



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 March 2022

Appeal Ref: APP/P2935/D/21/3287559

Riverview, Alnmouth, Alnwick, Northumberland

- 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 Marc Dixon against the decision of Northumberland County Council.
 - The application Ref 21/00465/FUL, dated 2 February 2021, was refused by notice dated 9 September 2021.
 - The development proposed is a householder planning application for alterations to existing window opening on the front elevation and installation of a replacement balcony. (Resubmission).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 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 emerging policies will be adopted in their current form, they carry very limited weight in this appeal.
4. The Council's delegated report, states 'the proposals accord with the local policies and the Framework as well as recommending approval'. In the context of the report as a whole and the decision notice, it is clear the Council has refused the development for the reasons listed in the refusal schedule.
5. The appellant has provided photographic evidence to show that the property previously had a timber balcony and advises that it was longstanding and predates the current proposal. As the balcony is no longer in place, this proposal must be considered on its own merits.
6. The appeal property is within the Northumberland Coast Area of Outstanding Natural Beauty (AONB). The Council have confirmed that Northumberland Coast AONB Management Plan 2020 -2024 is in place, despite having referred to the previous Management Plan in their decision. The appellant has had the opportunity to comment on the current Management Plan. The appellant contends that as the incorrect Management Plan was used as a reason for refusal then the reason is no longer relevant or sustainable. They have also

questioned if a new reason for refusal has been raised. As the appeal property is in the AONB, and the Framework and Local Plan give great weight to considering the development's impact on it, I am considering this appeal within the context of the current Management Plan.

Main Issues

7. The main issues in this appeal are the effect of the proposed development on:
- the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty (AONB); and
 - the living conditions of the neighbours in terms of privacy.

Reasons

Special qualities of the AONB

8. The AONB has a Management Plan that seeks to conserve and enhance the natural beauty and special qualities of the area. This includes preventing the rural character being eroded, ensuring tranquillity is not adversely affected, and protecting the area from increased light pollution.
9. The appeal site is in the AONB and located off the B1338, within a small residential area served by a narrow loop road known as Shepherds Hill. The appeal property is located a short distance from the junction with the B1338, adjacent to a small cul-de-sac known as Bridge End and on the turn of the road as it rises into the Shepherds Hill estate. There is limited streetlighting on this road and the estate consists predominately of a single row of two-storey terraced and semi-detached properties. To the opposite side of the road, a number of these properties have separate large front gardens which bound agricultural land giving this part of the estate a rural feel.
10. The appeal property is detached, stone faced with pitched roof. Its frontage is quite modern. At first floor on the front elevation there is a Juliet balcony to the dining room and large window to the living room. At ground floor to the front elevation, there are large sliding patio windows to the garden room. The front external area consists of a drive and fence enclosed patio. The Juliet balcony and window at first floor allows outlook onto the surrounding properties. The outlook to the southeast and east are onto the row of terraced properties on Shepherds Hill and part of their separate gardens and parking spaces. To the west, the outlook is across the access and car park to Bridge End and to the southwest it is across the rear of the semi-detached properties fronting the B1338.
11. The proposal would replace the first floor Juliet balcony with an external balcony fitted low lighting LEDs and heat lamps. It would project out from the building's frontage by approximately 1.35m and be approximately 5.5m long. The wall opening provided for the existing Juliet balcony would remain unchanged but new sliding patio doors would be fitted.
12. The relatively low housing density to the area with existing boundary treatments and building orientations helps to screen and limit streetlighting, noise and disturbance from the existing properties, external outdoor areas, and the nearby roads. This, with the large separate front gardens and the

surrounding rural setting to the properties on Shepherds Hill, creates a comparatively quiet, peaceful, and tranquil environment.

13. As the Council have confirmed that they would accept the materials and visual form of the proposal, then it would comply with the high quality of design standard set out in the AONB's Management Plan, Objective 3, policy 3.5.
14. In comparison to the existing situation, the inclusion of the proposal would allow occupants to be outside the building in an elevated and open position. Even though the proposal is narrow, its length would not significantly limit the occupant's use, and, with the presence of the external lighting and heating, this usage would extend after dark and for a longer period throughout the seasons. This would undoubtedly increase the potential level and extent of external noise and disturbance to the surrounding area which would harm the existing comparatively quiet and peaceful rural environment of this part of the estate. This would therefore erode the rural character of this area of the estate and impact on the tranquillity of the AONB which would conflict with the AONB's Management Plan's Objectives 3 and 4, policies 3.2 and 4.2.
15. While the proposal would include external low lighting LEDs and heat lamps which would create some light pollution, there is no specific control of the existing light pollution that can be emitted from the rooms through the existing first floor Juliet balcony and window. On this basis, the light pollution from the proposed low level lighting would be negligible and there would not be any dark sky harm. The proposal would therefore not conflict with the AONB's Management Plan's Objective 4, policy 4.4.
16. The appellant refers to the outdoor terrace of the existing property fronting the river in Bridge End as having a greater impact on tranquillity than the proposal. Although this may be the case, it does not justify further harm and I have considered the proposal on its own merits.
17. It is concluded that, although the proposal meets the high quality of design standard and does not harm the dark skies, it does harm the special qualities of the AONB in respect of the erosion of the rural character and tranquillity. This is contrary to the AONB Management Plan Objectives 3 and 4, policies 3.2 and 4.2 which seek to ensure the AONB's rural character is not eroded through cumulative urbanising influences and that existing tranquillity levels are maintained or improved.

Living conditions

18. The row of terraced properties on Shepherds Hill has a mix of small garden and paved frontages. The closest property, 12 Shepherds Hill, has windows in the end elevation and to a single storey extension. Notwithstanding that the existing appeal property's first floor balcony and window allows overlooking of No 12, the proposal would afford a wider and more open perspective. Similarly, the proposal would also allow an increased and more open view of the eastern separate garden which is directly adjacent to the appeal property. The proposal would therefore increase the harm to the privacy of the occupants of No 12 and the garden.
19. The appellant offers to install a screen to the end of the balcony to reduce overlooking of the garden area however, this would not remove the harm I have found to No 12.

20. Negligible impact on privacy from the proposal would occur to the properties in Bridge End due to this area being primarily access and car parking. Similarly, there would be limited effect on the privacy of the properties fronting the B1338 due to the rear aspect, lower building level, and screening from the boundary fencing.
21. The appellant contends that Policy CD32 of the Alnwick District Wide Local Plan 1997 (Local Plan) is not relevant for small residential alterations where no change of use is occurring. However, the policy protects against demonstrable harm to the amenity of residential areas or the environment from development. The policy does not set any limits on the type or size of development it covers and is relevant and applicable.
22. Overall, the proposal would increase harm to the living conditions of the occupiers of No 12 and the garden adjacent to the appeal property in respect of privacy. The proposal would be contrary to Policy CD32 of the Local Plan and the Framework which seek, amongst other matters, to protect residential amenity.

Other Matters

23. This appeal scheme is a resubmission of a preceding application refused by the Council. I appreciate that the appellant has attempted to overcome the concerns previously raised but I can only assess the current proposal on the basis of the information before me.

Conclusion

24. In conclusion, I have found harm to the AONB's special qualities in respect of erosion of rural character and tranquillity and to the living conditions to the occupiers of No 12 and the garden adjacent to the appeal property in respect of privacy.
25. 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