



Appeal Decision

Site visit made on 11 December 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2024

Appeal Ref: APP/P2935/W/23/3319120

58 - 60 Middle Street, Spittal, Berwick upon Tweed, Northumberland TD15 1RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Ben Barraclough against Northumberland County Council.
 - The application Ref 22/04104/FUL, is dated 3 November 2022.
 - The development proposed is conversion and alteration of the existing buildings to create 6 holiday let units.
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Decision

1. The appeal is dismissed and planning permission for conversion and alteration of the existing buildings to create 6 holiday let units is refused.

Preliminary Matters

2. The address on the Council's decision notice more accurately reflects the location of the appeal site than that on the application form. I have therefore used it in the banner heading above.
3. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

4. Following the submission of the appeal against non-determination, the Council has confirmed that it would have recommended refusal if it had had the opportunity to make a decision. The reasons for refusal in the Council's decision notice include reference to the absence of sufficiently detailed information regarding the effect of the proposal regarding ecology. The Council has confirmed that they are agreeable to the imposition of a condition to ensure development is carried out in accordance with the recommendations of the Ecological Impact Assessment (2023), included as part of the appellant's appeal submissions. I am content that in this regard, the proposal would accord with Policy ENV2 of the Northumberland Local Plan (2022) (NLP).
5. Therefore, taking the above into account, and from the evidence I have before me, together with observations from my site visit I consider the main issues to be the effect of the proposal on:

- the character and appearance of the area, bearing in mind it would be within the Spittal Conservation Area (SCA) and there is a building within the appeal site that is a non-designated heritage asset (NDHA); and
- highway safety, with regard to parking provision.

Reasons

Character and appearance

6. Middle Street is a predominantly residential area, characterised by terraced properties primarily finished in stone with a generally consistent traditional appearance, however the surrounding area features a variety of materials including brick and smooth and roughcast render. The sloping site rises steeply in gradient to the rear and a public footpath runs along the side of the site.
7. The appeal site accommodates a number of vacant and derelict buildings with a variety of finishes and falls within the SCA. From my observations the significance of the conservation area, insofar as relevant to this case, is primarily derived from its surviving historic fabric and the associated architectural detailing and layout of the buildings within it. I observed the buildings at the appeal site to generally be in a poor state of repair and open to the elements, detracting from the character and appearance of the area. However, despite its derelict appearance, the surviving historic fabric of the street frontage with its stone finish and timber detailing contributes positively to the SCA.
8. The building at the rear boundary of the appeal site appears in the Northumberland Historic Environment Record, described as a 'later 18th Century [mill] building', recorded in 1799 under the name 'Davidson's Blue Mill' and is identified as a non-designated heritage asset (NDHA). Its significance lies in its surviving historic fabric and its built form, and it is identified in the SCA Management Strategy (2008) as a neglected building at high risk of loss and in need of attention. Given its status as a NDHA, in accordance with the Framework, in determining the appeal I have undertaken a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The submitted structural survey sets out that owing to the poor state of repair of the appeal buildings a significant level of remedial works would be required to bring the buildings back in to use. Nevertheless, there is no structural reason why retaining much of the existing buildings, as shown on the submitted plans, cannot be achieved. The Council has confirmed in their statement that this addresses a significant proportion of their heritage objection but that concerns remain regarding the design of the appeal scheme.
10. The proposal would remove some of the more modern unsympathetic additions at the site and would secure the long-term future of the buildings, including the NDHA. While there are elements of the proposal that are more contemporary in design such as the proposed metal standing seam roof and the introduction of patio doors, overall, the proposal would result in a well-balanced development that respects the historic environment. Much of the remaining historic fabric of the former mill would be retained, therefore maintaining its overall built form and preserving the significance of the NDHA.

11. The main elevational treatment at the street frontage would largely remain the same in appearance through the renovation of the traditional shop front character, including maintaining the timber features. As such it would continue to contribute positively to the street scene in this part of the SCA and reinforce a strong sense of place. I note that some of the existing render at the site is to be removed and a relatively small proportion of the overall building would be finished in render at the side and rear. Taking into account the variation in materials along Middle Street, and the generally traditional materials proposed the scheme would assimilate well into the SCA and would maintain and reinforce local character and distinctiveness by reflecting local detailing and materials and respecting the heritage of the site.
12. I observed that several of the existing windows are boarded up with metal sheeting and that some of the openings have neither glazing nor window frames. As such, much of the historic fabric in this regard has already been lost and replacement rather than repair would appear necessary. The arrangement of the proposed openings would respond positively to the existing rhythm of fenestration at the appeal site, largely reflecting the existing openings and the proportions would closely match.
13. There is a mix of traditional timber sash windows and more modern u-PVC windows in the surrounding area, and while there is currently no Article 4 Direction in place that would control alterations to windows in the SCA I acknowledge that minor incremental changes in conservation areas can accumulate over time to cause harm. Nonetheless, it has not been clearly articulated as to why the window frames must be a traditional material.
14. Moreover, the Council has proposed a condition to secure non-traditional but aesthetically similar building materials for the windows which the appellant is in agreement with. As such, a condition could be imposed to secure an aesthetically similar finish to traditional materials in the interest of protecting the character and appearance of the area. Similarly, while the Council's conservation officer has indicated that all external doors should be timber and that all rainwater goods should be cast iron, I have not been presented with any substantive evidence why aesthetically similar building materials could not be used.
15. The use of renewable energy is to be encouraged and while I acknowledge that this needs to be balanced with other considerations, including the effect on heritage assets, I have not been presented with any clear evidence to demonstrate why solar panels would not be appropriate in this location. Given the conventional design, size and characteristic location on the roof of the scheme at the rear within an overall well- balanced development, the solar panels would not detract from the character or appearance of the SCA as a whole or the built form of the former mill, preserving the significance of these heritage assets.
16. For the reasons given, the proposal would relate positively to the character and appearance of the area, preserving the SCA and its significance and the significance of the NDHA. The scheme therefore accords with Policies ENV1, ENV7 and ENV9 of the NLP which amongst other things, requires development that affects designated and non-designated heritage assets to conserve their significance, quality and integrity. The proposal would also meet the requirements of Section 72(1) of the Planning (Listed Buildings and

Conservation Areas) Act 1990 and the provisions within the Framework which seek to conserve and enhance the historic environment.

Highway safety

17. Policy TRA4 of the NLP sets out that an appropriate amount of off-street vehicle parking is required to serve new development in accordance with the standards set out in Appendix E of the NLP, which the Council advises would be 12 parking spaces for the appeal scheme. There would be no off-street parking provided at the site, and I acknowledge that any such provision would be difficult owing to the continuous street fronted properties in this section of Middle Street and the topography at the rear of the site.
18. Part 2 of Policy TRA4 sets out the circumstances under which it may be appropriate for parking provision in new development to not be in accordance with the relevant standards. It is not disputed that the site is in a generally accessible location with opportunities for access to and from the development by public transport, walking and cycling, and that there are no parking restrictions in force on highways in the surrounding area. However, the policy wording is such that account must be taken of all the criteria set out in part 2 of Policy TRA4.
19. The Council's highways development management officer indicates that the proposed use as holiday accommodation units generally encourages the use of private car to travel, and the appellant acknowledges in the Design, Access and Heritage Report (November 2022) that most people will probably drive to the site. As such, despite the accessibility of the site by means other than the private car, given the proposed use of the site for holiday lets there is likely to be a significant increase in on-street parking and Policy TRA4 requires that the potential for road safety because of increased parking demand in the area be taken into account.
20. The appeal site is located on Middle Street, opposite the junction with Waterloo Place and close to a row of private garages set back from the road by an area of tarmac. Middle Street is a two-way street of varying width, with a footpath on both sides of the road. Waterloo Place is also a two-way street but much narrower than Middle Street and with a footpath the whole length of the road on one side of the road. I observed some existing on-street parking along Middle Street, including near the junction with Waterloo Place and there was also on-street parking on Waterloo Place.
21. Even if the appeal site was not at full occupancy, there would be a considerable increase in parking demand and given the varying width of the roads and that traffic is travelling in both directions, this increase in on-street parking would affect the free flow of traffic and reduce visibility on the surrounding roads. Furthermore, a local resident has raised concerns regarding any increased parking pressures in the area.
22. The appellant suggests that there are significant amounts of on street parking available for use along Middle Street and as such there would be no highway safety concerns arising from the increased parking demand. However, while I acknowledge that there is some capacity on Middle Street and the surrounding streets for additional parking, it has not been demonstrated with any clear evidence that there would be sufficient on street capacity to safely accommodate the parking demands of the proposal and to ensure that

indiscriminate parking does not occur. Particularly given that there are sections of Middle Street where parking cannot take place owing to the presence of private garages requiring access.

23. Owing to the parking demand and the capacity of Middle Street in the appeal site location, this could result in some visitors having to park some distance from the appeal site. This would not be appropriate for people with disabilities, and I note that there is no existing provision for disabled parking on Middle Street, nor is a disabled parking bay proposed as part of the appeal scheme. The appeal scheme would not therefore be accessible for users of the development with disabilities, owing to the lack of any suitable and convenient disabled parking.
24. The previous use of the appeal site would have generated some on street parking demand, however the precise extent of this previous demand has not been clearly articulated and as such a relevant comparison cannot be made to the appeal scheme. I have also considered the schemes in the area granted planning permission without the required standard of off-street parking provision. However, the context of the examples differs. One of the schemes is on a different road and provided one off-street parking space and as such is not directly comparable, the other scheme was for a different scale and use of development. The other examples do not, therefore, lead me away from my above findings.
25. Consequently, taking account of the nature of the proposed development and the associated parking demand, based on the evidence before me it has not been demonstrated that there would be sufficient on street capacity, reasonably close to the site to meet the likely demand. I cannot therefore be certain that the increase in street parking arising from the development would not affect the free flow of traffic or reduce visibility to such a degree that it would be harmful to highway safety.
26. For the reasons set out above, the proposal would adversely affect highway safety, with regard to parking provision, in conflict with Policy TRA4 of the NLP. This policy, amongst other things, requires proposals that do not provide appropriate amounts of off-street parking provision to take account of the proposed scale and use of development and the potential for road safety problems because of increased parking demand in the area. The proposal would also be contrary to the Framework at Section 9 in relation to sustainable transport, which seeks places that are safe and minimise the scope for conflicts between pedestrians and vehicles.

Other Matters

27. The appeal site is located within the coastal zone of influence of protected coastal sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). I note the appellant's agreement to make a financial contribution to the coastal management service to mitigate the increased recreational pressure from the proposed development.
28. Notwithstanding this, the Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. However, it is not necessary for me to consider the implications of the proposal upon the protected sites because the

scheme is unacceptable for other reasons.

29. The proposal makes efficient use of brownfield land in an accessible location which would be a clear benefit of the proposal. The principle of development is not disputed, or that the scheme would contribute positively to the local economy and secure acceptable living conditions for neighbouring residents and future residents. Furthermore, the appeal site is not currently in residential use or in a location where second and holiday homes are restricted. The lack of harm and policy compliance on these matters however are neutral factors.
30. The appellant has referred in their submissions to housing supply and the presumption in favour of sustainable development from the Framework. However, there is no substantive evidence to suggest that the approach set out in Paragraph 11(d) should be applied in this particular case. The decision should be made in accordance with the development plan unless material considerations indicate otherwise.

Conclusion

31. While the proposal would not be harmful to the character and appearance of the area, my above findings in relation to highway safety bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR