



Appeal Decision

Site visit made on 18 June 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2024

Appeal Ref: APP/P2935/W/24/3343888

Vacant structure to rear of Masons Arms, Plessey Road/ Coomassie Road/ Robert Street, Crofton, Blyth, Northumberland NE24 3JD

- 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 Shad Saleem against the decision of Northumberland County Council.
 - The application Ref is 22/03688/FUL.
 - The development proposed is demolition of existing vacant structure and construction of a residential block with three levels: comprising a single ground floor one bedroom flat and a single upper maisonette/flat across two levels of two bedrooms with associated access, bin stores and creation of two car parking spaces.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the living conditions for future occupiers of the development would be satisfactory with particular regard to outlook and the pedestrian entrance arrangements.

Reasons

3. The appeal site is unused but previously developed land within the urban area. I understand that it used to be occupied by a small single-storey commercial building, but at the time of my site visit the building had already been demolished. Surrounding the site are blocks of terraced houses, a Social Club, a Public House, and a car park.
4. Policy QOP1 of the Northumberland Local Plan 2022 (the NLP) sets out a number of design principles for new development. Amongst other things, buildings should be comfortable and enhance the quality of life for their users. Policy QOP2 seeks a high standard of amenity for users of the development and requires that outlook from habitable areas of the development is not oppressive and the best outcomes for outlook are achieved wherever possible. This reflects the requirements of paragraph 135 f) of the National Planning Policy Framework (the Framework).
5. Although the flats would be relatively spacious inside, the standard of outlook from the habitable rooms in flat 1 would be poor, resulting in an oppressive environment for the occupiers. This is because both windows serving the bedroom would be obscurely glazed, and so, would not provide any positive benefit in terms of outlook from that room. The only source of outlook for the

occupiers of flat 1 would be from the south-west facing living room window, but this would face into the adjacent car park and towards an area containing commercial refuse bins and metal shipping containers. Members of the public would also be able to pass very close to this window, giving me further cause for concern in relation to privacy. The same would apply to the bedroom windows if they were not obscured, so the appellant's suggestion of removing the obscure glazing by condition would not assist, and it is unclear how the scheme could otherwise be suitably amended. Moreover, the appeal process should not be used to evolve a scheme. If the appellant thinks that design changes could overcome these concerns, then a fresh application should be made to the Council in the first instance.

6. The Council has also expressed concern over the potential for conflict to arise between pedestrians and vehicles due to the position of the front door in relation to the car park. However, during my site visit I saw that the area between the front of the proposed flats and the car park is part of the raised pavement and joins into the wider pedestrian footway network. I see no reason why this would be altered as part of the development. I also note that there was no objection from the local highway authority on these grounds. As such, I do not share the Council's concerns in relation to this matter.
7. Nonetheless, I have found that the development would not provide satisfactory living conditions for the future occupiers of flat 1 in relation to outlook. As such, the proposal is contrary to Policies QOP1 and QOP2 of the NLP, and paragraph 135 f) of the Framework. There would be significant harm in this regard.

Other Matters

8. The site is within the 'Zone of Influence' of the Northumbria Coast Special Protection Area (SPA), a European Site afforded protection under the Conservation of Habitats and Species Regulations 2017. The increase in population arising from the development, both alone and in combination with other development projects, can place extra recreational pressure upon the designated coastal site and result in potential disturbance to the important wildlife species for which it is designated. There would therefore be a likely significant effect on the SPA.
9. From the evidence, it appears that the Council has a coastal mitigation service. One potential mitigation strategy could be a financial contribution towards the coastal mitigation service. The appropriate means to secure the financial contribution would be via a section 106 legal agreement, and I note that the appellant has now provided such an agreement. However, as I am dismissing the appeal for other substantive reasons, no harm would be caused to the SPA. It is therefore not necessary to consider this matter any further in this decision.
10. Several aspects of the scheme are acceptable and I have had regard to the aims of the Framework in respect of making effective use of land and adding to the supply and choice of housing in the area. There would also be some social and economic benefits associated with the occupation and construction of the development. However, these objectives and the modest benefits of the proposal do not outweigh requirements for satisfactory living conditions to be achieved and the resultant conflict with the policies of the adopted development plan and the Framework in this regard.

Conclusion

11. I have found conflict with relevant policies of the NLP in relation to living conditions and consider that the appeal proposal through the identified conflict does not accord with the development plan as a whole. There are no material considerations, including the Framework, which indicate that the appeal should be decided other than in accordance with the development plan. Therefore, the appeal should be dismissed.

A Caines

INSPECTOR