



Appeal Decision

Site visit made on 17 January 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 8th February 2022

Appeal Ref: APP/P2935/W/21/3287731

Plot 28, Grange Road, Berwick Upon Tweed, Northumberland TD15 1QN

- 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 Hudson Homes (Berwick) Limited against the decision of Northumberland County Council.
 - The application Ref 20/00705/FUL, dated 6 March 2020, was refused by notice dated 16 July 2021.
 - The development proposed is for the erection of dwelling and garage with associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refer to paragraph 127 of the National Planning Policy Framework (the Framework). In July 2021, the revised Framework was published. I have determined the appeal within the context of the revised Framework and consider that there would be no prejudice to the parties.
3. The emerging Northumberland Local Plan has not been 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 emerging policies will be adopted in their current form, they carry very limited weight in this appeal.

Background and Main Issue

4. The development of Grange Road and Grange Loaning was originally granted outline planning permission in 2004. Subsequently, reserved matters consent was given for 25 houses in 2007. Further applications have been submitted since and the estate presently comprises some 31 dwellings, including bungalows. Neighbouring Plot 27 was granted planning permission in 2017 (Ref: 17/02488).
5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

6. Located off Castle Terrace, Grange Road and Grange Loaning comprise a relatively recent low-density residential estate, which has a mix of semi-detached and detached properties. When viewed from Castle Terrace, the estate can be seen on slightly higher land. Adjacent to the route into the estate

along Grange Road, there is a large, grassed area of land sitting between the road and the development's stone walled front boundary. This open space has a narrow section of mounding which runs parallel with Grange Road and is planted with a line of small trees. A stone wall separates the open space from the adjacent house and garden on Castle Terrace. Several nearby houses look onto the open space. Providing a positive entrance feature, the open space softens views of housing from Castle Terrace, especially of the nearest pair of semi-detached properties at 2 - 4 Grange Loaning. It also facilitates wide and open views across and out of the development.

7. The appeal site is located on the northern edge of the open space, facing the houses at 2 – 4 Grange Loaning. The proposal would construct a one and half storey detached house with dormer windows. A detached garage would be located to the east of the proposed dwelling. The proposed dwelling's siting, design, materials and orientation would mirror the existing house at 2 Grange Road in seeking to create a new gateway for the estate. It would share a drive off Grange Loaning with an adjacent house permitted under Ref: 17/02488. The dwelling would be set back from Grange Road and Grange Loaning. It would be surrounded by landscaped gardens, masonry block and fenced boundaries. The masonry walling would match existing boundary treatments at 2 Grange Road and 1 Grange Loaning. Landscape screening would also be provided in the open space adjacent to the rear garden of the proposed dwelling.
8. Policy F5 of the Berwick-upon-Tweed Borough Local Plan 1999 (Local Plan) states that within the town of Berwick-upon-Tweed, including Tweedmouth, Spittal and East Ord, development will be permitted provided that it accords with two criteria. The first criterion addresses scale, density, height, massing, layout, materials, hard and soft landscaping, means of enclosure and access. The second criterion requires that development accords with policies elsewhere in the plan. The Council's delegated report interprets the principle of development being acceptable on this site under Policy F5 but refuses the application on the basis of conflict with Policy F5 in terms of character and appearance. I concur with the appellant's view that it is necessary to establish that a proposal satisfies the criteria of the policy in question.
9. Notwithstanding the similarities between the proposed dwelling and other properties in the wider estate and that it would not significantly increase density, the proposal would introduce built development into an otherwise open, green, landscaped space. Despite attempts to integrate it with the wider estate, it would bring the estate development closer to Castle Terrace and would appear isolated by its lone position within the open space and on the other side of the road from the majority of the estate. Consequently, it would neither form a cohesive group with the neighbouring properties, nor provide a sense of rounding-off. Even with landscaping and retention of a large part of the existing open space, the proposal would instead make a negative incursion into the estate's pleasant gateway feature when viewed from within the estate and from Castle Terrace.
10. Currently, views from the entrance are towards the two semi-detached houses on Grange Loaning which have hard landscaping to their frontages. It is noted that they are not of the same house type as the proposal or 1 and 2 Grange Road. However, with the large open space in front, and existing houses behind and to the sides, they do not appear overbearing. In terms of first two

properties on Grange Road, they are positioned to the outer edge of the development and do not conflict with the open space. As a result, they do not disrupt the visual openness of the entrance or green area. In comparison, the position of the proposal within the open space, would reduce both views and openness. This would harm the character and appearance of the area.

11. Given that the appeal site is located within an area of archaeological sensitivity due to the location of a former medieval settlement, the open space was provided to safeguard archaeological interest in the area in the first instance. However, it is considered likely that the integrity of the archaeological resource has been compromised by the works which have taken place on site since 2004. While there is scope to apply a condition on archaeological investigation and recording, the open space makes a substantial contribution to the character and appearance of the area.
12. It is evident that there is no specific requirement for a particular amount of amenity green space for the estate and that the area is simply grassed with limited ecological value. Furthermore, as the houses within the estate have gardens, it is possible that the open space is not as heavily used as it might be in another location. Additionally, part of the open space would remain. However, none of these matters outweigh my concerns about the effect that the proposed development would have on character and appearance.
13. It is not uncommon for sites to go through incremental change in design and layout over time. Nonetheless, this proposal must be assessed on its own merits and in the context of the refusal decision.
14. The appellant considers the proposal would be in accordance with the Framework's presumption in favour of sustainable development and that it would comply with paragraphs 124 and 130. While the proposal would be within the settlement of Berwick, would have access to infrastructure and services, and would not cause harm to living conditions, it would fail to maintain the area's prevailing character and setting, and would not be well-designed or attractive.
15. In conclusion, the proposal would harm the character and appearance of the area. It would therefore conflict with Policy F5 of the Local Plan and paragraphs 124 and 130 of the Framework as set out above.

Other Matters

16. I understand that the site is within the zone of influence for a protected site under the Conservation of Habitats and Species Regulations 2017. The appellant has submitted a completed legal agreement to address this matter. The County Ecologist and Natural England have raised no objections to this approach. As I am dismissing this appeal on other substantive issues, I have not dealt with the need for appropriate assessment or addressed the legal agreement in any further detail.
17. The appellant raises several issues regarding the Council's handling of this application, including the requirement for submission of a legal agreement, and refers to pre-application discussions regarding the appeal proposal and its previous iteration for two semi-detached houses. These matters are between the appellant and the Council. Despite the attempts made by the appellant to address any negative effects resulting from the proposed development, it will

be seen that I agree with the Council's findings in respect of character and appearance.

18. I note the appellant's reference to a lack of harm in respect of living conditions and highway safety. However, these matters are neutral in this instance. Comments have been made concerning the legal covenants, the condition of the roads and site management issues. These matters are outside the planning process.

Conclusion

19. For the reasons given above, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that I conclude the appeal should be dismissed.

J Symmons

INSPECTOR