



Appeal Decision

Site visits made on 30 April 2024 & 30 May 2024

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/P2935/D/24/3338180

Cottingburn House, 40 Bullers Green, Morpeth, Northumberland NE61 1DE

- 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 Ms Natalie Younes against the decision of Northumberland County Council.
 - The application Ref 23/04295/FUL, dated 19 November 2023, was refused by notice dated 15 January 2024.
 - The development proposed is removal of existing roof and attic floor area, rear conservatory, ground floor side and rear elevation extensions. Reconstruction of single storey house to create two storey house with rear two storey rear and side extension, three dormer windows to rear elevation, and rear balcony at first floor level. Addition of central two storey extension with entrance porch at ground level and addition of five skylights to new roof area in front elevation. A small excavated area to the rear to improve vehicle access to the basement garage area.
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Decision

1. The appeal is dismissed.

Costs decision

2. An application for costs was made by Ms Natalie Younes against Northumberland County Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring residents at Bow Villa, with particular regard to outlook.

Reasons

4. The appeal site is a single storey cottage built on a long linear plan form, with brick elevations and a pitched tiled roof. It is proposed to add a second storey to the building, with rear and side extensions, and a new garage at basement level. The proposed development is a resubmission following the refusal of planning application ref: 23/02520/FUL, which was refused on the grounds of design and amenity. The Council are satisfied that the design issues have been resolved with the new scheme.
5. Nonetheless, they maintain their objection to the new proposal on the grounds of harm to living conditions at the adjacent Bow Villa, which sits immediately to the south of the appeal site. Bow Villa is a two storey building that has been

- divided into flats. On the first floor of the northern elevation, towards the back of the building, is a window which looks towards the appeal site at Cottingburn House.
6. On my second site visit, I was able to gain access to Bow Villa to view the appeal site from this window. I saw that the room is not actively used for living purposes at the moment, but nonetheless, it could be returned to use as a bedroom or a living room at any time.
 7. Looking approximately north-west from the window, the view is dominated by the gable end and roof of Cottingburn House, with only the view of the sky above giving a sense of openness in this direction. Looking approximately to the north-east, the view is curtailed by the heavy tree cover behind the appeal site. Looking straight out the window, one can see across the rear roof slope towards the blank south elevation of Bolland Mews, which lies to the north of the site. Taking these factors together, the outlook from the window is already quite limited.
 8. I saw that this room appears to have had a second window in the rear elevation of Bow Villa. However, this opening is now blocked, and there is little in the evidence before me to show any prospect of its being reinstated. That being the case, the north-facing window provides the only outlook for inhabitants of the room in question.
 9. Given the small distance between the two buildings, the addition of a second storey at the appeal site would severely curtail the already restricted outlook from the window. Views to the north and north-west would be almost completely obstructed by the end wall of the new second storey. Glimpse views of the sky and the trees to the north-east would remain, but that would be the extent of the outlook with the new development in place.
 10. In support of their case, the appellant submits a drawing showing a 25 degree line taken from the centre of the Bow Villa window towards the development. The 25 degree line is a well-established rule of thumb guide as to whether a new building will adversely affect the diffuse natural daylight enjoyed at an existing building. The proposed hipped roof will ensure that the Bow Villa window receives enough daylight. However, this rule does not take into account the effect on outlook from a new development.
 11. I note that no objections to the scheme have been received from tenants at Bow Villa, or from the owner of Bow Villa, who lives elsewhere. Nonetheless, the planning system operates in the wider public interest, and this circumstance does not outweigh the duty to assess proposals for development against the relevant local and national planning policies.
 12. In summation, then, I conclude that the proposed development would unacceptably harm the living conditions for existing or future residents at Bow Villa with particular regard to outlook. It would therefore conflict with Policy QOP 2 of the Northumberland Local Plan (NLP), which requires the physical presence and design of new development to preserve the character of the area and not have a visually obtrusive or overbearing impact on neighbouring uses. Conflict also arises with NLP Policy HOU 9, insofar as it resists extensions that would have a significant adverse impact on the amenity of adjoining properties in terms of unacceptable loss of visual outlook, and with the National Planning

Policy Framework, which seeks to safeguard a high standard of amenity for existing and future land users.

Other matters

13. Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, when considering whether to grant planning permission for development which affects a listed building or its setting, that special regard be had to the desirability of preserving the building, or its setting. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
14. The appeal site is located in the Morpeth Conservation Area, and is within the setting of two grade II listed buildings, which are Bow Villa and Bolland Mews. From the evidence before me, I am satisfied that the proposal would preserve the character and appearance of the conservation area, and also the settings of the listed buildings, and so the above duties are satisfied.

Conclusion

15. For the reasons above, the proposed development is contrary to the development plan as a whole, and so the appeal is dismissed.

Elaine Gray

INSPECTOR