



Appeal Decision

Site visit made on 22 April 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal Ref: APP/P2935/W/24/3338138

The Sheiling, Waynriggs Close, Humshaugh NE46 4AA

- 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 Rupert Gibson against the decision of Northumberland County Council.
 - The application Ref is 23/01863/FUL.
 - The development proposed is full planning permission for two bedroom bungalow with associated parking and access details.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the surrounding area;
 - the effect of the proposed development on highway safety with particular regard to access and parking; and
 - the effect of the proposed dwelling on the living conditions of a) the occupiers of Salix House with regards to outlook, and b) the future occupiers of the approved dwelling Ref: 22/01508/FUL, with regard to external amenity space.

Reasons

Character and appearance

3. The appeal site is located within the village of Humshaugh within an Area of High Landscape Value, an Impact Risk Zone for a nearby Site of Special Scientific Interest, and the Hadrian's Wall World Heritage Site buffer zone. Dwellings within Humshaugh are predominantly a mix of two-storey detached and semi-detached properties set within spacious plots.
4. The appeal site has extant planning permissions for the demolition and rebuild of the Shieling¹, and the subdivision of the existing plot and the building of a 5-bed storey house, with detached garage (5-bed dwelling)². Whilst neither dwelling exists at present, and I have no mechanism before me which prevents either or both permissions from being implemented, their cumulative impact is a material

¹ 21/02584/FUL, granted in November 2021

² 22/01508/FUL, granted in March 2023

consideration. The appellant also has not rebutted the Council's point regarding cumulative impact. As such, my assessment has been made on the evidence before me and observations on site.

5. The appeal site forms garden land to the rear of the Shieling, bound by a low stone wall with fields beyond. The rear garden slopes north/south and east/west with the appeal site located between the Shieling and the 5-bed dwelling. The Shieling is set between two residential dwellings, Meadow House to the east and Ravenside to the west. Whilst the rear of Meadow House is open to the fields beyond, the rear of Ravenside is not. However, given the orientation and separation of the new dwellings from Ravenside, their presence retains an open feel.
6. The proposed development would be sited between the Shieling and the 5-bed dwelling and would increase the footprint of the previously approved garage by approximately 60% and raise the height of the ridgeline to accommodate an upper floor. The increase in scale would visually compete with both the Shieling and the 5-bed dwelling, reducing any sense of spaciousness which would exist between them.
7. The creation of an additional dwelling to the rear of the Shieling would also result in an increase in occupants, culminating in additional activity and domestic paraphernalia. The intensification of the rear, together with associated visual clutter beyond what would be expected from the two extant dwellings, would significantly affect and change its prevailing character. It would therefore be harmful to the character and appearance of the area.
8. I conclude that the proposed dwelling would materially harm the character and appearance of the surrounding area contrary to Policies HOU 9, QOP 1 and QOP 2 of the Northumberland Local Plan 2016-2036 (Local Plan), which collectively seek to ensure that new development takes into account any relevant cumulative effects, and the physical presence and design of the development preserves the character of the area. There would also be conflict with the National Planning Policy Framework (the Framework) which seeks, amongst other matters, for development to be sympathetic to local character, including the surrounding built environment and landscape setting.

Highway Safety

9. The Shieling is accessed via Wyan Riggs Lane, a single-track, unmetalled road which provides access to Wyan Riggs Close and a number of other properties.
10. The Council contend that the width of the access road to the proposed dwelling should comply with the Design Manual for Roads and Bridges (MfRB) and be at least 3 metres in width, increasing to 3.3 metres if the access were to provide the main pedestrian and wheelie bin route. The MfRB however sets out higher and more stringent standards which mainly apply to the design, assessment and operation of motorways and all-purpose trunk roads in the UK and therefore given the context of the proposed development, I apply limited weight to these standards.
11. The proposed access road would form one continuous section and provide clear views along its length. Whilst this would be the main pedestrian and wheelie bin route, even if the minimum width would fall slightly below the MfRB threshold,

given that a vehicle passing place would be provided, it is unlikely the reduced width would create conditions harmful to highway safety.

12. Policy TRA 4 of the Local Plan seeks, amongst other matters, that an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations, and that vehicle parking shall be provided in accordance with the parking standards set out in Appendix E of the Local Plan. Appendix E requires 3 car parking spaces for 4/5 bed dwelling and 2 car parking spaces for 2/3 bed dwellings.
13. Within the appellant's statement, figure 8 outlines an approved plan associated with the extant permission for the 5-bed dwelling. This shows 4 car parking spaces with a dedicated passing place located alongside the access. The proposed development would therefore reduce the parking to 2 spaces. This is below the Council's minimum parking requirement.
14. I have taken into account the appellant's suggestion that the matter of parking could be dealt with by condition. However, whilst the proposed development would provide car parking to comply with the parking standards set out in Appendix E, cumulatively the total number of parking spaces would be reduced. There is also concern relating to the resultant area of outdoor amenity space for the future occupants of the 5-bed dwelling. Despite finding no harm, this may not be the case if there was a further loss of outdoor space to facilitate additional car parking. As such, it has not been demonstrated that adequate provision for car parking can be achieved on site. A shortfall in parking, associated with the 5-bed dwelling would result in indiscriminate parking along the access road, its passing place, or on Wyan Riggs Lane. This would lead to sightlines being impeded, pedestrian safety being compromised, or vehicles being unable to turn around within the site and then required to reverse onto Wyan Riggs Lane.
15. Whilst the officer report does not specify the requirement for visitor parking (VP), Appendix E is clear that VP car parking is based on 1 space per 4 units. Cumulatively, the proposed development would provide 3 units, and as such, I concur with the appellant that there would be no policy requirement to provide VP spaces.
16. Whilst I have found no harm with regard to access, I have found harm with regard to parking and as such, the cumulative effects of the proposed development would lead to the displacement of parked vehicles and have an unacceptably adverse effect on highway safety. As such, the proposed development would fail to comply with Policies TRA 2 and TRA 4 of the Local Plan, which collectively seek to ensure that an appropriate amount of off-street vehicle parking sufficient to serve new development shall be made available in safe, accessible and convenient locations. There would also be conflict with the Framework, which advises that development should have no unacceptable impact on highway safety.
17. The decision notice contends that the proposed development is contrary to Policy TRA 1 of the Local Plan, however, this Policy specifically relates to sustainable connections and seeks to ensure accessible development and reduce the need to travel by car. The officer report is clear that the appeal site is located in a service village as defined within the Local Plan and the requirement for a sustainability statement is unreasonable. As the main area of dispute, subject to this appeal relates to access, highway safety and car parking, Policy TRA 1 is not applicable in this instance.

Living conditions

a) Existing occupiers

18. I have not been provided with any substantive evidence from any party to demonstrate where the proposed dwelling would be located in relation to Salix House. As such, my assessment has been made on the evidence before me and observations on site.
19. Salix House is located to the west of the proposed dwelling, with windows to its front and rear elevations overlooking the rear of Ravenside and its rear garden respectively. Even though the proposed dwelling would be both higher and larger in overall footprint than the garage approved alongside the 5-bed dwelling, views from Salix House would be oblique. Given the proximity of the dwellings from the shared boundary, the orientation to Salix House and the location of the 5-bed dwelling, I am satisfied that the cumulative effect of the proposed developments to the rear of the Shieling would maintain good levels of outlook for the occupants of Salix House.
20. The Council contend that the proposed dwelling would enclose the southern garden (rear) of Salix House. However, submitted drawings show that it would be located between the 5-bed dwelling and the rear elevation of the Shieling. Given the footprint of the extant dwelling to the site boundary, I do not consider the proposed dwelling would extend significantly beyond the rear elevation of Salix House or enclose its garden. As such, I do not consider it would be as harmful as the Council contends. I am therefore satisfied that the cumulative effect of the proposed dwelling would not exacerbate the sense of enclosure felt by the occupants of Salix House.

b) Future occupiers

21. The Council contend that the proposed development would reduce the amount of outdoor amenity space for the residents of the 5-bed dwelling to an unacceptable level.
22. Policies HOU 9 and QOP 2 of the Local Plan collectively seek to ensure that residential development provides functional space which is appropriate for the development. However, neither Policy specifies minimum standards for residential development based on typology.
23. The garden associated with the 5-bed dwelling would be significantly smaller than previously approved, and smaller than the gardens associated with Salix House and Ashness House³. However, it would retain amenity space on all elevations, with areas to the south and west providing private amenity space for the future occupiers which span the length and depth of the dwelling. As such, its resultant size would still provide sufficient space for drying washing, outdoor seating/relaxation, barbeques, children's play equipment, etc, adequate for the size of the property and family use.
24. I conclude that the proposed development would provide adequate living conditions with regards to outlook for existing occupiers of Salix House, and outdoor amenity space for future occupiers of the 5-bed dwelling. There would be no conflict with Policies HOU 9 and QOP 2 of the Local Plan, which collectively seek to ensure that residential development provide functional space which is

³ 13/00262/FUL

appropriate for the development. There would also be no conflict with the Framework which requires, amongst other things, that development provide a high standard of amenity for existing and future users.

Other Matters

25. I note the concerns with regards to the ecology value of the appeal site and loss of trees, however, as I am dismissing this appeal on other grounds, this is not a matter which needs to be considered further.

Planning Balance and Conclusion

26. An absence of harm on the living conditions of future intended occupiers with regards to internal space, outlook, and access to cycle parking are neutral matters in the overall planning balance as this would be a likely requirement of a well-designed development.
27. The appeal proposal would create one additional dwelling, supporting the Government's objective outlined in the Framework by boosting the supply of housing. I acknowledge that the dwelling would be energy efficient, constructed from traditional materials to match those of nearby dwellings, and that there would be some economic benefits, mainly during the construction phase, however, given the small-scale nature of the proposed development, I attach limited weight to these aspects.
28. Notwithstanding the conclusions I have reached regarding the living conditions of the existing occupants of Salix House and the future occupiers of the 5-bed dwelling, I consider that the benefits of the proposal do not outweigh the substantial harms I have found with respect to the character and appearance of the area and highway safety. Consequently, the proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore, conclude the appeal should be dismissed.

L Clark

INSPECTOR