



Appeal Decision

Site visit made on 27 June 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/P2935/W/23/3320616

7 Springfield Meadow, Hillcrest, Alnwick NE66 2NY

- 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 Linda, John and Katherine Conley against the decision of Northumberland County Council.
 - The application Ref 22/03911/FUL, dated 20 October 2022, was refused by notice dated 21 February 2023.
 - The development proposed is new family 1.5 storey dwelling with a garage, external parking and associated services.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Linda, John and Katherine Conley against Northumberland County Council. This is the subject of a separate Decision.

Preliminary Matters

3. The appellant's submissions include amended plans which were not before the Council when they determined the planning application. The Planning Inspectorate's guidance¹ provides advice on the circumstances whereby amendments proposed during the appeal process can be taken into account. Amongst its advice, the guidance states the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. The guidance further advises that when considering whether or not the appeal scheme can be formally amended, consideration should be had to the Wheatcroft High Court judgement². This judgement established that the main, but not the only, criterion is whether the development is so changed that to grant it would deprive those who should have been consulted on the changed development the opportunity for such consultation.
4. The revisions proposed to the scheme which was determined by the Council are quite broad and include alterations to the external materials to be used, changes to the fenestration and to the roof profile of a single storey outrigger. I am particularly mindful that public representations made on the planning application referred to the effects of the proposed development upon the character and appearance of the area and its effects upon the privacy and

¹ Procedural Guide: Planning appeals – England

² Wheatcroft (Bernard) Ltd v Secretary of State for the Environment and Harborough DC (1982)

outlook of neighbouring occupiers. Given the proposed amendments could have a bearing upon these matters, if I were to accept the revised plans, I find that it would deprive local residents the level of opportunity to consider the changes that they could reasonably expect to be afforded. Therefore, I have determined the appeal on the basis of the plans which accompanied the planning application.

5. In coming to this view, I acknowledge that local residents were notified of the appeal but, nevertheless, I cannot be sure that they have been made aware of the scope of the changes proposed nor can I be sure of their views on those changes. I also acknowledge that the appellant submits that the amendments have been made at the appeal stage because they consider the Council did not provide them with such opportunity during the application. However, even if this was the case, for the reasons given above, interested parties would still be prejudiced.
6. The Council's first reason for refusal includes reference to Policy HE1 of the Alnwick & Denwick Neighbourhood Plan 2014-2031 (July 2017, NP). The Council have submitted that this was in error and that the reason for refusal should have referred to Policy HD1. I return to this later in my reasoning and it is a matter upon which I comment within my separate Costs Decision.
7. Following the Council's decision, a unilateral undertaking (UU) has been submitted. The purpose of the UU is to secure a financial contribution towards mitigation measures in relation to the potential for the development to result in recreational activity on protected sites on Northumberland's coast. I comment on these matters later in my decision.

Main Issue

8. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

9. Springfield Meadow is a cul-de-sac containing detached residential properties. The appeal site is located at the end of this cul-de-sac. The local area is predominantly residential in character and contains a range of residential estates and streets. Although there is a mix of house types and plot sizes in the area it is appreciable that the properties within these different estates and streets exhibit their own distinguishing design features. Existing properties on Springfield Meadow that neighbour the appeal site are 2 storey and share similar design features and characteristics. This includes their incorporation of stone and painted render to the external walls, pitched roofs covered with terracotta-coloured tiles, a similar apportionment and design of windows and quoining detail. Therefore, consistent with the local area, properties on Springfield Meadow have their own distinctive design features which creates a cohesion to the development. This cohesion on Springfield Meadow contributes positively to the character and appearance of the area and also sets it apart from neighbouring streets.
10. Amongst the evidence that is before me, the submitted Design Statement³ seeks to explain the design ethos of the proposal. Amongst other matters, this document states that elements of the design are deliberately simple and that

³ HebHomes Longhouse Range – Design Statement

the 1.5 storey nature of the house would, amongst other things, be less obtrusive. However, incorporating predominantly white rendered walls without stonework, a roof covering of dark grey corrugated steel sheeting and dark grey windows, the proposed house would exhibit materials of a type, proportion and distribution that would be at odds with the existing properties on Springfield Meadow. In providing first floor accommodation within its roof space, the proposed house would include several rooflights and a dormer window. This would form a quite complex roofscape quite unlike the simpler tile covered roofs of the neighbouring properties. The very shallow pitched roof design of the single storey outrigger and the dormer would not be in keeping with the more pronounced pitch to the roofs elsewhere within the street. The closest part of the south-west elevation of the proposed house which would front onto Springfield Meadow would be formed of a gable end and contain a single ground floor window. Most existing properties on Springfield Meadow and which would be closest to the proposed dwelling more clearly address the road with a broad front elevation that contains main architectural features such as an entrance door and a bay window. This differing approach to the address of the street scene would be a further aspect of the proposal which would be inconsistent.

11. The appellant submits to me that the plot the proposed house would be set within would be similar in scale and shape to some in the area and this plot would include proposed and retained landscape features. However, this would not adequately mitigate the harm I have set out above. The appellant also submits to me that the Council have accepted that a dwelling with a modern appearance would be acceptable in this location. Even if this is the case, I have identified that the design of this particular proposal would be harmful.
12. I acknowledge that the appeal site is located at the head of the estate but, despite this positioning, the particular design and layout of the proposed house in this context, where it would become part of the Springfield Meadow street scene, would be harmfully anomalous. In coming to this view, I acknowledge that the presence of a surface water pipe and associated easement is a site constraint whilst the house, in its proposed arrangement, may take advantage of views but these factors do not amount to sufficient justification for the harm that would result from the development.
13. As a result of this combination of factors the proposed development would be unconventional within its context, would appear out of place and cause harm to the street scene. The effect of the proposed development upon the character and appearance of the area would, therefore, be unacceptably harmful. This would be the case regardless of whether the design of the proposed dwelling can reasonably be considered rural in character or not.
14. Consequently, the development would be contrary to Policies QOP1 and QOP2 of the Northumberland Local Plan 2016-2036 (March 2022, LP) and Policies H4 and HD5 of the NP. In summary, and amongst other matters, these policies require that development be visually attractive, preserve the character of the area, be of a size, scale and material finish that positively responds to local character and contribute to a strong sense of place. Furthermore, amongst its advice, the National Planning Policy Framework (the Framework) states at paragraph 134 that development that is not well designed should be refused and, for the reasons I have outlined above, the proposed development would not, within its context, be well designed.

15. As set out in the preliminary matters, the Council have confirmed that the first reason for refusal should have referenced Policy HD1 of the NP, rather than HE1. However, Policy HD1 focuses principally upon the protection of landscape character and setting, landscape features and the protection of particular views. I find that the content of this policy is largely irrelevant to the specific harm I have identified and, therefore, I find that the proposal is not in conflict with it.
16. Finally, the appellant has drawn my attention to Policy HOU9 of the LP which relates to residential development management, specific paragraphs within Part 12 of the Framework which advise upon achieving well-designed places and, the National Design Guide. However, given that I have identified that the proposed development would unacceptably harm the character and appearance of the area, it follows that I cannot agree that the proposal would comply with Policy HOU9 or the aforementioned advice and guidance.

Other Matters

17. The development would make a contribution to housing supply, however, in providing only a single dwelling, this contribution would be very modest. I have had regard to the ecology related evidence before me including the submitted Ecological Assessment and the consultation response from the Council's Ecologist. This all indicates to me that the proposed development would achieve a biodiversity net gain. Together, these are benefits of the proposed development to which I do attribute weight, however, they are insufficient to outweigh the harm I have identified in the main issue.
18. The Council determined that the principle of the development was acceptable and, that the site was located within an accessible location. The Council also determined that the effects of the proposed development upon the living conditions of neighbouring occupiers would be acceptable. I have no reason to disagree with the Council's assessments. The proposed development may also provide for acceptable living conditions and internal accommodation for future occupiers and, aside from its effects upon the character and appearance of the area, result in no unacceptable harms to the environment more widely. Furthermore, the design of the proposed house may be adaptive and energy efficient, may provide adequate parking and refuse storage and be capable of being served by a full fibre broadband connection. However, that the proposed development may be acceptable in these regards is a neutral factor in my determination and weighs neither for nor against the appeal proposals.
19. I note that some of the public representations made on the planning application raise points in support of the scheme. However, that the proposed development has garnered such support does not in itself render the scheme appropriate nor overcome my concerns. Moreover, of those supportive comments before me, I note the point made that the proposed development would tidy-up the site. During my visit I noted that the site was somewhat overgrown but given it is a green space and contains some trees, I found that it was not unsightly. Therefore, I find that the redevelopment of the space would not be beneficial in this regard.
20. The Council's second reason for refusal stated that the proposed development failed to secure measures or, a financial contribution towards measures that would mitigate the impacts of the development upon protected sites on Northumberland's coast. I note that the Council have stated that should a UU

be submitted which would suitably secure a financial contribution towards the Council's Coastal Mitigation Service, that their objections in this regard would be resolved. A UU has been submitted the purpose of which is to secure such a financial contribution. However, given I am dismissing the appeal for the reasons set out within the main issue, it is not necessary for me to consider the content of the UU in any further detail. The appellant has set out to me the reasons why the UU was not submitted as a part of the planning application and this is a matter I refer to separately in my Costs Decision.

21. The appellant has also submitted that the planning application followed a positive pre-application response from the Council. Again, I deal with this matter in my Costs Decision.
22. The appellant has drawn my attention to some wording within the Council's suggested suite of conditions, however, given I am dismissing the appeal, it is not necessary for me to address the submitted conditions in detail.

Conclusion

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
24. In the main issue I have identified that the effect of the proposed development upon the character and appearance of the area would be unacceptably harmful. Due to this harm and despite the proposal according with some development plan policies, the development conflicts with the development plan as a whole.
25. I have had regard to other considerations material to the appeal including the advice within the Framework but, conclude that there are no such considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. The appeal is therefore dismissed.

H Jones

INSPECTOR