



Appeal Decision

Site visit made on 9 April 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 May 2024

Appeal Ref: APP/P2935/W/23/3335879

Westlea Bed and Breakfast, 29 Riverside Road, Alnmouth NE66 2SD

- 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 Paul Edwards against the decision of Northumberland County Council.
 - The application Ref is 21/03496/FUL.
 - The development proposed is a new detached dwelling.
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Decision

1. The appeal is allowed, and planning permission is granted for a new detached dwelling at Westlea Bed and Breakfast, 29 Riverside Road, Alnmouth NE66 2SD in accordance with the terms of the application, Ref 21/03496/FUL and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Paul Edwards against Northumberland County Council. This application is the subject of a separate decision.

Preliminary Matters

3. The description of development on the application form makes reference to the site location which I have removed in the banner heading. A signed and dated section 106 Agreement (s106 Agreement) has been provided which I have had regard to when considering the appeal.
4. On 22 November 2023 all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became National Landscapes. The legal designation and policy status of AONBs are unchanged, but I have replaced reference to the Northumberland Coast AONB with the Northumberland Coast National Landscape (NCNL) in my decision to reflect this change. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect but there are no material changes relevant to the substance of the appeal.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area, bearing in mind it would be within the Alnmouth Conservation Area (ACA) and the NCNL; and
 - the living conditions of the occupiers of properties on Garden Terrace, with regard to privacy.

Reasons

Character and appearance

6. The appeal site is an area of private grassed land to the rear of 29 Riverside Road, known as Westlea Bed and Breakfast. The surrounding development is predominantly residential in character with properties of varying design and appearance. The site falls within the NCNL, characterised by its dynamic seascape, low lying exposed coastline, tidal sands and dune systems.
7. The appeal site also falls within the ACA and in line with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. From my observations and the Alnmouth Conservation Area Character Appraisal (ACA appraisal), the significance of the ACA, insofar as is relevant to this case, is primarily derived from the surviving historic layout of Northumberland Street with medieval 'burgage' plots either side and the large holiday homes/guest houses on the periphery of the conservation area.
8. The relationship of buildings and open space can represent the historical character in a conservation area. Nevertheless, as identified in the ACA Appraisal, much of the detailed layout of the historic burgage plots has been altered becoming more densely built up. Riverside Road itself was improved in order to open up the back of the burgage plots in this location for holiday accommodation. The historically open burgage plots in the appeal site locality have therefore become largely infilled over time. In combination with 29 Riverside Road and the replacement dwelling currently under construction at No 28, there are several other dwellings under construction off Estuary Road. As such, the open areas to the rear of Northumberland Street have been significantly eroded and infill development is a well-established feature.
9. Given the prevailing character of the site's surrounding area, with a number of existing infill developments, the appeal site would not readily be seen as an open space that was once historically defined. The appeal site therefore makes a neutral contribution to the ACA.
10. The proposed dwelling would be a substantial detached property, featuring relatively large openings on the western elevation. In doing so, it would respond positively to the built form in this part of the ACA, identified as Area 2 in the ACA Appraisal, where buildings are more substantial in scale and varied in plan than in the core of the conservation area. Owing to the relatively large plot size and the proposed spacing and layout, the proposed dwelling would be proportionate to the size of the plot and so would not represent overdevelopment of the site. Furthermore, given the spacings around buildings in the locality and the relatively loose grain of development the proposal would not result in the surrounding area being overdeveloped, even considering the proposal cumulatively with the nearby development under construction on Estuary Road.
11. In response to the sloping topography of the appeal site the proposed dwelling comprises a partially sunken design which would ensure that the scheme would not be overly prominent in the townscape. Moreover, it would be set back from Riverside Road, sitting largely behind 29 Riverside Road and would not be of a height, scale or massing that would be significantly different to the existing

infill development in this location. As such, even if the proposal does not follow a traditional linear pattern of back land development in burgage plots, the proposed dwelling would not appear incongruous with the surrounding pattern of development. Owing to the low height and position of the proposal, glimpsed views of the surrounding countryside from Northumberland Street down the proposed access lane would also largely remain, and the contribution this makes to the ACA would be preserved.

12. The use of natural stone and slate would reflect the traditional properties on Garden Terrace. Furthermore, the proposal would be seen with the existing infill development nearby which has a varied appearance, comprising a mix of contemporary and traditional materials. Taking into account the variation in materials, the proposal's appearance would not be a discordant feature and it would respond positively to the prevailing character and appearance.
13. It therefore follows that the contribution the site makes to the character and appearance of the ACA as a whole would be preserved and its significance as a designated heritage asset would not be harmed. In doing so the proposal would meet the requirements of section 72(1) of the Act and the provisions of the Framework which seek to conserve and enhance the historic environment.
14. In considering the proposal, I have had regard to the purpose of conserving and enhancing the natural beauty of the NCNL, as set out in Section 85 of the Countryside and Rights of Way Act 2000 and Paragraph 182 of the Framework which requires that great weight is given to conserving and enhancing the landscape and scenic beauty within national landscapes. Overall, given the modest height of the proposal and its location to the rear of 29 Riverside Road, the appeal scheme would not draw the eye or negatively impact on the experience of the scenic beauty of the NCNL.
15. To conclude on this main issue, the proposal would not be harmful to the character and appearance of the area, preserving the ACA and its significance and the scenic beauty of the NCNL, in accordance with Policies QOP1, ENV7 and ENV9 of the Northumberland Local Plan (2022) (NLP). Collectively these policies require that development integrates into the site overall and the wider area, reinforcing local distinctiveness and the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets.

Living conditions - Privacy

16. Several interested parties are concerned with the effect of the proposed balcony on privacy which I have carefully considered. The balcony would have a full height obscure glazed screen facing the rear gardens and properties of Garden Terrace which would prevent any unacceptable overlooking, even taking into account the topography of the locality. While glimpsed views into the properties and gardens may still be possible along the balcony, they would not be direct, and owing to the separation between the proposal and these properties any views would not be at close range. Consequently, the proposal would not diminish the level of privacy that could reasonably be expected by the occupiers of these properties.
17. Accordingly, the proposal would not have an unacceptable effect on the living conditions of the occupiers of properties on Garden Terrace, with regard to privacy and accords with Policy QOP1 of the NLP. Amongst other things this

policy requires that development does not cause unacceptable harm to the amenity of existing occupiers in the site's surroundings.

Protected Sites

18. The appeal site lies within the zone of influence for protected coastal sites, including the Northumbria Coast Special Protection Area (SPA) and the North Northumberland Dunes Special Area of Conservation. The sites are protected pursuant to the Conservation of Habitats and Species Regulations 2017 (the Regulations) and are recognised for their value as coastal habitats and support internationally important populations of breeding and non-breeding birds and plant communities. Qualifying features include purple sandpiper (non-breeding), little tern (breeding), dune grassland and embryonic shifting dunes.
19. The protected sites have been identified as being vulnerable to harm from new housing, including disturbance to bird species and their special features through increased recreational activity on the coast. Additional residents from the proposal could therefore cause an adverse effect on the integrity of the sites. As such, alone and in combination with other development, the proposal constitutes a likely significant effect to the protected sites.
20. As the competent authority I am required to carry out an appropriate assessment in relation to the effect of granting permission on the integrity of the protected sites. Mitigation has been developed to avoid such adverse effects in the form of a Coastal Mitigation Service (CMS), funded through proportionate developer contributions. The Northumberland Coastal Mitigation Service Strategy Document (2018) sets out measures for the avoidance and mitigation of recreational disturbance including raising awareness and promoting behavioural change among visitors to the coasts and implementing projects to manage visitor access.
21. Pursuant to the CMS, arrangements are in place for financial contributions to be sought in connection with new residential development, to fund avoidance and mitigation measures on a strategic basis. The s106 Agreement undertakes to make the required CMS payment and the Council has confirmed that this would be considered effective in securing the required contribution. I am likewise satisfied that the s106 Agreement would be effective in this regard. It also meets the relevant tests for planning obligations in the Framework.
22. On this basis, in carrying out the appropriate assessment, the adverse effects of the proposal on the integrity of the protected sites would be avoided. Consequently, with the above mitigation measures in place, the proposal would not adversely affect the integrity of the protected sites, either alone or in combination with other development.

Other Matters

Planning obligation

23. Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (CIL Regulations) confirm that planning obligations must only be sought where they meet each of the following three tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

24. Alongside the contribution to the CMS discussed above, the s106 Agreement contains a planning obligation relating to securing the occupation of the proposed dwelling as a principal residence in perpetuity. This obligation is necessary to meet the requirements of Policy HOU10 of the NLP and Policy 1 of the Alnmouth Parish Neighbourhood Development Plan 2020-2036 (2021) and I am content that it obligation would meet the three tests. The obligation is therefore a material consideration in this appeal.
25. A contribution is also sought for costs associated with the monitoring and ongoing management of the obligations set out in the s106 Agreement. While the CIL Regulations permit local authorities to charge a fee for monitoring and reporting on planning obligations, evidence is required to demonstrate that the sum to be paid fairly and reasonably relates in scale and kind to the development and does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development. No such evidence has been provided and therefore I am unable to conclude that the contribution would meet the statutory tests. As such, I have not taken it into account in reaching my decision and this part of the s106 Agreement is not a material consideration in this appeal.

Listed building

26. The site is in proximity to the Grade II Listed Building known as The Schooner Hotel. The special interest and significance of this asset primarily stems from its historic use as a coaching inn and the architectural interest and associated appearance of its main elevation fronting Northumberland Street. The rear wings have been altered and are noted in the listing description as not being of special interest. It's setting comprises the streetscape within which it is located and the historic burgage plots to the rear which includes the appeal site.
27. Given the location, extent and nature of the proposal in relation to the listed building, and my findings above regarding the character of the area, the asset's setting would be preserved and the contribution it makes to its significance would not be harmed. The proposal would therefore meet the requirements of section 66(1) of the Act and the provisions in the Framework regarding the conservation and enhancement of the historic environment.

Other points raised by interested parties

28. Residents have indicated that parking is difficult on Riverside Road and concerns have been raised regarding existing congestion and highway safety issues for pedestrians including children as they cross the road to use the nearby park. Nonetheless, the Framework in paragraph 115 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
29. The proposal does not include the Westlea Bed and Breakfast within the redline plan and does not indicate that the current parking or access arrangements for the premises would be changed as a result of the proposal. Neither do the plans show that the existing car parking provision for Northumberland Mews would be altered. Furthermore, the required number of on-site car parking spaces would be provided as part of the scheme. As such, there is no substantive evidence to suggest the proposal would result in an increase in on-street parking of such a scale that it would be harmful to highway safety.

Similarly, it is unlikely that the traffic movements associated with a scheme of this size would result in a significant increase in congestion. In coming to this view, I have taken into account that the Council's highways development management team did not raise any objections to the scheme on these matters, subject to the imposition of conditions as discussed below.

30. Several residents have drawn my attention to an ongoing dispute regarding shared access. Notwithstanding this, dispute about land ownership is a civil matter to be resolved between the relevant parties and does not alter the planning merits of the proposal. Similarly, any restrictive covenants that may be applicable to the appeal site are covered by a different regime and fall outside my jurisdiction.
31. I have given careful consideration to comments from neighbouring occupiers with regard to the effect of the proposal on their living conditions, including concerns about noise and light pollution. Given the orientation of the proposed dwelling and separation distances to existing properties no unacceptable harm would result. Some degree of disruption during construction would be unavoidable, however this can be adequately managed through a restriction on construction hours and by means of a construction method statement, which would also ensure that construction traffic and ground works area managed accordingly, to be secured through appropriately worded conditions.
32. An archaeological evaluation of the site has been undertaken which recorded that no significant remains were present, as such there would be no harm to archaeological interest at the site. I also note that the Council's archaeology advisor did not object to the scheme. While several revisions were made to the proposal during the determination of the application, I have no clear reason to find that the information submitted was inaccurate or unclear.

Conditions

33. The conditions suggested by the Council have been considered and amended as necessary to ensure compliance with the Planning Practice Guidance and the Framework. Furthermore, the appellant is in agreement with the pre-commencement conditions.
34. It is necessary to impose a condition identifying the approved plans for clarity and a condition securing material details in the interests of the character and appearance of the area. Furthermore, given the site's sensitive location within a conservation area I have also imposed a condition relating to the removal of certain permitted development rights in the interest of visual appearance.
35. The submission and approval of a construction method statement is required in the interest of highway safety and protecting the living conditions of neighbouring occupiers, and before the commencement of development as the details relate to the construction phase. Given the ground levels at the appeal site a condition is necessary to control finished floor levels which is required prior to the commencement of development to ensure suitable levels can be achieved. A condition requiring details of bird and bat nesting features is necessary to secure the implementation of biodiversity enhancement measures and before the commencement of development to ensure that biodiversity at the site is protected and enhanced.

36. In the interest of the character and appearance of the area and biodiversity a condition requiring details of hard and soft landscaping is imposed, this includes reference to boundary treatments and the retention of hedgerows and so separate conditions are not necessary. While I note the importance of the hedgerows to neighbouring occupiers, I have omitted reference to root compaction protection for the retained hedgerows as there is no clear evidence that this is necessary, given the location of the proposed dwelling away from the hedgerows. I also impose a condition to secure the submission of details relating to sustainable design and construction to ensure the proposal delivers a sustainable form of development.
37. In the interest of protecting living conditions a condition is imposed relating to construction hours and to remediation and contamination. For the same reason, I have imposed a condition requiring that the openings and screens on the north and south elevations of the proposed dwelling are obscure glazed. Furthermore, I have imposed a condition relating to the removal of permitted development rights to restrict the insertion of additional window openings on the northern elevation to protect the privacy of neighbouring occupiers. In the interest of securing high quality communications infrastructure for the development a condition is necessary in relation to the provision of broadband.
38. To ensure proper arrangements are in place and in the interest of highway safety and protecting living conditions a condition is imposed in relation to bin storage. Given that the details shown on the submitted plans have addressed the highways development management team's initial concerns it is not necessary to require the submission of a refuse storage strategy. In the interests of highway safety and promoting low carbon travel a condition is also imposed in relation to car parking, cycle storage and electric vehicle charging infrastructure, and a condition to secure appropriate surface water drainage.
39. Despite the ground levels at the site, there is no substantive evidence to demonstrate that there is likely to be a need for significant excess spoil removal, nor that permission should be refused in the absence of a condition to secure details on this matter. In any event this information could be requested by the Council as part of the approval of the construction method statement. As such I have not included an excess spoil condition.

Conclusion

40. For the reasons given above the proposal accords with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250; Existing and Proposed Site Plan Drawing Number 52/21 Revision 6; Proposed Elevations Drawing Number 52/21 Revision 2; Proposed Floor Plans Drawing Number 52/21 Revision 2; Site Section and Relationship Plan Drawing Number 52/21 Revision 0 and Construction Management Plan Drawing Number 52/51 Revision 1.

Pre-commencement

- 3) Notwithstanding the details shown on the approved Construction Management Plan Drawing Number 52/51 Revision 1, no development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. This shall include details of:
 - any temporary traffic management measures;
 - vehicle cleaning facilities;
 - parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development.

The approved statement shall be adhered to throughout the construction period.

- 4) No development shall take place until a scheme for the provision of an integrated bird box and a bat box has been submitted to and approved in writing by the local planning authority. The scheme shall detail the location, height, orientation, and specification of bird nesting and bat roosting provision. The approved scheme shall be implemented in full prior to the occupation of the development and maintained and retained as such thereafter.
- 5) Notwithstanding the details shown on the approved plans, no development shall take place until full details of the finished levels of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

After commencement

- 6) Site clearance, construction works and deliveries and collections associated with the construction of the development hereby permitted shall take place only between 8am and 6pm on Mondays to Fridays and between 8am and 1pm on Saturdays. No such works or deliveries or collections shall take place at any time on Sundays or on Bank or Public Holidays.
- 7) Notwithstanding any description of materials shown on the approved plans, no above ground construction shall take place until details of all external facing materials to be used in the construction of all the development have been submitted to and approved in writing by the local planning authority. The

development shall be constructed in accordance with the approved details and maintained as such thereafter.

- 8) No above ground construction shall commence until details relating to sustainable design and construction are submitted to and approved in writing by the local planning authority, which shall demonstrate how the development will minimise resource use, mitigate climate change and be adaptable to a changing climate. The development shall be carried out in accordance with the approved details and maintained as such thereafter.

Pre-occupation

- 9) Prior to the occupation of the development hereby permitted, the car parking, cycle store and electric charging point shown on the approved Existing and Proposed Site Plan Drawing Number 52/21 Revision 6 shall be fully laid and made available for use. The car parking shall have minimum bay sizes of 5 metres x 3.5 metres. The arrangements shall be retained as such thereafter.
- 10) Notwithstanding the details shown on the submitted plans, prior to the occupation of the development hereby permitted, surface water drainage works to manage run off shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority and maintained as such thereafter.
- 11) Prior to the occupation of the development hereby permitted, bin storage as shown on the approved plans shall be installed and made available for use and shall be retained as such thereafter. No external refuse or refuse containers shall be stored outside of the approved refuse storage area except on the day of refuse collection.
- 12) Prior to the occupation of the development hereby permitted, full details of hard and soft landscaping works, including the retention of existing hedgerows, shall be submitted to and approved in writing by the local planning authority. The details shall include:
- boundary treatments;
 - existing hedgerows to be retained;
 - planting plans, specifications and schedules (including planting size, species (only native to Northumberland) and numbers / densities); and
 - a scheme for the timing / phasing of implementation works.

The hard landscaping works shall be carried out in accordance with the approved scheme and shall be completed prior to the first occupation of the development and thereafter maintained as such. The soft landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

- 13) Prior to the occupation of the development hereby permitted, the windows and screens on the north and south elevations noted to be obscure glazed on approved plan Proposed Elevations Drawing Number 52/21 Revision 2 shall be fitted with obscure glass to an obscurity equivalent to Pilkington Texture Glass Level 5 and shall be retained as such thereafter.

- 14) Prior to the occupation of the development hereby permitted, full fibre broadband shall be installed and made operational, unless details are submitted to and agreed in writing by the local planning authority that alternative provision or no broadband provision is justified. Any alternative broadband provision shall be installed and made operational prior to the occupation of the development.
- 15) Any contamination that is found during the course of construction of the approved development that was not previously identified must be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found a remediation scheme shall be submitted to and approved in writing by the local planning authority and shall be carried out before the development is resumed. Following completion of any remediation measure a verification report must be submitted to and approved in writing by the local planning authority prior to the occupation of the development hereby permitted. Should no contamination be found, this shall be confirmed in writing to the local planning authority prior to the occupation of the development hereby permitted.

Other

- 16) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and reenacting that Order with or without modification), no additional windows or openings shall be inserted in the northern side elevation of the dwelling and no extensions, porches, dormer windows, roof lights or free-standing buildings or structures shall be constructed within the curtilage of the dwelling.

*****End of Conditions*****