



Appeal Decision

Site visit made on 16 August 2021

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2021

Appeal Ref: APP/P2935/D/3276193

5 Harbour Cottage, 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.
 - The appeal is made by Mr Storm Smith against the decision of Northumberland County Council.
 - The application Ref 20/03089/FUL, dated 21 September 2020, was refused by notice dated 1 April 2021.
 - The development proposed is described as, Retrospective application to raise the level of rear lower patio by 385mm above the former timber deck level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During my site visit I saw that the development had been completed. I have dealt with the appeal on this basis.
3. The Northumberland Coast Area of Outstanding Natural Beauty (AONB) Partnership refer to paragraph 172 of the National Planning Policy Framework (the Framework). In July 2021 a revised Framework was published. The text quoted has not been altered but is now at paragraph 176. I have determined the appeal within the context of the new Framework.
4. The emerging Northumberland Local Plan (NLP) has not yet been formally adopted. Whilst reference has been made to it in the various appeal documents, none of its policies are referred to in the Council's decision notice. As I do not know whether the relevant NLP policies will be adopted in their current form, they carry very limited weight in this appeal. Accordingly, I have considered the appeal against the development plan currently in force.
5. Policy BE8/Appendix B of the Alnwick District Wide Local Plan pertains to extensions to existing buildings. The policy refers specifically to extensions, front extensions, and roof extensions. The officer report does not set out the proposal's conflict with any specific part of this policy and examples within Appendix B are not relevant to this development. I therefore give this policy limited weight within my decision.
6. The Appellant contends that Policy S16 of the Alnwick Local Development Framework Core Strategy 2007 (CS) is not relevant. However, this policy pertains to general design principles and seeks to protect and enhance the local environment having regard, amongst other factors, to layout. Issues associated

with sustainable design, energy efficiency, crime issues, waste and open space are subsequently listed as being additional priorities. As the relative positions of the development and adjacent properties are related to design and layout, I give this policy full weight within my decision.

7. The reason for refusal shown within the Council's decision notice states: "*The current submitted plans would significantly from the character and appearance of the main dwelling.*" This sentence does not make sense in its current form. However, in the context of the paragraph as a whole and the officer report, my view is that the Council has refused the development due to resultant harm to the character and appearance of the dwelling and AONB.
8. The Appellant has questioned whether the screen element of the new lower patio requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the Appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
9. The officer report states that the AONB Partnership would remove its objection should the proposal be altered in accordance with a photomontage image showing the glass screen replaced by a stone wall, and removal of the patio access gate. Notwithstanding their sight of the photomontage, there is no evidence that the Council, the AONB Partnership or interested parties have seen and commented upon a revised plan. The Appellant submitted a revised plan detailing these changes as part of the appeal. However, this appeal is being determined within the context of the Householder Appeal process which does not allow parties an opportunity to raise additional comments. Therefore, having regard to the 'Wheatcroft Principle' these parties could be prejudiced by my acceptance of this drawing.
10. Furthermore, the 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application¹. If an appeal is made, the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and upon which interested people's views were sought². Consequently, I have not taken this plan into account in my determination of this appeal.

Main Issues

11. The main issues are the effect of the proposal on the character and appearance of the AONB, and the living conditions at the neighbouring property with respect to privacy.

Reasons

Character and Appearance

12. Harbour Cottage sits within a row of three properties which are in a prominent and elevated position above Craster Harbour. This is a traditional coastal fishing village within the AONB with the harbour being a key feature. The rear

¹ Annexe M.1.1

² Annexe M.2.1

boundaries of the cottages face the harbour and are characterised by a series of whinstone walls at various levels, sitting atop a steep, partially vegetated rock outcrop which forms the southern edge of the harbour. The area has an enclosed character and similar whinstone walls can be seen bordering numerous nearby properties.

13. The development has altered the layout and height of the rear patios which were originally on two discrete levels with timber fencing fronting each patio area. The lower patio has now been raised by 380mm and enlarged with the upper patio being reduced in size.
14. The increased height of the patio and alteration to the western wall is not obvious when viewed from the harbour and other public vantage points. Consequently, they do not harm the character and appearance of the cottages or the AONB. The glass screen however, is an incongruous feature within the context of the surrounding walls and it is particularly obvious due to its reflective properties. Moreover, the glass screen adds to the prominence of the adjacent patio doors to form a large reflective feature.
15. The Appellant contends that a stone wall replacing the glass screen would be less obtrusive than the original white-painted timber fences which previously enclosed the two patio areas. However, as stated earlier, it is the current development with a glass screen which is before me and which forms the basis of such a comparison. Consequently, due to the incongruity of the glass screen and the presence of other timber gates and fences which characterise the harbour area, this argument does not support the development.
16. Paragraph 176 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. I find that the significant harm identified to the landscape character and appearance of the cottages and the area means that the proposal would not conserve and enhance the landscape and scenic beauty of the AONB.
17. This harm conflicts with Policies 2.1 and 3.5 of the AONB Management Plan. These policies seek to protect and enhance historic settlements and buildings and require alterations to have high quality design. Furthermore, there is also conflict with Policy S16 of the CS which seeks that development achieves a high standard of design reflecting local character.

Living conditions

18. Representations from the neighbouring property at Summer House raise concern that the new raised and enlarged lower patio allows views back towards and into their windows. Photographic evidence has been submitted to support this contention.
19. The new lower patio does not have a significantly greater projection than the previous one. The main difference is that it now sits higher with the reconfiguration making this new area a more useable and space which now forms the main outdoor sitting and viewing area.
20. From my site visit I observed that the new lower patio with its increased height and size and therefore level of use, will lead to a loss of privacy to The Summer House, affecting both the outdoor area and the rear ground floor windows. Although overlooking of the neighbouring patios would have been possible from the original layout, the larger sitting-out area was previously the upper patio

which was situated closer to the host cottage rear elevation. With respect to windows at The Summer House, this would have given a less direct angle of view. The new patio, being larger, at a raised level and more useable, provides a wider field of view back towards Summer House than before.

21. In addition to overlooking from the patio itself, there is a gate which leads down to a footway which runs directly in front of The Summer House. When exiting the patio to access the path beneath via a flight of steps, views to the windows of Summer House are possible. The amended scheme proposes removal of this gate to reduce such movements thereby improving amenity and privacy. However, as previously discussed, this option is not before me and I can give the suggestion little weight within my decision.
22. The Appellant contends that the fallback position would be to reinstate the old lower patio and that this would also allow views into the dwelling when in use. However, if this were to be done, the reinstated patio would be at a lower level, smaller and less useable and so give more limited views into windows at Summer House.
23. The Council have raised harm to outlook from Summer House within its reason for refusal. Setting aside the issue of privacy there is little evidence to support the assertion that the reconfigured patio affects outlook to any significant extent. Similarly, the Council suggest that the patio affects light to Summer House. Both Summer House and the appeal property are north facing with Summer House to the east of Harbour Cottage. From my own observations, and considering the relative aspects of the properties and the lack of any substantive evidence to support this view, I do not consider this to be a major issue.
24. A timber screen has been constructed within the curtilage of The Summer House which substantially limits overlooking of the property. I am determining this appeal on the basis of the evidence which was before the Council when it made its decision and I have no evidence to suggest that the parties considered its presence during determination of the planning application. Furthermore, this panel is outside the control of the Appellant and I have no information regarding its potential permanence. Considering these issues, the presence of the screen has a neutral bearing upon my decision.
25. The development has a harmful effect on the occupiers at the neighbouring Summer House in terms of privacy. This is due to the combination of the new and higher patio, its increased useability and associated access steps on its eastern side. This harm would be contrary to Policy S16 of the CS which seeks that the layout of development protects and enhances the local environment.

Conclusion

26. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR