



Appeal Decision

Site visit made on 24 January 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2023

Appeal Ref: APP/P2935/W/22/3309250

Percy Arms (P.H), Main St, Chatton, Alnwick, Northumberland NE66 5PS

- 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 Matt Daniel (Inn Hospitality Ltd) against the decision of Northumberland County Council.
 - The application Ref 21/04958/FUL, dated 17 December 2021, was refused by notice dated 26 August 2022.
 - The development is described as "Retrospective previously submitted and withdrawn for outdoor dining facilities within car parking area to front. Material amendment to roof covering and part timber cladding. Application 21/02060/FUL withdrawn on 23.9.2021."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also encompasses consequential alterations to the parking provision within the front and rear car parks of the appeal site. The Council dealt with the proposal on this basis and so shall I.
3. At the time of my visit, outdoor dining facilities comprising of an arrangement of 4 timber structures set atop of a timber decked area with seating, tables and planters were in place. However, the facilities differ from the detail shown on the submitted plans, as I noted for example that on site there are additional timber support structures. Furthermore, the revised parking layout as shown on proposed plans 21/860 02 and 21/860 CP was not in situ. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.

Main Issues

4. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of Chatton Conservation Area (CA); and
 - The effects of the development upon highway safety, with particular regard to the access arrangements, parking and car park manoeuvres.

Reasons

Chatton Conservation Area

5. Within the centre of Chatton is a roughly triangular shaped parcel of open space which contains a Grade II listed war memorial. Close-by to the open space a village store is situated within a traditionally designed stone building, next to which there is a Grade II listed building, the Blacksmith's Shop/Smithy. On the opposite side of the road is the Percy Arms hotel/public house, subject of the appeal. The village contains many stone-built properties which exhibit distinctive and traditional architectural details including feature gable projections and chimneys. Of these stone-built properties, a number are similarly designed single storey cottages. Many stone wall boundaries line the streets of the village. I find the central open space with war memorial and the village facilities closely beside, the prevalence of traditional stone-built properties including cottages, and the sense of enclosure created by boundary walling contribute positively to the character and appearance of the CA and its significance.
6. The Percy Arms is a large stone-built building. It incorporates some ornate and traditional architectural detailing including prominent chimney stacks and stonework surrounds to windows. A front garden space is enclosed by a stone boundary wall. The property includes single storey elements, and it adjoins single storey properties on either side, out-with of the appeal site. This includes Stable Cottage, which overlooks the front of the two car parks which serve the public house, each served by vehicular accesses. As a village facility located close-by to the central open green space, a traditional stone-built property with distinctive architectural features and boundary walling, the Percy Arms is very reflective of the character and appearance of the CA and for these reasons contributes to its significance.
7. Although the dining facilities may not affect the physical fabric of the building itself, they would nevertheless cover a significant proportion of the front car park of the public house. Whilst they may not require foundations, together with the raised nature of the decking, the height of the 4 pitched roof timber structures and timber post support feature, the facilities would provide a development of considerable scale and mass and, as a result of this, a sense of permanence. The 4 timber structures would be arranged so that they would project in a perpendicular manner from the single storey outrigger which flanks the car park. As a result, the outdoor dining facilities would obscure from view parts of the traditional stone-built Percy Arms property inclusive of the single storey element that adjoins Stable Cottage.
8. Situated within the front car park and so open to views from one of the main roads running through the village, the dining facilities would be very visible in the street scene. Although it is proposed that the 4 timber structures would have a painted finish and be provided with hanging baskets to soften their appearance, the significant expanse of timber would be harmfully at odds with the robust and traditional stone-built character of the host property and the prevailing appearance of buildings in the area, including the row of stone cottages to the west of the car park. I note that it is proposed to clad sections of the decking with mock stonework slips and cover the roof of the 4 timber structures with a grey slate effect plastic tile, but on the basis of the details provided on these materials, I am not satisfied that they would provide a

standard of finish befitting of the CA. In coming to this view, I have taken into account the proposed provision of hanging baskets.

9. The development would therefore fail to preserve the character and appearance of the CA. The harm to the significance of the designated heritage asset would be, in the words of the National Planning Policy Framework (the Framework), less than substantial, as opposed to substantial or indeed total loss.
10. Furthermore, although I have found that the harm would be less than substantial, such harm is, nevertheless, a matter of considerable importance and weight in my determination. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA while the Framework sets out that great weight should be given to the conservation of designated heritage assets.
11. Although the outdoor dining facilities are no longer needed to allow the public house to operate within previous COVID-19 restrictions, the development would provide additional dining space and an alternative year-round dining experience for customers and likely some increased staffing requirements. I acknowledge, therefore, that some economic benefits would be likely derived from this and in providing greater consumer choice. I also appreciate that this comes at a time when the hospitality industry is recovering from the effects of the COVID-19 pandemic. It is also put to me that the development would encourage the continued existence of the public house. However, I have little substantive evidence before me of the particular contribution that the dining facility would make to the business as a whole or what the specific effects on the business may be without it. Furthermore, I have identified harm caused by the particular siting and design of this dining facility, and it has not been shown to me that the appeal scheme is the only option to deliver such a facility.
12. Therefore, and having regard to paragraph 202 of the Framework, I have no substantive evidence before me that there would be any public benefits derived from the development that would outweigh the less than substantial harm to the CA. Even if I were to accept that the harm would be at the lower end of the spectrum of less than substantial harm, the public benefits associated with the proposal do not outweigh the harm I have identified to the significance of the designated heritage asset. The lack of assessment in the Council's reason for refusal of the scheme's specific benefits does not lead me to a different conclusion.
13. Consequently, the development would be contrary to Policies ENV7 and ENV9 of the Northumberland Local Plan, 2022 (LP). In summary, and amongst other matters, these policies seek to ensure the conservation and enhancement of Northumberland's heritage assets, that development enhances and reinforces the local distinctiveness of the CA, whilst ensuring that any less than substantial harm to designated heritage assets that would arise from a proposal be weighed against its public benefits.

Highway safety

14. Access to the car park at the front of the public house is provided by a wide gap between stone wall returns. A second vehicular access to a rear car park, set on a higher level than the road it is accessed from, is provided for via a

- relatively long driveway. The rear car park contains a stone building and a raised planter.
15. Although in the proposal the arrangement of parking spaces would change with a greater quantum provided for within the rear car park, the same overall number of parking spaces would be provided, and no loss of spaces would occur. I note from the evidence before me that once revised plans confirmed this to be the case, the Highway Authority withdrew their objection to the quantum of parking spaces to be provided.
 16. In the proposal, the existing raised planter within the rear car park would be removed and sections of the walls to the stone building nearby would be demolished. Therefore, and despite the greater quantum of rear car park parking spaces, the space available for vehicles to manoeuvre would be maximised. Furthermore, I note in respect of both car parks that following amendments, the Highway Authority also did not raise objection to the dimensions of the parking spaces nor in turn the ability of vehicles to manoeuvre.
 17. With the additional seating capacity that the proposal would bring, the development could permit some increase in custom at the public house but given the likely extent of this, it would not result in significant additional parking demand or lead to an increase in overspill parking to a significant or harmful extent. Therefore, I firstly find that, with the provision increased in the rear car park, the two car parks would provide an adequate amount of parking.
 18. On the basis of the evidence before me, I have no reason to conclude that the two existing access points have not served the Percy Arms for a considerable period nor reason to conclude that, irrespective of the outcome of this appeal, they would not continue to do so. I also have little evidence before me that there are any restrictions in place which prevent service vehicles being able to use either access point. Therefore, and whilst I accept the rear car park access is somewhat compromised by its steep nature and proximity to a road curve and that the front car park may for that reason be more attractive, it is also the case that both customers and service vehicles could utilise either access irrespective of the proposal.
 19. Given this and since I have no substantive evidence before me that cars nor service vehicles cannot adequately access or manoeuvre within either car park, I secondly find the arrangements for those vehicles would also be acceptable. This being the case, that a vehicular route between the two car parks via the archway within the single storey outrigger may have been previously available and no longer would be, is not determinative.
 20. Whether or not the site boundary shown on the plans matches that on the title plans, whether the appellant owns all of the rear car park access and what access rights may exist between the two car parks are matters separate from planning and have little bearing on my decision.
 21. Therefore, I find that the effects of the development upon highway safety, with particular regard to the access arrangements, parking and car park manoeuvres would be acceptable. It follows that the development would be compliant with Policy TRA2 of the LP, which in summary and amongst other matters, states that developments must provide effective and safe access and egress, minimise conflict between different modes of transport and suitably

accommodate delivery and service vehicles. The development would also accord with advice within the Framework including that at paragraphs 111 and 112 which state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, that development should create places which are safe and allow for the efficient delivery of goods and access for services.

Other Matters

22. Although the Council's appeal statement sets out that there is the potential for the works to impact on the setting of the listed buildings, there is no allegation that the proposed development would have an adverse effect on nearby listed buildings, including their settings. Having considered the development and visited the site, I find that the development would preserve the listed buildings, including their settings, and that their significance as designated heritage assets would not be harmed by the proposal.

Conclusion

23. Whilst I have concluded that the proposal would not result in any unacceptable effects upon highway safety, this does not outweigh the harm that would be caused to the character and appearance of the CA, harm which I have identified would conflict with policies within the development plan. Despite the proposal according with some LP policies, the development conflicts with the development plan as a whole.
24. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan and, therefore, the appeal is dismissed.

H Jones

INSPECTOR