



Appeal Decisions

Site visit made on 29 September 2023

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

Appeal A Ref: APP/W4515/W/23/3322361

47 Front Street, Tynemouth, North Shields NE30 4BX

- 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 Mrs Dianne Smallwood against the decision of North Tyneside Council.
 - The application Ref 22/02020/FULH, dated 31 October 2022, was refused by notice dated 13 April 2023.
 - The development proposed is replace, repair and extend railings to front elevation. Alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removed and reinstated with contemporary replacement and reinstated glazing to blanked window at first floor. Conservation style rooflight added to rear roof pitch above stairs.
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Appeal B Ref: APP/W4515/Y/23/3322701

47 Front Street, Tynemouth, North Shields NE30 4BX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Dianne Smallwood against the decision of North Tyneside Council.
 - The application Ref 22/02021/LBC, dated 31 October 2022, was refused by notice dated 13 April 2023.
 - The works proposed are replace, repair and extend railings to front elevation. Alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removed and reinstated with contemporary replacement and reinstated glazing to blanked window at first floor. Conservation style rooflight added to rear roof pitch above stairs.
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Decision

Appeal A

1. The appeal is dismissed insofar as it relates to alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removed and reinstated with contemporary replacement, and reinstated glazing to blanked window at first floor. Conservation style rooflight added to rear roof pitch above stairs.
2. The appeal is allowed and planning permission is granted insofar as it relates to replace, repair and extend railings to front elevation at 47 Front Street, North Shields NE30 4BX in accordance with the terms of the application, Ref 22/02020/FULH, dated 31 October 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the conditions in the schedule attached to this decision.

Appeal B

3. The appeal is dismissed insofar it relates to alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removed and reinstated with contemporary replacement and reinstated glazing to blanked window at first floor. Conservation style rooflight added to rear roof pitch above stairs.
4. The appeal is allowed and listed building consent is granted insofar as it relates to replace, repair and extend railings to front elevation at 47 Front Street, North Shields NE30 4BX in accordance with the terms of the application Ref 22/02021/LBC dated 31 October 2022 and the plans submitted with it, subject to the conditions in the schedule attached to this decision.

Preliminary Matters

5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
6. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
7. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.

Main Issues

8. The main issues are whether the proposal would preserve a grade II listed building 47, Front Street and any of the features of special architectural or historic interest that it possesses, and linked to that whether it would preserve or enhance the character or appearance of the Tynemouth Village Conservation Area (CA).

Reasons

9. The appeal property is a grade II listed building which was listed in 1986 (Ref 1184558) it is part of a wider and coherent terrace of grade II listed houses (No.45 (Old house Ref 1184557)). The listing identifies the building built in circa 1780 as being 3 storeys of English bond brick with ashlar dressing, Welsh slate roof with stone gable coping and banded chimneys. There is a 2-storey right entrance extension, later porch with the main house having sash windows with projecting stone sills and flat stone with false keystones and is clearly recognised for its group value.
10. The appeal property is located within the Tynemouth Village CA, sited along the eastern edge of Front Street which features mostly 3-storey properties in a linear form consisting of both residential and commercial uses. Due to it being the end property of the terrace row it sits prominently, and this is elevated by its attractive Georgian front elevation including the railings and the highlighted linear form of properties on Front Street with the sweeping curve towards the end of the street. The wider village is known for its medieval origins and is dominated by the nearby Priory and the Castle with relevance to the Iron Age settlement and Roman occupation.

11. The building and wider terrace have experienced several changes which had been granted permission and consent since 1999, and it is noted that the wider terrace has experienced a variety of works undertaken including rear extensions. Nonetheless, the buildings original historic form and group value remains, and the building has retained elegance survived by these changes. There are clear visual designs and historic relationships remaining, contributing to the streetscape, including the rear of the building which also informs and is part of the historic listed building.
12. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primary associated with the historic and architectural interest. Its historic interest is primary in respect of its age, association with medieval times and ancient settlement including, the Priory and Castle, and the building's group value derived from the terrace and its illustration of early attractive 18th century domestic Georgian architecture.
13. The CA was designated in 1971 and the boundary extended in 2009. The CA encompasses most of the village and part of a wider suburban area with varied housing and large green open spaces surrounded by coast/and or river to the northeast. The Tynemouth Village Conservation Management Strategy Supplementary Planning Document, 2014 (management strategy) identifies the CA as a remarkable place, and the Tynemouth Village Conservation Area Character Appraisal 2010, (CAA) sets out that the main conservation area being reasonably flat with occasional slopes due to the contrast with the river and the beaches, and the grand hill of the Castle and Priory.
14. The management strategy and CAA identifies the area as a former medieval village with the original settlement being developed with clusters of buildings. It emphasises that buildings are of linear form, but informed edge and building plots face to the street. Front Street is identified as the village core, where 3-storey buildings are a dominant form with pitched roofs with the main architectural style being Georgian dating from the 18th and early 19th century, which was based on classical style and proportions. Features, detailing and materials have been altered over time, but a great number of authentic architectural features are intact in detail with doorways mainly being of simple stone surround, some hoods and early window openings are larger and more horizontal but with strong vertical emphasis.
15. There are a significant number of listed buildings within the CA, the management strategy, CAA and Tynemouth Village Character Statement, 2001 guides on managing change and encourages sympathetic renovation of older properties. The management strategy sets out that alterations, extensions in the CA should have the highest respect for the existing character, be proportionate to surrounding buildings in terms of size and scale and use high quality materials. Windows should match the character and period of the building and fenestration is a key element in maintaining the character. There is an Article 4 Direction in place to control development. It follows, therefore, that the appeal property of historic and architectural interests, makes a significant positive contribution to the character and appearance of the CA.
16. The Council's Design Quality Supplementary Planning Document, 2018 (SPD) supports implementation of the North Tyneside Local Plan, 2017 (NTLP) and provides the overall context for design guidance requiring high quality design. At section 5.3 it advises that the historic environment creates a sense of place,

well-being and cultural identity for the Borough, whilst accommodating change requires an approach which adds new layers to the historic environment to sustain their significance. It also sets out that heritage assets are sensitive to changes and alterations where extensions should not dominate the existing building in relation to scale, position or choice of materials, and on the whole remain subservient. Repairs should normally be carried out with traditional materials.

Internal window works, ground floor rear extension with extended terrace

17. The proposed works involve the remodelling of the existing kitchen, dining room by creating an open plan feel. This would involve the addition of a rear extension to the ground floor with glazed elevation and associated terrace to the first floor. To facilitate the ground floor extension the works would involve removing the ground floor wall including the timber rear door and removal of the window which is identified as a Venetian or Palladian-style window. Regarding the first floor, to facilitate the roof terrace, the first-floor bay window would be removed and accommodated with a contemporary opening of a folded metal frameless glass door giving access to the outdoor terrace consisting of glass balustrades and chamfered metal canopy surround.
18. Although, the rear elevation consists of bond brickwork with some various timber interventions, the arched vertical sash window at ground floor is not typical of the Georgian period. However, there is no substantiated evidence before me to suggest that it was not an original opening, nor that the window has not been in place for a considerable amount of time adding to the historic character and fabric of the building. In combination with the loss of the rear wall it would clearly alter the original rear elevation facilitating the ground floor modern extension, resulting in a harmful impact to the significance of the rear of the building.
19. The timber bay/oriel window with leaded roof to the first floor appears to be a later addition to the building, although likely to be historic. This would be replaced with full-length non-projecting glazed openings of a contemporary design. The CAA acknowledges that within the village core bay windows are generally not original features with examples of later additions along Front Street. However, they were a prominent feature of the 19th/early 20th century terraces, and the Tynemouth Village Statement acknowledges that inappropriate, often small alterations to features such as windows may appear insignificant in themselves, but together they can spoil the character of the village. The Historic England photographs dated 1927 and 1958 only serve to indicate that an oriel window has been a continued feature within the rear elevation for a significant amount of time.
20. I have also had regard to the representations¹ received. Nonetheless, the Council acknowledge that the bay/oriel window in isolation could be replaced to reflect the Georgian architecture. I agree to an extent, however, given that this forms part and parcel of the proposed ground floor extension and terrace, and there is no alternative proposal for this work or that the significance of the building would be enhanced or preserved by its removal. I must find that the loss of this window is harmful to the significance of the listed building, and in particular the contribution of the rear elevation makes to the building as a whole.

¹ Northumberland and Newcastle Society (N&N)

21. In addition, I consider the extent of the cumulative works to facilitate the ground floor rear extension and terrace, that being of a substantial size, height and projection as well as introducing a varied contrast of materials incorporating black metal, timber and large contemporary glazing would not achieve a well-designed, high quality and beautiful, sustainable building, as well as not conserving the heritage asset in a manner appropriate to its significance which the Framework seeks to achieve. Together, these works would clearly be to the detriment of the historic fabric and the rear of the building, nor would they seek to preserve or enhance the CA taken as a whole.
22. Moreover, as I saw there are considerable views of the appeal property and wider terrace, when viewing from along Pier Road and along the Hill particularly due to the topography of the area. I would disagree with the appellant that public views are restricted of the rear elevation.
23. Despite the existing rear alterations to No.46 or No.45, the appeal property retains its original fabric to the rear elevation. I also observed that due to the original rear form being retained without significant addition, the rear is still seen in isolation as an attractive element compared to those existing extensions on neighbouring properties, of which I consider have negatively impacted on the historic group of terraces and CA as a whole. These proposals would not align or reduce their visual impact with those existing alterations and the existence of such harmful additions or extensions to neighbouring properties do not serve to allow further harmful impacts or justification to harm the significance and special interests of the appeal building.

Rooflights

24. The proposed rooflights would be installed on the rear roof of the main house. These are identified as being conservation rooflights of a textured black powder coated finish. Although there are roof lights similar within the CA and they would have a very small impact to the wider CA. They would clearly result in an incongruous addition and the alteration of the historic roof form including the loss of some of the traditional Welsh slates. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
25. Moreover, from the evidence before me it is not clear the justification of why the works would be necessary, as given the scale of these they would offer limited exposure in terms of natural light to the stairwell. They would fail to preserve the special architectural and historic interest of the listed building.

Reintroduction of first floor glazing in former blanked window

26. As I saw, the window to the first floor is currently blocked up with a render infill and the proposed works would involve the reintroduction of glazing within this window. There is nothing before me to suggest that this opening didn't form part of the original historic fabric of the property. Therefore, the opportunity to restore the original appearance, including that this should be the installation of a Georgian style-window is welcomed.
27. However, there is limited finer detail of the proposed window other than that it would be a fixed flush glazed frameless window which would result in an unacceptable contemporary approach. I note that the appellant in their evidence intends to reinstate elements of the Georgian fabric that have been

lost. Nevertheless, in the absence of such detail or confirmation that the replacement would be acceptable to reflect this, I must find that the replacement would cause harm to the significance of the listed building and would not preserve its special interest. Moreover, I do not consider that a suitably worded condition could be used to secure a more historically accurate casement or sash window to the proposal.

Railings

28. Turning to the proposed replacement, repairs, and extension to the existing wrought iron railings at the front of the property. This would involve replacing and repairing the railings and associated remedial works to the coping stones. The railings would be extended with the addition of a gate to enclose the area up to the edge of the street. The Council have raised no concerns regarding these works provided the plinth being natural sandstone and the railings being of iron and matching the existing profiles. Therefore, I consider that the railings and gate would have a neutral impact on the historic fabric of the building. Similarly, given that there are already railings to the front the alterations to the front boundary would not alter the character and appearance of the dwelling within the CA. Consequently, this element of the proposal would avoid harm to the significance of the listed building and preserve its special interest. A suitably worded condition would be required relating to the materials and finish.

Overall Balance

29. Given the above, I find that the proposed alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removal and reinstatement with contemporary replacement, reinstated glazing to blanked window at first floor, and conservation style rooflight added to rear roof pitch would fail to preserve the special interest of the listed building. This listed building is an important element in the CA and a positive contributor to its character and appearance. It must follow that if the listed building would be harmed, then there would be a similarly harmful impact on the character and the appearance, and significance of the CA. Moreover, as I saw these proposals would be clearly discernible in views from the rear and Pier Road, in the public realm and the CA. Consequently, I give this harm considerable importance and weight in the planning balance of the appeal.
30. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given this they would result in a negative impact on the historic and architectural interests of the building and the CA, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
31. Where the proposal would lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.

32. The appellant is of the opinion that the scheme would cause no harm to the significance of the listed building, and it would preserve the character to the CA. In addition, it would be beneficial as it would provide more generous living accommodation of a modern family life, and it would reduce visual impact of the imposing party wall with the neighbouring property. Nevertheless, these are not public benefits advanced, and relate to private benefits that would only serve the occupiers which are not sufficient to outweigh the harm I have identified. In any event, the continued viable use of the appeal property as a dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
33. Given the above, and in the absence of any defined significant public benefit, I conclude that the proposal insofar as relevant to the alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removal and reinstatement with contemporary replacement, reinstated glazing to blanked window at first floor, and conservation style rooflights added to rear roof pitch would fail to preserve the special historic interest of the grade II listed building and the character or appearance of the Tyneside CA would neither be conserved nor enhanced.
34. This would fail to satisfy the requirements of the Act, paragraphs 205 and 206 of the Framework and Policies DM6.6 and S6.5 of the NTLP Plan, 2017. Taken together, amongst other matters these policies aim to pro-actively preserve, promote and enhance heritage assets by respecting significance and maximising opportunities to sustain, conserve and enhance of significance of heritage assets and their setting. Proposals that detrimentally impact upon a heritage asset would be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment. In addition, there would also be some conflict with the Council's SPD, and CA management strategies, as already set out above.

Other Matters

35. Although representations have been received to support the whole development and works, and there are no issues that it would cause harm to the living conditions of neighbouring occupiers this is a neutral matter weighing neither for nor against the proposal.
36. The appellant refers to the lack of co-operation and engagement from the Council including design response drawings. However, it appears these are essentially procedural matters beyond my remit insofar as it relates to consideration of the planning merits of the appeal, and it appears that the proposals were dealt with having due regard to the requirements of the Act, and insofar to the relevant development plan policies.
37. As I have found there to be a negligible harm in respect of the railings and, I further note that the Council raised no significant objections in this regard either. As the railings are both physically and functionally clearly severable from the other development and works proposed, I consider a split decision would be a logical outcome.

Conditions

38. The Council has provided a list of suggested conditions that it considers would be appropriate. The appellant has had sight of these. I have considered these

in light of the Framework, Planning Practice Guidance, and the Act. For clarity and to ensure compliance, I have amended some of the Council's suggested wording.

39. Appeal A - other than the standard time limit condition, it is necessary to ensure that the development insofar it is given planning permission is carried out in accordance with the approved plans for the reason of certainty. A condition requiring the approval of materials/details would be necessary to protect the character and appearance of the CA and preserving the special interest and significance of the listed building.
40. Appeal B - in the interests of preserving the special interest and significance of the listed building, conditions requiring the submission of a method statement for the railings and gates and of materials to be used in the works insofar they are given consent are necessary. A condition to reduce the likelihood of damage to the listed building, and timescale for making good any damage caused would be necessary to preserve the heritage asset.
41. The Council has also suggested conditions in respect of archaeological building recording, however there is nothing before me to suggest that the development or works would impact on any archaeological remains, as such I do not consider it would pass the test for necessity.

Conclusion

42. For the above reasons and having regard to all other matters raised I conclude that the appeals should be allowed insofar as it relates to replace, repair and extend railings to front elevation, but dismissed insofar as it relates to alteration and refurbishment incorporating ground floor extension to rear with extended terrace, rear first floor bay window removed and reinstated with contemporary replacement, reinstated glazing to blanked window at first floor and conservation style rooflight added to rear roof pitch above stairs.

KA Taylor

INSPECTOR

Appeal A Ref: APP/W4515/W/23/3322361

Schedule of conditions attached to planning permission

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Insofar as relevant to that part of the development permitted, the development shall be carried out in accordance with the following approved plans: Location Plan, 0010 rev P1; Site Plan, 0200 Rev P1; Site Plan. As proposed, 2001 Rev P1; Ground. As proposed, 2002 Rev P1; First. As proposed, 2003 Rev P1; Roof Plan. As proposed, 2004 Rev P1; North Elevation. As proposed, 2005 Rev P1; West Elevation. As proposed, 2006 Rev P1; South Elevation. As proposed, 2007 Rev P1; Section AA. Proposed, 2008 Rev P1; Sectional Overview, 2009 Rev P1.
- 3) Notwithstanding condition 2 (the plans condition), the installation, extension and/or repair of the railings and gate hereby permitted shall not commence until a schedule and/or samples of the materials and finishes for the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Appeal B Ref: APP/W4515/Y/23/3322701

Schedule of conditions attached to listed building consent

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) No works shall commence until a schedule and/or samples of the materials and finishes for the works have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 3) No works shall commence until detailed plans and a method statement of the design of all parts including closing mechanisms, balusters, posts and finials, installation and remedial works into the stone coping, and a colour scheme for the railings and gate shall have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved details and the railings and gate shall be painted within 3 months following the installation and maintained as such thereafter.
- 4) Upon completion of the works authorised by this consent, any damage caused to the building in the course of carrying out the works shall be made good within two months in accordance with a scheme submitted to, and approved in writing by, the local planning authority.

- END OF SCHEDULES -