



Appeal Decision

Site visit made on 11 March 2024

by L Clark BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2024

Appeal Ref: APP/P2935/D/23/3332493

238 Western Way, Darras Hall, Ponteland, Northumberland NE20 9ND

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Daniel Bates against the decision of Northumberland County Council.
 - The application Ref is 23/02200/FUL.
 - The development proposed is proposed loft conversion of main house with first floor extension to rear and dormer windows to front and side elevations. Construction of flat over existing detached garage. Garage roof to be converted from flat to pitched roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
3. Whilst refusal reason 2 refers to 216 Western Way (No 216) and the Site Location Plan submitted alongside the appeal identifies the neighbouring property to be No 216, this property was numbered 220 on-site. Notwithstanding this, as both the council and the appellant use the same numbering, I also refer to the dwelling as No 216.

Main Issues

4. The main issues are:
 - the effect of the proposed front dormer on the character and appearance of the surrounding area;
 - the effect of the proposed development on the living conditions of 216 and 240a Western Way (Nos 216 and 240a), with particular regards to overlooking; and
 - whether the development would accord with local policies, national guidance and legislation with regard to protected species, namely bats and breeding birds.

Reasons

Character and appearance

5. Western Way is characterised by detached dwellings set in spacious plots. The appeal property (No 238) is a detached bungalow occupying a corner plot

within a predominantly residential area and is set alongside a mix of bungalows, larger chalet-style bungalows, and two-storey dwellings. Dormers are features within the immediate roofscape and vary in scale and design. The prevailing character is one in which the dormers follow the fenestration pattern of the dwelling and are significantly smaller in scale.

6. The proposed front dormer window would obscure almost the entire front roof slope of the dwelling, with its overall scale and design dominating the roof slope. Being significantly larger than the majority of dormers within the immediate context, it would fail to respect the character and appearance of both the host property and the streetscene.
7. The appellant has drawn my attention to similar examples within the local area, figure 1.1 and 1.2. Whilst the dwelling in figure 1.1 appears to display a dormer to the front, I have not been provided with an address nor the circumstances under which this came about. Furthermore, figure 1.2 appears to be a computer-generated image and fails to show the dwelling within its immediate context. As such, I do not have the circumstances to make a comparison.
8. I conclude that the proposed front dormer would be materially harmful to the character and appearance of the area, contrary to Policies QOP2 and HOU 9 of the Northumberland Local Plan 2016-2036 (Local Plan) and Policies PNP2 and PNP4 of the Ponteland Neighbourhood Plan (2017) (PNP). These collectively seek good design which respects the appearance of the property and the quality, distinctiveness and character of the area. There would also be conflict with the Framework, insofar as it requires developments to be sympathetic to the local character.

Living conditions

9. Both Nos 216 and 240a have windows to the side elevations which overlook the appeal property. The council contend that the introduction of dormer windows to opposing ends of No 238 would provide opportunities for direct overlooking of these properties resulting in harm to the living conditions of those existing occupiers. Whilst I agree with this, the appellant suggests, in their statement, the installation of opaque glazing to both dormers as mitigation. Plans submitted show that the dormer which would face No 216, relates to an office. The opposing dormer, which would face No 240a would be a secondary window within a bedroom. Given the office would be non-habitable and the bedroom has another window with clear glazing, opaque glazing would be suitable mitigation to avoid direct overlooking. This is a matter that could be addressed by a suitably worded condition if I were minded to allow the appeal.
10. Subject to the imposition of the above condition, I am satisfied that there would be no harm to the living conditions of Nos 216 and 240a Western Way, by way of overlooking. As such, I conclude that there would be no conflict with Policies QOP 2 and HOU 9 of the Local Plan and PNP 1 of the PNP, which collectively seek to ensure development does not have a significant adverse impact on the amenity of adjoining properties in terms of structural proximity and unacceptable loss of privacy and visual outlook. There would also be no conflict with the Framework which seeks to ensure developments provide a high standard of amenity for existing and future users.

Effect of the development on protected species

11. Regulation 9 (3) of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of bats, a European Protected Species, being present and affected by the proposed development.
12. I have not been told that the appeal property falls within any Special Areas of Conservation. However, the appeal site has a number of mature trees and hedging to its boundary and is located within verdant surroundings. As such there is a possibility that the existing dwelling could provide suitable habitats for bats and breeding birds. Even though these verdant features would be retained, given that the proposed works would incorporate significant alterations and extensions to the roof and structure of the existing dwelling, I cannot be certain whether the proposed development would have an impact on bats or breeding birds.
13. I note the appellant has committed to undertake an ecology survey however I do not have an ecology survey before me. Circular 06/2005¹ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Given the objection from the council's Ecology Officer, it would therefore not be reasonable to attach a survey as a condition to an approval.
14. I conclude that I have insufficient evidence to satisfactorily demonstrate whether any bats or breeding birds, which may be present on site, could be adequately protected as part of the development proposed. For this reason, the proposal would not accord with local policies, national guidance and legislation with regard to protected species, namely bats and breeding birds. It would therefore conflict with Policies ENV 2 of the Local Plan and PNP 13 of the PNP, which collectively seek to minimise any adverse effects on habitats and species. There would also be conflict with the Framework which seeks to conserve and enhance the natural environment.

Other Matters

15. I recognise that the proposal would have benefits for the occupants in terms of providing improved and additional living accommodation. However, there is nothing to indicate that the appellant could not achieve a similar extension in a less harmful manner. Accordingly, these benefits attract limited weight.
16. I acknowledge the appellant's desire to reduce carbon emissions by extending and remodelling the existing dwelling, that the proposed development would utilise similar materials, and that the Darras Hall Estate Committee did not object to the proposal. However, these benefits do not outweigh the harm to the character and appearance of the surrounding area.
17. The comments received from the council are not within the scope of my assessment which must focus on the planning merits of the appeal proposal.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in

¹ Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System

accordance with it. For the reasons given above the appeal should be dismissed.

L Clark

INSPECTOR