the parking of vehicles of site operatives; the loading and unloading of plant and materials; and storage of plant and materials used in constructing the development. The approved Construction Method Statement shall be adhered to throughout the construction period.
- 8) Notwithstanding the submitted details, the development hereby approved shall not be occupied until details of the form and location of the boundary along the Haven Hill site frontage, and the details of arrangements for vehicular access and car parking spaces, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the layout has been implemented in

accordance with the approved details and shall thereafter be retained as such for the lifetime of the development.

- 9) No dwelling shall be occupied until details of refuse storage facilities and a refuse storage strategy for the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the facilities and arrangement for the provision of the bins. The approved refuse storage facilities shall be implemented before the development is brought into use. Thereafter the refuse storage facilities and refuse storage plan shall operate in accordance with the approved details for the lifetime of the development.
- 10) Notwithstanding the submitted details contained within the approved plans, no opening treatment at ground floor level shall be arranged so that they would open over highway land.

End of conditions