



Appeal Decision

Site visit made on 7 February 2023

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2023

Appeal Ref: APP/P2935/D/22/3311182

1 Sandridge, Newbiggin-By-The-Sea NE64 6DX

- 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 Richard Seammen against the decision of Northumberland County Council.
 - The application Ref 22/00262/FUL, dated 24 January 2022, was refused by notice dated 5 October 2022.
 - The development proposed is described as "demolition of the existing extension and rebuilding an extension to provide assisted living accommodation for a dependent".
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Newbiggin-by-the-Sea Conservation Area.

Reasons

3. The appeal site is located within the Newbiggin-by-the-Sea Conservation Area (NCA). In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
4. The appeal site consists of a mid-19th century two storey house with a later lean-to addition to the west. The area surrounding the appeal site is characterised predominantly by traditional terrace housing. The hierarchical relationship of the appeal property, its yards and additions, and its gentrification with the construction of garden walls in the late 19th century has been described as contributing to the history and local distinctiveness of the NCA. Whilst not located on the main road, the appeal property is visible and a prominent building given its unique architectural and design detailing that sets it apart from surrounding properties.
5. The proposal would have a similar footprint to that of the existing extension. However, the height and massing of the proposed extension would detract from the existing hierarchical relationship of the built form and be an overbearing presence that compromises the dominance of the existing property.
6. The structural issues of the existing extension have been extensively documented and this extension is an unattractive feature in the area.

Nevertheless, the proposal, which includes the removal of this existing extension, would not be a high quality replacement and due to its design and scale would not preserve the spatial relationship of the building group nor would it retain any subservience to the main building.

7. The external treatment of the proposal would match the existing main dwelling. This matter would not outweigh the harm I have identified with regards to the overall design, scale, height and massing of the proposal. It is also noted that the site is not referenced as a contributor to the character of the conservation area within the Newbiggin-by-the-Sea Conservation Area Character Appraisal. This matter does not alter my findings above.
8. The proposed extension would not preserve or enhance the character and appearance of the NCA. The proposal would be in conflict with Policies HOU 9, QOP 2, ENV 7 and ENV 9 of the Northumberland Local Plan 2022 which seeks development to be of good design, relate well to the existing building and ensure the conservation and enhancement of the significance, quality and integrity of the Northumberland's heritage assets.
9. The proposed extension would be harmful to the NCA and thereby the significance of the heritage assets. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
10. The proposal would remove an unattractive extension structure that detracts from the appearance of the main building and the NCA. Given the scale and location of the existing extension, the removal of this structure would have public benefits of limited weight. This public benefit would not outweigh the considerable harm to the NCA which I have identified above.
11. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.

Other Matters

12. I have had regard to the appellants statement of case including the heritage appeal statement which details that the proposal would assist in the delivery of a home in the community, be situated in a suitable location within close walking distance to local retail facilities and services, and that there are no technical constraints to the development in terms of flood risk, ecology and utilities. The appellant also states that the proposed development of the site is sustainable in terms of its economic, social and environmental roles. Given the scale of the development I attribute minimal weight to these benefits.
13. The description of development states that the proposal is to provide assisted living accommodation for a dependent. The appellants statement of case also describes that the proposal would provide independent living accommodation for a severely disabled family member. The internal layout has been designed to be accessible with a dedicated sleeping area for future carers. There is, however, no compelling justification as to whether a dedicated sleeping area for a carer is required in the proposed extension or if this provision could be accommodated elsewhere.

Conclusion

14. I recognise that the failure of this appeal could affect arrangements for the appellant, in particular a member of the appellants family. Having regard to the circumstances drawn to my attention, this would represent an interference with their rights under Article 8 of the European Convention on Human Rights, as incorporated by the Human Rights Act 1998. However, having regard to the legitimate and well-established development plan policies which aim to protect against harm to the NCA, in this case I consider that greater weight is attached to these. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant or other members of the household.
15. As described above, the proposal would have some benefits. However, these benefits would not outweigh the harm I have identified with regards to the effects on the NCA.
16. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
17. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR