



Appeal Decision

Site visit made on 24 January 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2024

Appeal Ref: APP/P2935/W/23/3329165

Close House, B6524 North Trewick Junction To Whalton, Whalton, Northumberland NE61 3XD

- 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 David Robson against Northumberland County Council.
 - The application Ref 23/01801/FUL, is dated 17 May 2023.
 - The development proposed is a 2 storey front extension and roof alterations.
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Decision

1. The appeal is dismissed and planning permission for a 2 storey front extension and roof alterations is refused.

Preliminary Matters

2. 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 so far as it is relevant to this appeal.
3. Following the submission of the appeal against non-determination, the Council has clarified the decision it would have taken on the application if it had been determined within the statutory time period. The Council would have refused the application and the specific reasons have been provided. The first related to the effects of the proposal upon the character and appearance of the host property, upon Whalton Conservation Area and upon the setting of the nearby listed property The Cottage. The second related to the ecological effects of the proposal with particular regard to its effects upon bats.
4. The appellant's submissions include a bat mitigation document dated 25 August 2023 which did not accompany the planning application. I am satisfied that this document would not make a fundamental change to the application. Furthermore, through the appeal process, the Council have been provided with opportunity to comment upon it and I find that no one involved in the appeal has been subjected to any procedural unfairness as a result of its submission. Accordingly, I have had regard to the document in my decision.

Main Issues

5. Given the above context, the main issues are:
 - the effects of the proposal upon the character and appearance of the host building, whether it would preserve or enhance the character or appearance of the Whalton Conservation Area (CA) and whether it would preserve the setting the nearby listed property The Cottage; and

- the effects of the proposal upon biodiversity with particular regard to bats

Reasons

Character and appearance, the CA and The Cottage

6. Buildings within the CA are arranged in a predominantly linear pattern. The use of stone and roof slates is particularly widespread whilst many buildings share similar design features including, their fenestration details, chimneys and comparable pitched roofs. This arrangement of the buildings and the consistency in the use of materials and design elements means that the CA exhibits a strong design cohesion. This is an important facet of the significance and special interest of the CA as a whole. Further positive contributions are made by the presence of mature trees, the green space that is to the front of some cottages within Whalton and the prevalent stone walls which provide a strong sense of enclosure.
7. In contrast with many buildings within Whalton, Close House is a backland site. Its elevations are not constructed of stone but are largely rendered. For such reasons, the appeal site is not strongly reflective of those elements of the CA which contribute most to its significance and special interest as a whole. Despite this, Close House's low eaves, steeply pitched roofs, feature gables and balanced apportionment of windows provides for a distinctively designed property. Furthermore, some of these design characteristics are shared with some of the buildings elsewhere within Whalton which do make significant and positive contributions to the character and appearance of the CA.
8. Upon completion of the proposed development, the host property's characteristic low-slung appearance would be lost with much of its eaves being set at a far higher level. In contrast with the existing property, substantial sections of shallow roof pitches would be formed. The windows and doors proposed within the extended property would vary widely in their size and design. This would depart from the simpler and more balanced fenestration of the host property and many of the properties elsewhere within the CA.
9. I accept that the footprint of the extended property would remain proportionate given its plot layout and the size of some the neighbouring properties. The use of certain materials and incorporation of projecting gables would reflect other properties in the CA as well. Nevertheless, overall and for the above reasons, the proposal would transform the existing property in a manner which would be unsympathetic and harmful.
10. The existing distinctive design of Close House would be adversely affected by the proposal and upon completion of the development, it would no longer exude the same degree of design quality. In turn, the proposal would result in harm to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA 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.
11. The Cottage is a Grade II listed mid-terraced house. I find that its significance is largely derived from its traditional architectural detailing including its sash

windows, stonework detailing and chimneys. It has a large front garden which permits its appearance to be readily appreciated. This visual setting contributes meaningfully to its significance.

12. In the past, The Cottage may have had a closer association with agricultural land to its south and more expansive views towards it. However, Close House is now located quite close-by to its rear. Close House's garden and driveway are adjacent to the back of The Cottage. Together with the presence of trees, hedgerow and fencing at the back of The Cottage, there is already a quite strong sense of enclosure formed on this southern side of the listed building. Furthermore, this area feels part and parcel of the built-up parts of the village rather than the countryside farther south. For these reasons, I find that the land to the south of The Cottage is not particularly open in character, nor do I find that the character or layout of the land here makes an important contribution to the significance of The Cottage.
13. Consequently, even though the proposal would elongate the host property and increase its mass at the back of The Cottage, it would not harm the listed building's setting. The proposal would not enable the listed building to be appreciated more in any respect whilst I have identified deficiencies in the design of the proposal. Therefore, I cannot agree with the appellant that any enhancement to the significance of the listed building would result. The effects would be neutral.
14. Despite my findings in regard to The Cottage, for the reasons given, the proposal would result in harmful effects upon the character and appearance of the host building and it would fail to preserve or enhance the character or appearance of the CA. The proposal would enlarge the property and in so doing provide additional accommodation. However, any benefit derived from this would be insufficient to outweigh the harm which I have identified.
15. Consequently, the proposal would conflict with policies HOU9, QOP1, QOP2, ENV1, ENV7 and ENV9 of the Northumberland Local Plan 2016-2036 (LP). Amongst other matters, these policies set out that residential extensions should respect and complement the style and character of the dwelling and further set out that developments should make a positive contribution to local character and distinctiveness. These policies also seek to conserve, protect and enhance the historic environment with any less than substantial harm to the significance of designated heritage assets required to be balanced against the public benefits of the proposal. The proposal would also conflict with advice within the Framework, including that at paragraphs 135, 206 and 208. This advice seeks to ensure that development is sympathetic to local character, that any harm to designated heritage assets is convincingly justified and acceptable having regard to the public benefits which would be derived from the development.

Bats

16. Surveys have confirmed that Close House contains bat roosts. The submitted bat mitigation document states that the proposal would result in the loss of the roosts and that mitigation would involve replacement roost features. Bats are a European Protected Species (EPS).
17. The Habitats Directive (The Directive) requires a system of strict protection of EPS by prohibiting, amongst other things, the deterioration or destruction of

their breeding sites and resting places. The Directive allows for the derogation from this but only in certain circumstances when particular tests are met. These tests set out that there should be no satisfactory alternative, that the derogation is not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range and that the derogation is for imperative reasons of overriding public interest. The Conservation of Habitats and Species Regulations 2017 (as amended) impose a duty on me to have regard to these requirements. Separately and only once planning permission has been granted, a mitigation licence would need obtaining from Natural England for what would otherwise be the unlawful loss of the roosts.

18. In my first main issue I have identified that the proposal would result in harm to the character and appearance of the host building and would fail to preserve or enhance the character or appearance of the CA. The public benefits of the proposal are limited and I have no convincing evidence before me that the development is necessary for reasons of overriding public interest. It is also not clear to me that there are not satisfactory alternative means of extending the property which would not result in the loss of the bat roosts. Given my consideration of the derogation tests and even though more detailed mitigation measures have now been submitted, I am not convinced a mitigation licence would be granted by Natural England.
19. Therefore, the effects of the proposal upon biodiversity with particular regard to bats would not be acceptable and it would conflict with policies ENV1 and ENV2 of the LP. These policies set out that development should minimise its effects upon protected species and conserve, protect and enhance the natural environment. The proposal would also conflict with policies within the Framework which seek to minimise impacts on biodiversity.

Other Matters

20. Nos 1-3 South Side (Nos 1-3) are within the same row as The Cottage and are also Grade II listed. Like The Cottage, Nos 1-3 are traditionally designed cottages and their significance is principally derived from their architectural detailing. They are also served by a large front garden which provides a setting which contributes positively to their significance. The Council have not identified that the proposal would harm the setting of Nos 1-3 and I have no reason to disagree. Nos 1-3 are set a little away from Close House to the east and the proposal would not affect the visual settings of the listed cottages to a meaningful extent. The effects of the proposal upon the setting and significance of Nos 1-3 would therefore be neutral.
21. The proposal would not conflict with the development plan's spatial strategy and I note that the Council have raised no objections to the principle of the development. No harm to the living conditions of neighbouring occupiers would result whilst a large garden area and adequate parking would be retained for the host property occupants. Access arrangements would remain acceptable. However, the absence of harm in relation to these matters is a neutral factor in my decision and would not outweigh the harm I have identified in the main issues.

Conclusion

22. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR