



Appeal Decision

Site visit made on 25 January 2022

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/P2935/W/21/3278924

37-39 Croft Road, Blyth, NE24 2EL

- 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 Mann Properties against the decision of Northumberland County Council.
 - The application Ref 20/04348/FUL, dated 10 December 2020, was refused by notice dated 27 April 2021.
 - The development proposed is Former Veterinary Clinic Converted to 4 x Residential Apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the proposal are:
 - The effect on the living conditions of future occupants with regards to overlooking and loss of privacy;
 - Whether or not there would be a highway safety concern; and
 - Whether or not a financial contribution towards off-site coastal mitigation is required.

Reasons

3. The appeal site is a traditional red brick two storey property in a block that faces Croft Road on the corner with Middleton Street. The rear yard is shared with the attached residential flats behind at Middleton Street. The local area is residential in character predominantly made up of terraces of houses and flats. The veterinary practice has since closed for business and occupied all the block. The proposal is to convert the site into four self-contained residential flats.

Living conditions

4. Apartment 2 bedroom 1 proposes a single window facing the rear yard area. The ground floor flat of Number 23 Middleton Street has a large side window facing into the yard area. This window serves their kitchen. The proposed bedroom window would be within very close range of this kitchen window. Occupants of this existing flat would be able to directly overlook it causing the future occupants a direct loss of privacy, consequently harmful to their living conditions.

5. The appellant states that they can overcome this by internally rearranging the flat. However, there is no evidence before me to fully consider this option. The appellant explained on site that they are in ownership of the adjacent flats. Whilst this may be the case, even so, it would not lead me to reach an alternative decision on the matter.
6. Therefore, given the internal arrangements and location of the ground floor bedroom window and proximity to the adjacent neighbouring window, adverse harm would arise to the living conditions of the future occupants. The proposal would conflict with Policies DC1 and DC5 of the Blyth Valley District Development Control Policies Development Plan Document 2007 (DPD) and the National Planning Policy Framework (the Framework) in their broad aims to protect residential amenity.

Highway safety

7. The local area is controlled by parking restrictions with many streets permit parking at restricted times and double yellow lines to roads. The local parking restrictions are in place to ease on-street parking stress and I have no reason to disagree with the Council that there are local parking problems.
8. The veterinary practice may once have been a residential property, however its use is commercial and its staff and clients will inevitably have generated parking within the local area. However, there is no evidence presented to demonstrate that the practice employed between ten and fifteen staff members and no precise details of their parking arrangements has been forthcoming.
9. A commercial use such as a vet's would operate in a different character to that of residential accommodation. There would be an expectation that four new flats would generate resident parking as well as visitor parking.
10. There is no evidence presented as to where two parking bays would be proposed 'to the rear', or indeed that this would be sufficient to overcome highway concerns.
11. Therefore, without additional information to demonstrate that the proposal would not lead to on-street parking intensification, I can only conclude that the proposal would exacerbate on-street parking issues to the detriment of highway safety.
12. Therefore, to conclude on this main issue, the proposal would generate on-street parking to the detriment of highway safety in conflict with Policy DC11 of the Blyth Valley Development Control Policies DPD and the Framework in their objectives to ensure development would have no unacceptable impact on highway safety.

Coastal Mitigation

13. The appeal site is within 10km of the coastal buffer zone of the Northumbria Coast Special Protection Area (SPA). Within this zone, new residential development is likely to increase recreational disturbance or damage within coastal designated sites. In accordance with the Conservation of Habitats and Species Regulations 2017, (the Habitats Regulations) planning permission cannot be granted unless it has been concluded through an Appropriate Assessment that the proposal, in combination with other plans and projects, would not have an adverse impact on the integrity of European protected sites.

14. An increase in walking and dog walking and general recreational activity can result in damage and disturbance arising to the SPA. In the appeal case with its addition of four dwellings, due to its relationship with the coast, results in a reasonable likelihood that the protected coastal site would be accessed for recreational purposes by future occupiers of the development. Although this may appear to be minimal by itself, a significant effect on the integrity of the protected sites would occur, when considered in combination with other residential development in the surrounding area.
15. The Habitats Regulations require that permission may only be granted after having ascertained that a development will not affect the integrity of the European Sites.
16. Northumberland County Council has developed a strategic approach to mitigation in consultation with Natural England in the form of the Northumberland Coastal Mitigation Service. This is a developer funded scheme.
17. I consider that such an approach would be fairly and reasonably related in scale and kind to the proposed development. For these reasons, a planning obligation to secure such mitigation is fully justified in this case
18. If I were minded to allow the appeal, the appellant states that they would contribute towards the coastal mitigation. However, they have not completed a legal agreement pursuant to section 106 of the Town and Country Planning Act 1990 to make an appropriate financial contribution to the scheme to provide mitigation through this service. Therefore, without sight of this obligation, as competent authority for the purposes of Regulation 61 of the Habitats Regulations, I am not satisfied that the proposal would not have an adverse effect on the integrity of European protected sites.
19. Therefore, on the basis that the appellant has failed to demonstrate that they have entered into securing a planning obligation for a financial contribution, the proposal would have an adverse effect on the integrity of the Northumbria Coast SPA, contrary to Policy ENV1 of the Blyth Valley Core Strategy, Policy DC14 of the Blyth Valley Development Control policies DPD and the Framework in their combined aims to protect the natural environment and enhance biodiversity.

Other Matters

20. The appellant states that the premises has been marketed for some time in a commercial capacity with little interest and this has been exacerbated by the Covid-19 pandemic. However, no details have been provided to substantiate this claim, or evidence provided of damage or break-in activities at the property.
21. There may be no objections raised to the proposal from local residents. However, this is a neutral matter that neither weighs for or against the proposal.

Conclusion

22. Due to the harm arising to the living conditions of future occupants, highway safety as a result of intensification to the local highway, and no coastal mitigation in place, the proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that

indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR

