



Appeal Decision

Site visit made on 31 January 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2024

Appeal Ref: APP/P2935/W/23/3331382

Westfield, U9549 footway from Adderstone Avenue outside 32 To Blagdon Terrace outside Westfield, Cramlington, Northumberland NE23 6QG

- 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 Jordanna Anderson against the decision of Northumberland County Council.
- The application Ref 23/02794/FUL, dated 25 July 2023, was refused by notice dated 26 September 2023.
- The development proposed is erection of 1 no. dwelling (C3 use).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In December 2023, a revised version of the National Planning Policy Framework (the Framework) was published. The Council and the appellant have been given opportunity to comment on the revised Framework. I have had regard to the revised Framework in my decision.
3. The appeal site is in a conservation area and listed buildings are within the vicinity of the site. Statutory duties are imposed upon me in regard to such designated heritage assets through sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In my decision, I have had regard to these duties.

Main Issues

4. The main issues are:
 - the effects of the development upon the Northumbria Coast Special Protection Area and Ramsar Site (SPA and RAMSAR) and the Northumberland Shore Site of Special Scientific Interest (SSSI); and
 - whether the development would preserve or enhance the character or appearance of the Cramlington Village Conservation Area (CA)

Reasons

The effects on the SPA and RAMSAR and the SSSI

5. The SPA and RAMSAR consists of mainly discrete sections of rocky shore with associated boulder and cobble beaches. The SPA and RAMSAR also includes parts of three artificial pier structures and a small section of sandy beach. The site's qualifying species are birds. In summer, the site supports an

internationally important population of breeding Little tern and Arctic tern and two species of wintering waders occur in internationally important numbers - the Turnstone and Purple sandpiper.

6. In summary, the SPA and RAMSAR's conservation objectives are to ensure that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the aims of the Wild Birds Directive. This is to be achieved through the maintenance and restoration of the population and distribution of its qualifying features and their habitats.
7. The SSSI includes most of the coastline between the Scottish border and the Tyne Estuary. It consists largely of sandy bays separated by rocky headlands and wave-cut platforms, backed by dunes of soft and hard cliffs. It also includes areas of estuarine intertidal mudflats and saltmarsh. The particular species for which the SSSI is designated are the Purple sandpiper, Turnstone, Sanderling, Golden plover, Ringed plover and Redshank.
8. Recreational activities can damage and disturb the qualifying features of the SPA and RAMSAR and the SSSI and the appeal site is within their zones of influence. The Council's Northumberland Coastal Mitigation Service Strategy Document (the Mitigation Document) sets out a strategy to prevent any net increase in disturbance to the bird species arising from increased recreational pressure on the coast caused by new development.
9. The proposed development would deliver a single additional dwelling and would contribute to the recreational activities and consequential effects. This contribution would be limited by itself, however, in combination with other development in the area, it would be likely to have significant effects on the SPA and RAMSAR by adding to the overall level of recreational activity which takes place. These activities would impact upon the favourable conservation status of the site's qualifying features being achieved and adversely affect its integrity. As such, the Habitats Regulations require that an Appropriate Assessment is carried out. Under this, I must establish the implications of the development proposed on the SPA and RAMSAR having regard to any measures which could be put in place to avoid or mitigate impacts. Furthermore, in relation to the SSSI, there is also a statutory duty placed upon me under section 28G of the Wildlife and Countryside Act 1981 to take reasonable steps to further the conservation and enhancement of those features for which it is designated.
10. The Mitigation Document sets out mitigation measures to be deployed. Central to this is the use of wardens who aim to modify people's behaviour through awareness-raising and education. Other actions include bird and recreational disturbance monitoring and improving bird habitats. This mitigation is funded by financial contributions obtained from development proposals. In its response, Natural England submitted that provided such mitigation was suitably secured, it had no objection to the proposal. I also find that the Mitigation Document includes appropriate mitigation for the specific effects of the proposal.
11. However, no Section 106 legal agreement is before me. In its absence, there is no means to secure the financial contribution towards the mitigation measures set out within the Mitigation Document. Furthermore, no alternative mitigation measures are before me either.

12. Consequently, in the absence of adequate mitigation being secured, I cannot conclude that adverse effects on the integrity of the SPA and RAMSAR would not result from the recreational activities which would emerge from the proposed development. Furthermore, these adverse effects would likewise apply to some of the features of interest of the SSSI. Consequently, I find that the proposal would conflict with policies ENV2 and INF6 of the Northumberland Local Plan 2016-2036 (LP). These policies require that development minimises and adequately mitigates its impacts upon biodiversity including designated sites. They also require, as necessary, the use of planning obligations to ensure the effects of development proposals would be acceptable. The proposal would also conflict with those policies within the Framework which seek to ensure that impacts upon biodiversity are minimised and mitigated as necessary.

The CA

13. The significance of the CA is principally derived from its concentrations of traditionally designed stone buildings, Victorian brick terraces and the verdant character displayed by its open spaces and mature trees. These open spaces include the church yard serving the Church of Saint Nicholas and a parkland to the south of the appeal site. In areas, the roof ridges of buildings markedly step. Buildings exhibit different roof pitches including those that are hipped and those that include feature gable projections. This varied roofscape also contributes positively to the significance of the CA.
14. The proposed dwelling would be situated to the rear of an existing dwelling known as Westfield. Westfield's elevations are predominantly finished in a light-coloured render. At its front, it has a single storey flat roofed outrigger. Much of its fenestration detailing has a contemporary appearance. In these respects, the property's appearance contrasts with many of the traditionally designed buildings within the CA which strongly contribute to the CA's significance and special interest as a whole. Despite this, the main parts of Westfield's roof have a hipped profile and the appeal site contains mature trees within it and to its edges. Therefore, the appeal site does exhibit some characteristics which are represented elsewhere within the CA and which do make significant and positive contributions to its character and appearance.
15. The proposed dwelling would be a 1 ½ storey property. It would have a low eaves height and a mostly hipped roof profile. This would provide for a quite low-slung building. Incorporating dormers and various roof pitches that would slope in different directions, the mass of the roofscape would be successfully broken up. Features such as a front bay window and brickwork dentil course would provide for a high-quality design. For these reasons, I find that the dwelling's scale and appearance would be appropriate and sympathetic to the area. In combination with its siting towards the back of the plot, this scale would ensure that the dwelling would be subordinate to Westfield. The hipped roof proposed would also be in keeping with the hipped roofs of both Westfield and traditional properties in the area.
16. Presently, in views from the parkland to the south, many buildings are visible in various directions. Views of these buildings are filtered by trees, hedgerows, walls and fences. Upon completion of the development, the proposed dwelling would similarly be partly seen behind and partly obscured by landscape and boundary features. The dwelling's proximity to the parkland would be akin to a number of neighbouring buildings. The dwelling would be quite closely

positioned to the footpath adjacent to the site but its impact would be moderated by its low-slung appearance and the screening afforded by the boundary treatments and landscape features. Furthermore, existing buildings in the area are also sited close to the footpath. Therefore, the dwelling's positioning would not be at odds with the existing character of the area. Given these factors, the dwelling would not appear dominant or harmfully intrude upon the nearby parkland.

17. For the above reasons, the development would preserve the character and the appearance of the CA. The development would comply with policies QOP1, ENV7 and ENV9 of the LP and policy CNP22 of the Cramlington Neighbourhood Plan. In summary and amongst other matters, these policies require development to make a positive contribution to local character, reinforce local distinctiveness and preserve or enhance the character and appearance of the CA. Furthermore, the development would also comply with those policies within the Framework which seek to ensure that development is sympathetic to local character and ensure that the significance of heritage assets is sustained.

Other Matters

18. The development would make a contribution to housing supply and would increase the choice of housing in the area. However, in providing only a single dwelling, this contribution would be very modest.
19. Cramlington Hall and the Church of St Nicholas are both Grade II listed buildings within the local area. Within the church yard of the Church of St Nicholas are a pair of table tombs and the Gray Tomb which are also, separately, Grade II listed. Cramlington Hall is an imposing, traditional stone-built building with distinctive wings and a balanced fenestration apportionment. I find these are important facets of its significance. The parkland and mature trees beside the building and which it overlooks, provide a setting which positively contributes to its significance.
20. The Church of St Nicholas is a landmark building within the CA with distinctive features such as its tower with clockfaces. The separately listed table tombs and Gray Tomb within the church yard exhibit ornate detailing. The significance of both the church and the tombs is principally derived from their historic and architectural interest. The church yard with its grassed areas, mature trees and peaceful character contributes meaningfully to the setting of these heritage assets.
21. Whilst within the vicinity of the appeal site, each of these listed buildings are situated a quite considerable distance from where the proposed dwelling would be sited. The presence of other buildings and landscaping on intervening land would limit the extent to which the dwelling would be seen in conjunction with the various listed buildings. Given the scale and design of the proposed dwelling and the limited degree of intervisibility between it and the listed buildings, the proposal would result in no harm to the significance of these designated heritage assets.
22. The single dwelling proposed would make only a minor contribution to vehicular movements in the area. The dwelling would utilise the existing access serving Westfield. I have no reason to conclude that visibility from this access is deficient. Adequate provision for parking would be made. No adverse effects upon highway safety would therefore result from the development. Situated

within a central part of Cramlington, the appeal site is within an accessible location, appropriate in principle for housing development and no conflict with the development plan's spatial strategy would result. However, the absence of harm in relation to these matters and upon the listed buildings are neutral factors in my determination and weigh neither for nor against the proposal.

Conclusion

23. In my second main issue, I have identified that the proposal would preserve the character and appearance of the CA. A benefit would be derived from the proposal's contribution towards the supply of housing. However, in my first main issue I have been unable to conclude that the proposal would not result in adverse effects on the integrity of the SPA and RAMSAR and upon features of interest of the SSSI. This matter is determinative and I conclude that the proposal conflicts 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 and therefore the appeal is dismissed.

H Jones

INSPECTOR