
Appeal Decisions

Site visit made on 24 November 2021

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date:

Appeal A Ref: APP/P2935/W/21/3281533

51 Ravensdowne, Berwick-upon-Tweed TD15 1DQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Mark Bibbey against Northumberland County Council.
 - The application Ref 21/00844/FUL, is dated 3 March 2021.
 - The development proposed is adjustment to front boundary, replace lawn with permeable surface to allow parking for 2 cars, addition of electric vehicle charging point, remove pedestrian access, create central 10 foot wide vehicle/pedestrian access, installation of wrought iron gates and dropped kerbs to highway.
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Appeal B Ref: APP/P2935/Y/21/3281456

51 Ravensdowne, Berwick-upon-Tweed TD15 1DQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Mark Bibbey against Northumberland County Council.
 - The application Ref 21/00845/LBC is dated 3 March 2021.
 - The works proposed are adjustment to front boundary, replace lawn with permeable surface to allow parking for 2 cars, addition of electric vehicle charging point, remove pedestrian access, create central 10 foot wide vehicle/pedestrian access, installation of wrought iron gates and dropped kerbs to highway.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. The description of development and works on the application form was lengthy and included points of explanation and justification that went beyond a description of the proposal. In the interests of clarity in the headings above I have therefore used the more concise description employed by the Council in its correspondence.
3. The Council pointed out that the planning application reference number on the Appeal Form was incorrect. I have therefore used the one cited by the Council in the heading above.
4. The two Appeals concern essentially the same scheme under different, complementary legislation. It is therefore more concise to deal with both Appeals together in my reasoning.

5. The Council failed to make a decision on either application. However, they advise that had they done so they would have refused both applications as they consider that the scheme would harm the significance of the listed building and Conservation Area.

Main Issues

6. In light of the Council's notional refusal reasons, the main issues raised by both Appeals are whether or not the development and works would preserve the grade II listed building known as 51 and 53 Ravensdowne or any features of special architectural or historic interest which it possesses, and the effect the proposal would have on the character and appearance of the Berwick-upon-Tweed Conservation Area.

Reasons

Special interest and significance

7. The appeal site forms one half of a pair of listed houses. Dating from the early Nineteenth century the building is characterised to the front by large windows set in an ashlar façade which along with the chimneys, doors, pilaster strips and parapets are arranged in an attractive, formal and symmetrical configuration. It is set back from the street behind front gardens. These are bounded to the front by stone walls and piers and a centrally located pair of gates. Timber railings of a pattern similar to that of the gates remain subsumed in the hedge to the front of No 53, although none appear to be left in the hedge at No 51.
8. These attributes contribute to the building's considerable significance as a designated heritage asset of national importance. Its set back situation relative to the street with relatively deep front gardens bounded by the walls and piers arranged in a balanced manner form part of the overall composition of the listed building contributing to its special architectural and historic interest. Their age, design and materials also contribute to that special interest. If the distances between the piers do not make the walls exactly symmetrical, their configuration has sufficient balance and similarity on either side that complements the formal composition of the frontage.
9. Bearing in mind its date, the brief listing description only serves to identify the building. Although it does not mention the walls and piers, they nevertheless form part of the listed building as objects or structures within its curtilage¹. Similarly, that they are not mentioned does not mean that they do not contribute to the listed building's significance. The appellant advises that they have been considerably altered over time, but other than the absence of railings this is not apparent. There is no substantive evidence that the significance of the listed building is diminished by their current configuration.
10. The Conservation Area derives considerable significance as a designated heritage asset from buildings constructed in traditional materials lining historic streets whose layout is influenced by the topography and military fortifications which make the town so distinctive. The listed building's attributes, and its relatively unusual set back with front gardens within the predominantly back of pavement configuration of historic buildings nearby, makes a positive contribution to the character and appearance of this elegant townscape.

¹ Section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Despite the appellant's reservations about Ravensdowne's appearance and upkeep, the street nevertheless makes an important contribution to the town's historic and distinctive townscape.

Effect of the proposal

11. The rearrangement of the walls and piers on one side of the frontage would upset the existing balanced arrangement. The removal of piers from their present locations would harmfully change the emphasis from a central opening lining up with the front doors of the houses to a wide opening unrelated to the original pedestrian axis. The absence of a pier at either end would mean the railings would end abruptly on both sides and awkwardly next to No 53's gate. Some existing historic masonry wall fabric would be lost as well.
12. The appellant considers the existing gates to be inappropriate. Whilst they have a simple timber arrangement with square bars set at an angle, they do not necessarily detract from the significance of the listed building and they are similar to the gate and railings at No 53. Their removal, even considered in isolation, would not necessarily be an enhancement.
13. A sizeable area of lawn would be replaced by hard standing. Whilst this would not in itself reduce the current openness of the front garden it would lead to vehicles being parked for considerable periods when being charged or not in use. This use would erode the spacious arrangement which presently exists and encroach on the open character of the garden.
14. Together these effects would harm the special architectural and historic interest that the listed building obtains from the configuration of its gardens and enclosures. As the special interest of the listed building which makes up part of the distinctive streetscape of the Conservation Area would be materially diminished, it follows that the character and appearance of the Conservation Area as a whole would also be similarly incrementally harmed.

Consideration and planning balance

15. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires² that special regard is had to preserving the listed building or any features of special architectural or historic interest it possesses in considering whether to grant planning permission or listed building consent. It also requires³ that special attention be paid to preserving or enhancing the character and appearance of a Conservation Area. In doing so, the proposal would not preserve the listed building nor the character and appearance of the Conservation Area.
16. These harmful effects would not extend to the houses themselves and would be experienced within the extensive Conservation Area. The harm would therefore be considered as less than substantial in the terms of the National Planning Policy Framework (the Framework). The Framework requires such harm to be weighed against the public benefits of the proposal.
17. The benefits of the scheme would largely be private ones in terms of enabling the occupier of No 51 to park vehicles off street and be charged conveniently. Nevertheless, by helping to enable more convenient use of plug-in vehicles, the proposal would go some way to support a low carbon economy. The

² Sections 16(2) and 66(1).

³ Section 72(1).

Framework says that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

18. Important though changing vehicles to electric and ultra low emission is, the public benefits that would accrue from the scheme in this respect on its own would be very limited. As the appellant points out, there do not appear to be any on street alternatives to charging plug-in vehicles available in the vicinity at present. I can appreciate that trying to charge a plug-in car on street would be challenging with no certainty that spaces nearby would be available and the potential hazard of cables crossing the footway. Nevertheless, the lack of an obvious alternative does not increase the weight that such a benefit would deliver in this case.
19. There is insufficient evidence that the creation of up to two off street parking spaces in lieu of the one resident permit space lost would necessarily be a public benefit nor that the shortening of the on street parking bay would necessarily be an improvement to visibility or highway safety. The gates would create a wider opening through which passers by could see and appreciate the fine architecture of the listed building. However, the existing gateway enables the listed building to be experienced in a similar fashion and without any vehicles parked in front of the house, and this aspect of the proposal would not be a public benefit.
20. There is no evidence that the building is not in a viable use. The Framework's inclusion of securing a designated heritage asset's optimum viable use as a public benefit where appropriate should not to be taken to mean the most advantageous regardless of the effects. The public benefits would remain very limited. The Framework requires that great weight should be given to designated heritage assets' conservation and the harm I have identified carries considerable importance and weight. The public benefits would not outweigh the harm that would be done to both designated heritage assets.
21. The proposal would be contrary to Berwick-upon-Tweed Borough Local Plan, 1999 saved Policy F5 which requires development in the town and environs to accord with its surroundings by virtue of a number of criteria including landscaping and means of enclosure. The proposal would be contrary to the Framework considered overall.
22. The appellant points out that emerging policies in the Northumberland Local Plan support proposals that mitigate the effects of, and contributors to, climate change including vehicle charging facilities. However, there is no suggestion that this should be at the expense of the conservation of the historic environment. Similarly, the appellant has referred to the Council's Climate Change Action Plan, although has not directed me to anything within it that would suggest that the need to preserve designated heritage assets should be overridden in meeting its aims.
23. One of the piers appears to have experienced some movement and it would be prudent to investigate and address this. However, there is no substantive evidence that relocating the pier in the fashion proposed would be the only way to prevent further deterioration or to repair it. Consequently, this does not carry weight in support of the proposal.

Other Matters

24. The appellant has drawn my attention to a number of other properties in the vicinity, also in the Conservation Area, where they consider that unsympathetic alterations have taken place, including two properties with extensive hardstanding parking areas in front. However, I do not have full details of the circumstances that led to those schemes being accepted or their lawful status, nor whether they relate to listed buildings. From what I saw it would appear very unlikely that they represent a direct parallel to the circumstances of the appeal proposal. In any event, I have determined the appeal on its own merits. Those other properties have not created a character and appearance in which the proposal would be any less harmful.
25. The appellant has also raised concerns about how they consider the Council dealt with the applications and corresponded with them. However, from the information provided this would not alter the consideration of the effects of the proposal and is not a matter that leads me to a different conclusion.

Conclusions

26. For the above reasons, the proposal would fail to preserve the listed building or any features of architectural or historic interest which it possesses and would harm the character and appearance of the Conservation Area, contrary to the Act, the development plan taken as a whole and the Framework overall. There are no material considerations that indicate the decision on the proposed development should be made other than in accordance with the development plan. Both Appeals are therefore dismissed.

Geoff Underwood

INSPECTOR