



Appeal Decision

Site visit made on 30 May 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/P2935/D/23/3317959

Woodstock, Mill Lane, Haltwhistle, Northumberland NE49 9LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Terry Christie against the decision of Northumberland County Council.
 - The application Ref 22/03696/FUL, dated 6 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is described as; 'Retrospective application for works carried out to, add pillars with metal railings between to front boundary wall, stone face side wall between front and rear garden and construction of raised timber deck'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development has already been completed. The appeal scheme has therefore been assessed on a retrospective basis.
3. During the course of the determination of the original application the appellant submitted a revised plan to the Council. However, this was submitted close to the end of the determination period and the Council has confirmed that the plan did not overcome its concerns. Consequently, the Council based its decision on the plans originally submitted. Third parties do not appear to have had the chance to comment on the revised plan and could therefore be prejudiced by my acceptance of it. It may also have implications for the historic environment. Accordingly, I too have determined this appeal on the basis of the plans originally submitted.

Main Issues

4. The main issues are the effect of the proposed development on;
 - The character and appearance of the site, including whether it would preserve or enhance the character or appearance of the Haltwhistle Conservation Area (CA); and
 - The living conditions of existing occupiers of Mill Lane House to the south in relation to privacy.

Reasons

Character and appearance

5. The appeal site accommodates a property known as 'Woodstock', a two-storey detached dwelling set in a relatively large plot. While accessed via a private road towards the edge of the village, the site nonetheless falls within the CA. I therefore have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Moreover, the National Planning Policy Framework (the Framework) advises that great weight must be given to the conservation of designated heritage assets and any harm which is less than substantial must be weighed against the public benefit of the proposal.
6. The significance of the CA is derived from a number of factors. These include the fact that the town forms one of a group of Anglian or pre-Norman settlements and accommodates many buildings of historic and architectural quality (mainly at its historic core). In accordance with the Haltwhistle Conservation Area Appraisal (HCAA), the site falls within Area 2: Castle Hill / Fair Hill. This area is described as being almost sub-urban in character, with detached houses dotted along its length. It is also characterised by routes having many changes of direction and level which provide diverse views within and beyond the area. The HCAA is clear that boundary and retaining walls play an important part in the local character.
7. Woodstock is located on the western side of Mill Lane. It is set back from the carriageway at a notably elevated level. Consequently, the site is highly visually prominent from public vantage points. Prior to alteration by the appeal scheme, relevant boundary treatment appears to have comprised a large section of relatively low-level stone wall mostly situated immediately adjacent to the carriageway. This wall did not significantly exceed the ground level of the adjacent carriageway. It was also stepped down in height at its vehicular entrance, which had an open aspect. Similar to nearby means of enclosure, previous boundary treatment would therefore have been unobtrusive at this prominent site.
8. Amongst other works, the appeal scheme has added stone pillars interspersed with sections of decorative metal railing to the existing stone wall, together with a sizable metal gate at the site's entrance incorporating similar decorative features.
9. The proposal has significantly increased the overall height and bulk of the enclosure. It is now notably taller and more 'solid' in appearance compared to nearby boundary treatment and has eroded the open aspect at the site's entrance. Consequently, the new boundary treatment has resulted in the introduction of an unduly dominant and intrusive feature at this visually prominent site, to the detriment of the appearance of this part of the streetscene.
10. Unlike nearby means of enclosure, the design of the new boundary treatment incorporates lion detailing. Not only does this reinforce the proposal's discordant relationship with nearby development, but it also

gives the wall an imposing, 'fortress like', appearance that further draws the eye to its excessive scale.

11. Furthermore, a painted rendered wall located to the side of the property between the front and rear garden area has been replaced with a stone clad wall. This is taller than its former and appears as a section of castle turret, facilitated by the false windows and door, lion detailing and stepped pillars. Despite the wall utilising the same stone as the original house and boundary walls, its presence is highly visible in the street scene. The overall design/architecture serves as a homage to the demolished Musgrove Tower, which once sat behind the site. Whilst incorporating hints of former architecture in the area can be appropriate, the side wall as a result of its overall scale and prominent features means that it stands out as a visually prominent anomaly in this particular street scene and wider context.
12. A raised deck has been constructed to the rear of the property to maximise views of the wider area. Given the topography of the land and its overall positioning in relation to the main dwelling, a proportion of the structure along with its staircase is exposed and clearly visible from Mill Lane, towering above the side wall element. As a result of its raised height and positioning, it appears as an awkwardly placed, prominent and contrived addition in this setting.
13. My attention has been drawn to other boundary treatments in the locality including the use of railings. However, whilst materials may be similar, these are generally smaller and less imposing and prominent than the appeal site. As a result, they are not directly comparable.
14. Although considerable, the harm is localised and is less than substantial within the meaning of the Framework. I recognise that railings and gates have been erected to improve safety given the level difference from the road as well as security. I also note maintenance problems with the previous rendered wall. Nevertheless, there is no evidence before me to suggest that such matters could not be achieved by a scheme that would be less harmful to the CA. Overall, it has not been demonstrated that there are sufficient public benefits to outweigh the less than substantial harm to the CA that I have identified.
15. For the above reasons, I conclude that the development unacceptably harms the character and appearance of the site and fails to preserve the character or appearance of the CA.
16. It therefore conflicts with Policies QOP 1, QOP 2, HOU 9, ENV 1, ENV 7 and ENV 9 of the Northumberland Local Plan 2016-2036, 2022 (NLP). Amongst other things, these seek to ensure that development respects, complements and does not have an unacceptable adverse impact on the style and character of the existing dwelling and its setting and that proposals conserve and enhance the significance, quality and integrity of Northumberland's heritage assets and their settings. The proposal is also contrary to the advice of the Framework which seeks to conserve heritage assets in a manner appropriate to their significance.

Living conditions

17. As discussed, a raised deck has been constructed to the rear of the property which sits above a close boarded timber fence which separates the appeal site from the neighbouring property, Mill Lane House which lies to the south. The decking is located within close proximity of the garden area of the neighbouring property and this, together with the raised position of the decking allows for direct views from the decking to the neighbouring garden area resulting in an undue loss of privacy for the occupiers of Mill Lane House. The appellant agrees that the raised deck is unacceptable in that it results in direct views of a neighbour's private rear garden. This in turn reduces the usability and quality of the outside space.
18. Several substantial trees may have been located in the garden of the adjacent property which would have helped conceal the decking. However, these have been removed and I must determine the appeal based on the current context of the site.
19. For the above reasons, I conclude that the development harms the living conditions of existing occupiers of Mill Lane House in relation to privacy. The development therefore conflicts with Policies QOP 2 and HOU 9 of the NLP which together, amongst other matters, requires such development to not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of privacy. The development is also contrary to the aspirations of the Framework relating to achieving well-designed places.

Other Matters

20. I am aware of frustrations regarding communication with the Council during the application process and note that the appellant has requested site visits to take place onsite. However, this does not affect my findings on the main issues nor does the lack of comments received from the Council's Conservation Officer or the lack of listed buildings nearby.

Conclusion

21. The development conflicts with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR