



Appeal Decision

Site visit made on 15 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/P2935/W/24/3343131

**Building and Land West of Roecliffe, Ladycutter Lane, Corbridge,
Northumberland NE45 5RZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Robert Kane against the decision of Northumberland County Council.
 - The application Ref 23/04462/REM sought approval of details pursuant to condition No 1 of a planning permission Ref 22/00749/OUT, granted on 2 November 2022.
 - The application was refused by notice dated 15 February 2024.
 - The development proposed is outline application for demolition of the existing garage and stable block and construction of new dwelling house (all matters reserved).
 - The details for which approval is sought are: layout, scale, appearance of the building, access and landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Procedural Matters

3. Whilst the Council has not relied upon any Policies in its decision notice with regard to refusal reason 1 and 2, its officer report and statement are clear that it relies upon the National Design Guidance (NDG), Policies QOP1 and QOP2 of the Northumberland Local Plan 2016-2036 (Local Plan) and the National Planning Policy Framework (the Framework).
4. The Council clarified that it does not yet have any Framework-compliant Local Design Guides at present and as such, it relies upon the NDG and National Model Design Code (NMDC) to guide decisions. This advice is consistent with the Framework and therefore, both the NDG and the NMDC are material considerations.

Background and Main Issues

5. In November 2022 outline planning permission¹ was granted for the demolition of the existing garage and stable block and the construction of a new dwelling house with all matters reserved, and subject to a series of conditions. The

¹ 22/00749/OUT

appellant's appeal Ref APP/P2935/W/22/3310533 deleted condition 5 which restricted the proposed dwelling to single-storey in height.

6. The outline planning permission included conditions relating to, amongst other things, the submission and approval of existing and proposed finished site levels, as well as finished floor levels of the dwelling (Condition 6); and a scheme to demonstrate how the development would minimise resource use, mitigate climate change and ensures sustainable design and construction (Condition 17).
7. The Council refers to the conditions using different numbering and refers to Conditions 5 and 16 respectively. Whilst the appellant also uses Condition 16 in relation to the sustainable design and construction element, it does not specifically refer to a condition number with regard to the existing and proposed site and floor levels of the proposed dwelling. Notwithstanding this, I am satisfied that both parties refer to the subject matter pertaining to the conditions. As such I have dealt with the appeal on that basis.
8. The Council has no dispute with the proposed access, landscaping or layout of the proposed dwelling. Based on the evidence before me, and observations on site, I see no reason to take a different view.
9. There is no dispute between the main parties that the volume of the proposed dwelling is greater than the existing buildings. There is, however, dispute whether the increase in volume and subsequent design is of sufficient high-quality as to not materially harm the wider character of the area. As such, the main issues in this case are the effect of the development on the character and appearance of the area, and whether the proposed dwelling makes suitable provision for sustainable design and construction.

Reasons

Character and appearance

10. The appeal site is the garage and stable block associated with Roecliffe, an imposing Arts and Crafts style dwelling. It is located approximately halfway along the vehicular drive towards the main house, set in an elevated position and surrounded by gardens and paddocks. Roecliffe is accessed off Ladycutter Lane and is within the Green Belt and open countryside.
11. The immediate area is characterised by a loose grain of development along Ladycutter Lane, with large, detached properties set within extensive plots and set back from the roadside. With single-storey detached dwellings interspersed between and set closer to Ladycutter Lane. Materials are predominately a mix of natural stone and render.
12. The garage and stable block are single-storey, with the buildings abutting one another, with their roofs set at right angles. Approximately half the overall width of the buildings appears as a gable when viewed from the north, with the bricks painted. The appellant's Landscape and Green Belt Appraisal contends that the existing structures are not visible from VP1, VP3 or VP4. Whilst I agree with VP3, from VP1 and VP4 I could see both the painted gable and the roof of the garage and stable block. I therefore do not consider that the existing garage and stable block are as concealed within the landscape as the appellant contends. Despite its visibility, however, the gable elevation maintains a slender appearance alongside the structure overall and is not particularly prominent within its setting or from longer-ranged views.

13. The proposed dwelling, whilst occupying a lower position than Roecliffe would remain elevated above Ladycutter Lane. The appellant's Diagrammatical Site Section, submitted in support of their appeal, clearly shows that the scale of the proposed dwelling would not project above the height of the existing single-storey structures. It also shows that the north elevation would project significantly further forward than the current building line and that it would incorporate a lower ground element. Whilst the restrictions imposed on the outline permission with regard to storey height have been deleted, the matter of scale and design are intrinsically linked.
14. Even if the overall height would not project above the height of the existing garage and stable block, the substantial forward projection of the north elevation and incorporation of a lower floor would physically and visually increase the scale of the proposed dwelling when viewed from the north.
15. The appellant contends that the design of the proposed dwelling has been informed by a desire to blend a mix of styles. Despite the use of modern materials and materials found locally, the use of clean lines to the main body and the decorative soffit detail to the roof which gives the appearance of a 'crown,' results in a clash of designs, with the proposed dwelling neither being traditional nor contemporary.
16. Furthermore, the incorporation of a number of vertical narrow windows within each floor and the full-height rendered staircase together with the decorative soffit accentuates both the dwelling's height and width. Taking these design elements together there would be a perceived increase in scale and visual dominance when viewed against the landscape backdrop within which it is set.
17. Whilst there are a variety of buildings along Ladycutter Lane, ancillary buildings and those dwellings set closer to Ladycutter Lane are viewed as subservient to the main. Therefore, notwithstanding the existing and proposed levels being shown on the appellant's plans, the proposed dwelling would be perceived as being significantly larger in scale. This increase would result in the building in this location no longer being subservient to Roecliffe, and visually competing with the main dwelling.
18. These factors would result in a lack of overall design quality which is expected from the Framework and the NDG and would fail to safeguard the character and appearance of the area.
19. The appellant's intention to provide additional landscaping to the north elevation has been noted. However, I do not consider the act of screening the building to be sufficient mitigation for poor design.
20. The appellant has suggested an alternative render colour however, the Procedural Guide – Planning Appeals – England, is clear that the appeal process should not be used to evolve a scheme. Therefore, my assessment has been made on the submitted plans which were considered by the Council.
21. My attention has been drawn to a number of examples the appellant considers similar. With regards to Dyke Head, this is a large dwelling located to the west of the appeal site. Dyke Head is modern in design, it has a simple facade incorporating clean lines and a simple flat roof design. The massing of the first floor is broken up into two main elements, one which projects forward and cantilevers over the lower floor, the other is set markedly back. The lower floor

consists of what appears to be natural stone, and the upper floor consists of a mix of wood panels and render. The window proportions dominate the main forward projection façade, contributing to its modern design. Whilst the proposed dwelling seeks to use similar materials, its architectural detail is sufficiently different to Dyke Head. As such, whilst this scheme is situated in a similar location, I do not consider it comparable to the appeal scheme before me.

22. With regards to High Ash, Dipton House Junction, I have not been provided with a plan to identify the proximity of this dwelling in relation to the appeal site. Whilst the appellant states that it falls approximately 200 metres from the site, the plan extracts within the appellant's Planning Statement, identify this dwelling as Prospect Cottage, High Ash. I therefore do not have sufficient evidence to conclude whether this case is similar.
23. With regards to Donroamin (now Juniper Cottage), this appears to be located to the east of the appeal site. The appellant contends that the volume of this dwelling has increased by approximately 42% on top of previous extensions and increased in height by approximately 41%. While this may be the case, I have not been provided with sufficient evidence to determine whether the circumstances are directly comparable to the proposed development subject to this appeal.
24. For the above reasons, I conclude that the proposed appearance and scale of the dwelling would not constitute high-quality design and would materially harm the character and appearance of the wider area. Accordingly, there would be conflict with chapter 12 of the Framework and the aims set out in the National Design Guide. It would also be contrary to Policies QOP1 and QOP2 of the Local Plan, insofar as they seek to ensure that new development makes a positive contribution to local character and distinctiveness through, amongst other things, its form, scale and massing, and distinctive local architectural style.

Sustainable Design and Construction

25. Policy QOP5, Part 1 of the Local Plan relates to sustainable design and construction and seeks to ensure that development minimises resource use, mitigate climate change and ensures development proposals are adaptable to a changing climate. It states that proposals will be supported if they, where feasible, meet criteria a-h. Policy QOP5, Part 2 further states that development which promotes high levels of sustainability will be encouraged and supported, particularly where this can be demonstrated through the use of appropriate accreditation schemes.
26. The appellant contends that they are keen to install solar panels on the roof and incorporate a heat pump, in addition to ensuring the proposed dwelling is insulated to a high standard. However, I have nothing before me to demonstrate that it could accommodate such measures.
27. I am however mindful that the Council suggests a condition requiring details to be submitted prior to the construction of the damp-proof course. Given the possible extent of intervention required to satisfy Policy QOP5, Part 1 criteria a-h, and given the requirement to ensure high-quality design, the incorporation of such measures could detract from any approved design. I therefore do not agree with the Council's suggested trigger. If I had been minded to allow the appeal, the submission and approval of details would have been required prior to construction. With this condition, I would be satisfied that adequate details could

be achieved to satisfy the requirements of Policy QOP5 Part 1 or Part 2 of the Local Plan and safeguard climate change.

28. For the above reasons, I conclude that there would be no conflict with Policy QOP5 of the Local Plan, insofar as it seeks to ensure development proposals are adaptable to a changing climate.

Other Matters

29. The Council have drawn my attention to Policies STP7, STP8, HOU8 and HOU9 of its Local Plan, however these relate to Green Belt and isolated homes in the countryside. The Council has, through its grant of outline planning permission, deemed the construction of the new dwelling house not inappropriate within the Green Belt and I have no reason to disagree. As the main issues in this appeal relate to the character and appearance of the area, these policies are not directly relevant.

30. I sympathise with the appellant's frustrations of the Council's handling of their planning application and acknowledge their desire to downsize with the proposed dwelling offering level access. However, these matters do not affect my consideration of the planning merits of the case. Furthermore, the use of materials reflective of those found within the surrounding area is a neutral matter in the overall planning balance, as this would be a likely requirement of a well-designed development.

Conclusion

31. For the reasons set out above the appeal is dismissed.

L Clark

INSPECTOR