



Appeal Decision

Site visit made on 5 September 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal Ref: APP/P2935/W/23/3323075

Land north of Hartford Court, East West Link Road, Cramlington

- 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 Gavin Hedley (Hedley Holdings Ltd) against the decision of Northumberland County Council.
 - The application Ref 22/02870/FUL, dated 8 August 2022, was refused by notice dated 9 May 2023.
 - The development proposed is the construction of 8no. bungalows with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Gavin Hedley (Hedley Holdings Ltd) against Northumberland County Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - (i) Whether the proposed development would accord with the development plan with reference to the loss of open space
 - (ii) The effect of the proposed development on the character and appearance of the area
 - (iii) Whether acceptable living conditions would be provided for the occupants of the adjacent care home and the future occupants of the proposed dwellings, with particular reference to overlooking and massing
 - (iv) Whether the proposed development would adequately address flood risk
 - (v) Whether the proposed development would promote sustainable travel and provide safe access and egress for all modes of transport

Reasons

Open Space

4. A very small section of land to the eastern side of the appeal site is designated as protected open space in the Northumberland Local Plan 2022 (NLP). Whilst the rest of the land within the appeal site does not have any formal designation, at present it is an area of open space and one that is visually indistinct from other areas of open space in the vicinity. Criterion 1 of Policy INF 5 of the NLP refers to both the proposed loss of open spaces defined on the Policies Map and to the loss of other existing open space. To achieve compliance with criterion 1a of the policy it was necessary that an assessment be undertaken and for this to show that all the open space which comprises the appeal site to be surplus to requirements. This is consistent with the requirement set out in paragraph 99 of The National Planning Policy Framework (the Framework).
5. No such assessment has been provided to show that the open space, be it designated or not, is surplus to requirements. There is also no suggestion that the loss resulting from the proposed development would be replaced by equivalent or better provision, which would be necessary to meet criteria b) of both Policy INF 5 and paragraph 99 of The Framework. Although the appellant offers the view that the land is of no real use, it forms a function as open space and the development plan policy sets out the process that needs to be met if its loss is to be supported. They also state that there was no objection received from Open Spaces Southeast Area, but it would appear that no consultation response was received at all. But whatever the case, this does not negate the need to address the requirements of the development plan.
6. Therefore, the submission fails to demonstrate that the proposal would accord with Policy INF 5 of the NLP and with paragraph 99 of the Framework, with respect to the loss of open space.

Character and appearance

7. Much of Cramlington is laid out in the form of a network of residential estate roads that originate from a single access point onto main distributor roads such as Northumbrian Road. This means that dwellings predominantly back onto those main roads, but the impact of this is mitigated against by the provision of large expanses of undeveloped open space which are grassed and planted with trees, and which run alongside the main roads. As has been noted, the appeal site is currently one of these areas of open space. As such its presence is consistent with the prevailing character and appearance of the surrounding area, and it contributes positively to it.
8. Notwithstanding that there is a grassed bund adjacent to part of the appeal site that would provide some degree of screening, the proposed development would appear prominently in a number of views taken from the surrounding area. It would be visually isolated from nearby existing residential development owing to its positioning adjacent to a care home and a supermarket. Its impact would be further accentuated by its layout, which would place two of the proposed dwellings fronting immediately onto the shared road with the care home and supermarket. The remaining dwellings would be equally prominent in the street scene, where they would appear with their shared access road and parking to

their frontages. The proposal would as a result lack visual coherence in comparison to the existing pattern of development.

9. Furthermore, by virtue of being single storey bungalows they would have an awkward visual relationship with the care home, which is a building of substantial height and bulk. Together with the matters relating to its layout, this would add to the visual incongruity of what is proposed. This would be compounded by the proposed density of the development, which would not allow for any meaningful front gardens, and in the case of several of the proposed dwellings, only very limited rear garden areas. Whilst the Council also refers to the impact of new boundary treatments, the plans show that these would be limited in their presence and would not in themselves have an unduly harmful visual impact.
10. As a result, aside from the harm from the loss of the open space which is so characteristic of the surrounding area, there would be harm because the proposal would appear as awkward and incongruous in terms of its siting separate from existing residential development, and from its layout, scale and density. Collectively this would result in significant harm to the character and appearance of the area. Although the appellant refers to the fact that existing development and its fencing backs onto the main distributor roads, this represents an established, consistent and coherent layout of two storey dwellings within the area. Its impact is therefore not comparable to that which the appeal proposal would have, and it does not justify the harm that it would cause.
11. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policies HOU 9 and QOP 1 of the NLP and Policies CNP3 and CNP8 of the Cramlington Neighbourhood Plan 2020 (CNP), which collectively seek to protect character and appearance and to promote good design principles. There would also be a conflict with the Framework where it seeks to achieve well-designed places.

Living conditions

12. The proposed dwellings on plots 4 and 5 would be in close proximity to part of the adjacent residential care home building at Hartford Court. In the elevation of the care home closest to the appeal site there is a large protruding first floor bay window which appears to serve a communal lounge. As the ground level on which Hartford Court is built is elevated above the ground level of the appeal site, there is also a ground floor window in the care home which would allow overlooking over the boundary fence and towards the proposed dwellings.
13. Because these windows are so close to the common boundary, they would allow intrusive overlooking onto the rear gardens of the proposed dwellings on plots 4 and 5. This would mean that the future occupants of these plots would have unacceptable levels of privacy in their rear garden areas. There would also be a clear perception of overlooking when in the proposed dwellings themselves, and the separation distance between the care home and the dwellings would be less than could reasonably be expected in order to prevent harm in that respect. There would be further harm caused by the height of this section of Hartford Court and its massing and its close proximity to the garden areas of those two proposed dwellings.

14. This harm would not be reciprocated in terms of the impact that the proposed development would have on the care home. This is because, due to the level differences, it would not be easy to look from the gardens of the appeal dwellings up into the rooms of the care home itself. There would also be no harm in terms of the height of the proposed development. However, the absence of harm in both of those respects does not justify a development that would fail to provide acceptable living conditions for its future occupants.
15. In conclusion, the proposed development would fail to provide acceptable living conditions for its future occupants with regard to overlooking and the impact from the massing of the adjacent building. It would therefore fail to accord with Policy QO2 of the NLP where it seeks to provide a high standard of amenity for future users of new development. There would also be a conflict with the aims of the Framework in the same regard.

Flood risk

16. The appeal site is located in Flood Zone 1, and there is not a concern that the appeal site is at risk from flooding from any external source. However, the Lead Local Flood Authority (LLFA) has pointed out apparent discrepancies in the appellant's Flood Risk Assessment (FRA), which has been revised several times. It does not appear that the appellant has directly addressed the comments made by the LLFA in the latest revision of the FRA (Rev D). Without clarification of these points, it is not certain that the proposed development could be implemented without giving risk to an increase in off-site flooding occurring from surface water discharge.
17. In light of the uncertainty as to whether and how such a risk can be avoided, it would not be appropriate to address the matter by way of a planning condition. Therefore, on the basis of the information that I have before me, the proposed development fails to accord with Policy WAT 3 and WAT 4 of the NLP where they seek to minimise and control surface water run-off and promote sustainable drainage, and with the Framework where it seeks to ensure that flood risk is not increased elsewhere.

Sustainable travel and safe access and egress

18. As a result of the aforementioned residential layouts in the area, there are no footpaths along the main distributor roads. Pedestrian walkways are instead provided within and between the residential areas and services and facilities in the settlement by a network that includes underpasses and pedestrian/cycle only footways. The nearest accesses to such footways are to the south-east of the appeal site, which is also adjacent to a bus stop, and via the footway that runs alongside the adjacent supermarket.
19. The plans submitted do not show any formal connection to the bus stop to the south-east of the appeal site and the access to the footway that lies beyond it. In the absence of this there would not be an acceptable or appropriate provision put in place to reach that stop and to access the footway at that point. However, there is a feasible alternative via the side of the supermarket, which would appear to be able to be accessed from the footpath shown within the appeal site, with a requirement for pedestrians to pass only across the access to the care home.

20. There is no apparent engagement on the Council's part with that solution, nor any explanation as to why it would not be acceptable in highway safety terms. But nonetheless, it would appear to be an arrangement that would allow future occupants to access the network of footways and the nearest bus stop in a way that would not bring them into unacceptable conflict with traffic movements by having to walk down a distributor road or use an informal path to the south-east. Subject to that link being available, acceptable access arrangements would be put in place and these would serve to promote sustainable travel via walking, cycling and the use of the bus stop.
21. There are a number of further matters raised by the Council in relation to the proposed layout of the internal access road within the appeal site. This includes that the footpath within the appeal site is on the opposite side to most of the dwellings. However, given the number of dwellings proposed, that there would be no through traffic and that vehicles would be moving at a low speed, this arrangement would not have an unacceptable impact on highway safety. Other matters raised relate to the positioning of visitor parking spaces, planting and visibility, refuse collection and cycle infrastructure. These either would not warrant the refusal of planning permission or could be resolved through the imposition of planning conditions. The provision of electric vehicle charging points on residential dwellings now falls primarily under the Building Regulations and I have not been made aware of any reasons as to why this would not suffice.
22. In conclusion therefore, the proposed development would promote sustainable travel and provide safe access and egress for all modes of transport. Accordingly, there would be no conflict with Policies TRA 1, TRA 2 and STP 3 of the NLP where they seek to promote sustainable connections and development and to provide effective and safe access and egress to the existing transport network. There would also be no conflict with the Framework in the same respects.

Other Matters

23. The Government's objective is to significantly boost the supply of housing and the proposal would provide eight modern new homes within an established settlement. As the proposed dwellings are bungalows there may be benefits in terms of diversifying the housing offer within the locality, allowing both existing residents to stay in the area and potential new residents to move there, although there is no substantive evidence provided in these respects. The bungalows would be accessible and therefore appropriate for an aging population, and in that respect could be said to some degree to complement the provision of the adjacent care home.
24. The scheme would further lead to a small and time-limited economic benefit during the construction phase, which may give rise to extra local employment. There would be additional economic benefits in terms of spend in the local economy and through New Homes Bonus payments and increased Council tax receipts. It is suggested that the proposed dwellings would be sustainably built and that they would represent an efficient use of land. Whilst these are all benefits of the proposed development, they would be reduced due to the relatively small size of what is proposed and due to the sizeable supply of deliverable housing sites that the Council has drawn attention to and its recent housing delivery. Collectively, the benefits arising from the provision of the

proposed dwellings carry modest weight in favour of the proposal, and they do not outweigh the harm I have identified above.

25. The appeal site is within the buffer zone for recreational disturbance impacts on the Northumbria Coast Special Protection Area and on coastal Sites of Special Scientific Interest. To address the impacts that would occur from residential developments in such areas and to ensure compliance with the requirements of the Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations, the Council seeks a financial contribution into its strategic mitigation service. This contribution would need to be secured by a planning obligation, but no such obligation has been forthcoming with either the planning application or the appeal. However, because I have found the scheme to be unacceptable for other reasons, there is no need for me to consider the implications of this matter further.

Planning Balance & Conclusion

26. Whilst I have found that the proposed development would promote sustainable travel and provide safe access and egress, it would cause significant harm to the character and appearance of the area and fail to provide acceptable living conditions for the future occupants of the proposed dwellings on plots 4 and 5. It has also not been demonstrated that the proposal would comply with the development plan with regard to the loss of open space, nor that it would not lead to an increase in off-site flood risk.
27. For those reasons the proposal would fail to accord with the development plan taken as a whole, and there are no material considerations that indicate that a determination should be made otherwise than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR