



Appeal Decision

Site visit made on 18 December 2023

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/P2935/D/23/3329149

10 Front Street, Newbiggin-by-the-Sea, Northumberland NE64 6PJ

- 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 Kate Johnstone against the decision of Northumberland County Council.
 - The application Ref 23/01478/FUL, dated 22 April 2023, was refused by notice dated 17 July 2023.
 - The development proposed is erection of a second storey above an existing single storey at rear of property, an erection of a single story side extension to rear of property with glass roof, a dormer extension to rear of property and a dormer window to front of property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but nevertheless a slightly different wording has been entered from that on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description given on the original application.
3. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. I have had regard to the revised Framework in my decision.

Main Issues

4. The main issues are:
 - The effects of the proposed rear dormer and of the proposed second storey rear extension upon the character and appearance of the host property and whether they would preserve or enhance the character or appearance of the Newbiggin-by-the-Sea Conservation Area (CA) and;
 - The effects of the proposed second storey rear extension upon the living conditions of the occupiers of 12 Front Street (No 12) with particular regard to outlook and sunlight and upon the occupiers of 8 Front Street (No 8) with particular regard to outlook.

Reasons

Character and appearance

5. The CA contains parts of Newbiggin Bay itself and built-up parts of the town close-by to it. Many buildings are laid out to overlook the bay and capture views of the sea. Buildings such as fisherman's cottages, public houses and hotels provide evidence of the historical development of this part of Newbiggin-by-the-Sea. In the part of the CA that the appeal site is situated, there is a strong residential character where quite similarly arranged and designed terraces are commonplace. Many buildings in the CA are traditionally designed with stone and slate roof coverings being typical building materials. The significance and special interest of the CA as a whole is largely derived from the features of historic and architectural interest which illustrate the history of Newbiggin-by-the-Sea as both a fishing village and then as a seaside town.
6. The appeal site contains a traditionally designed terraced property incorporating ground and first floor bay windows served by a large front garden. The traditional design, materials and built form of the host property is very reflective of this part of the CA and for this reason contributes positively to its character and appearance and its significance.

The rear dormer

7. The rear dormer proposed would be of significant scale and span a considerable proportion of the roof slope. Coupled with its flat-roofed design it would form a large, box-like addition to the roofscape of the property. Like the prevailing character of the terraces in this area, the main roof slopes of the host property are pitched. The box-like appearance of the proposed rear dormer would be at odds with this. For these reasons the dormer would form an unsympathetic addition to the house. Although the rear dormer could incorporate materials to suitably match the existing house, this would not provide sufficient mitigation for its otherwise unsuitable appearance.
8. There is an existing box-like dormer at the rear of nearby 18 Front Street and others do exist within the CA. However, I am mindful of the content of the Newbiggin-by-the-Sea Conservation Area Character Appraisal which sets out that a number of intrusive flat-roofed dormers have been erected which have harmed roofscapes. Such dormers detract from, rather than make a positive contribution to, the significance of the CA. Therefore, although examples of similar dormers exist, I do not find that they represent high quality design and so they serve as no justification for the proposal.
9. For these reasons, the proposed rear dormer would result in harm to the character and appearance of the host property and it would fail to preserve or enhance the character or appearance of the CA as a whole.

The second storey rear extension

10. Single and two storey rear outriggers are a feature of the terraced properties in this part of Front Street. There are variances in their scale and design. Neighbouring 4, 6 and 8 Front Street each have two storey rear outriggers which are of greater depth than the existing two storey outrigger at the host property.

11. The proposed second storey extension would project no further to the rear of the host property than the single storey extension it would provide accommodation above. It would have a dual pitched roof design which would be reflective of the roofscape of the host property and of the area. The extension's roof ridge would match the existing two storey outrigger that it would adjoin and would be set well below the roof ridge of the main house ensuring subservience. Given this design and in the context of the array of rear outriggers on this part of Front Street, the proposed second storey rear extension would be acceptable.

Conclusion on character and appearance

12. The proposed second storey rear extension would have acceptable effects upon the character and appearance of the host property and more widely upon the CA. However, for the reasons given above the proposed rear dormer would be harmful. The proposed development would, therefore, result in harm to the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the CA taken as a whole. The harm to the designated heritage asset would be less than substantial. Even so, having regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, this harm is a matter of considerable importance and weight in my decision.
13. Having regard to paragraph 208 of the Framework the harm I have identified should be weighed against the public benefits of the proposal. I acknowledge that the various extensions and alterations proposed would maximise space and light within the property and may also meet occupier expectation for internal accommodation. However, such betterments to the property's accommodation would not be sufficient to outweigh the harm I have identified.
14. The appellant has stated that the proposed development would return the roofline to what would have been in place originally. However, I have no substantive evidence which demonstrates to me that this would be the case nor that the design of the rear dormer proposed is reflective of the property's original roofscape. Since obtaining the property, it may be that the appellant has made improvements to it including replacing windows. However, this does not justify or mitigate the harm which would result from the appeal proposals.
15. My attention has been drawn to a number of existing planning permissions in the area which the appellant submits have affected the appearance of buildings within the CA. However, I have not been provided with the full details of these developments and so I cannot make a direct comparison to the appeal scheme. In any case I have considered the appeal proposal on its own merits.
16. As the proposed development would result in harmful effects upon the character and appearance of the host property and would fail to preserve or enhance the character or appearance of the CA, I find that the development conflicts with Policies HOU9, QOP2 and ENV9 of the Northumberland Local Plan 2016-2036 (LP). In summary and amongst other matters, these policies set out that development should preserve the character of the area, respect and complement the style and character of the existing dwelling and seek to enhance and reinforce the local distinctiveness of the CA.
17. The harm to the CA has not been clearly or convincingly justified. The proposed development would fail to sustain the significance of the heritage asset whilst

no public benefits have been put to me which would outweigh the less than substantial harm which would result. The development is therefore contrary to the advice to this end at paragraphs 203, 206 and 208 of the Framework. The development is also in conflict with advice at paragraphs 135 and 195 of the Framework. Amongst other matters, these paragraphs state that development should secure well-designed, beautiful and attractive places which are sympathetic to local character and history. They also set out that heritage assets should be conserved in a manner appropriate to their significance.

Living conditions

No 12

18. Within its rear elevation, No 12 has windows positioned beside the common boundary with the host property. To one side of these windows is the existing two storey outrigger of the host property and to the other, No 12 is served by its own two storey rear projection. In the proposal, the existing two storey rear outrigger within the appeal site would be extended by approximately 3.5m in length. It would result in a total two storey projection running alongside the common boundary with No 12 of over 7m.
19. Given the existing projection to the other side, in the proposal, the outlook from the windows within the rear elevation of No 12 would be narrowly channelled. The two storey projection past the windows in excess of 7m would form a dominant and overbearing feature when looking out of these windows and a strong sense of enclosure upon them would be formed. This would be harmful.
20. The appellant has referred me to a planning permission granted for a new-build house. I have limited detail before me on that case or the circumstances which led to its approval. However, it seems to me that the approved house would be situated on a neighbouring plot of land at the back of the appeal site. It would not share the same proximity to windows within No 12 as would be the case in the appeal scheme. The effects between the two schemes are therefore not very comparable and so, the planning permission for the house does not weigh in favour of the appeal proposals to any meaningful extent. The appellant further sets out that similar property relationships exist in the area. However, I must consider the appeal proposal on its own merits and I have set out above the specific reasons why it would result in harmful effects upon the outlook of the occupiers of No 12.
21. The same rear elevation windows within No 12 are orientated towards the north-west. By reason of their partly northern aspect and the presence of the existing two storey projection to the west within the appeal site, factors subsist which will be limiting the amount of direct sunlight received by the rooms served by these windows. Direct sunlight will not be received for considerable periods of the day and only received for periods from the afternoon onwards.
22. Although the proposed extension would considerably add to the built presence beside No 12's windows, given the factors already affecting the sunlight they receive, any additional impacts would likely be quite limited. Any additional blocking of light would be restricted to relatively short durations later in the day.

23. Therefore, although I have found that the effects of the proposed second floor rear extension upon sunlight would be limited, the effects upon outlook would be unduly harmful.

No 8

24. The proposed second storey rear extension would be quite considerably set in from the common boundary with No 8. Both the ground and first floor rear elevation windows within No 8 are also set in from this boundary. Therefore, although in the proposal a two storey projection of significant size would be formed, it would be well separated from the windows within the rear elevation of No 8. In the proposal, the views from No 8's first floor window would retain an open aspect in a north-easterly direction. The existing high stone boundary wall forming the boundary between the appeal site and No 8 already has a significant enclosing effect upon No 8's rear yard and partly blocks views from the ground floor window.
25. For these reasons and even though the proposed extension may cross a 45 degree viewing angle from No 8's rear windows, I find that the proposed second storey rear extension would not harm the outlook of the occupiers of No 8 to any unacceptable extent.

Conclusion on living conditions

26. Although I have found that the proposed second storey rear extension would result in no unacceptably harmful effects upon the outlook of the occupiers of No 8 or upon the levels of sunlight received by No 12, I have nevertheless, identified that an unacceptable effect upon the outlook of No 12 would occur. Therefore, overall, the proposed development would result in unacceptable effects upon the living conditions of the occupiers of No 12 and consequently, the proposed development would conflict with Policies QOP2 and HOU9 of the LP. These policies set out that developments should ensure a high standard of amenity for existing site users and prevent significant adverse effects upon them including in respect of outlook. The proposed development would also be contrary to advice at paragraph 135 of the Framework which states that development should ensure a high standard of amenity for existing site users.

Other Matters

27. The proposed single storey rear extension would represent a quite modest addition to the host property and would incorporate a simple lean-to pitched roof. Unlike the proposed rear dormer, the dormer at the front of the property would be small and would appropriately incorporate a pitched roof. I therefore agree with the Council that these additions to the property would be acceptable. I further note that no parking would be lost as a result of the development and the rear yard would be retained. However, that these elements of the proposed development would be acceptable does not outweigh the harm I have identified in the main issues.
28. The appellant takes issue with manner in which the Council handled the planning application and with the consistency of its decision making in the area. However, these matters are of little relevance to my decision.

Conclusion

29. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR