



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: 23 October 2024

Appeal Ref: APP/P2935/D/24/3336466

3 Normandy Terrace, Longhorsley, Northumberland NE65 8TA

- 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 Patrick Gray against the decision of Northumberland County Council.
 - The application Ref is 23/02636/FUL.
 - The development proposed is 2 story rear extension.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 8 May 2024.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the development would accord with local policies, national guidance and legislation with regard to protected species, namely bats and breeding birds.

Reasons

Character and appearance

4. The appeal property (No 3) is a two-storey mid-terraced residential dwelling, set within a row of four similar properties. To the rear are ancillary single-storey outbuildings, with gardens and open fields beyond. The majority of the terrace is free from development, with the exception to this is No 4, the immediate neighbour. This has a part two-storey rear extension set off the shared boundary with No 3 with a single-storey element located on the boundary.

5. The proposed two-storey extension would extend more than half the width of the main dwelling and obscure the majority of its main rear wall. Whilst the depth would be similar to the extended rear of No 4, its width would be different and would extend up to the rear upper floor window.
6. Whilst the width of the two-storey element would be narrower at the furthest point from the main rear wall, the overall width of the proposed extension would subsume the dwelling. The incorporation of a splay at the upper floor and subsequent roof design to the ground floor would accentuate the overall width of the proposed development.
7. Whilst I have not been directed to any public vantage points within which the rear elevation would be viewed, the rear is nevertheless seen from within the rear gardens of Normandy Terrace. Despite these views being limited, the scale and massing of the proposed development would appear as an unsympathetic addition to the appeal property. Furthermore, its presence would unbalance the remaining terrace and significantly change the character which is currently experienced.
8. The incorporation of a high level of glazed gable with timber framing would be a contemporary take on the French doors and Juliet balcony within the gable of No 4. I do not consider this design element would result in harm to the character and appearance of the surrounding area.
9. I conclude that the proposed development would be harmful to the character and appearance of the area, contrary to policy HOU9 of the Local Plan and Policies LNP4 and LNP7 of the LNP which collectively seek, amongst other matters, for residential extensions to be subordinate in size and massing to the existing dwelling. There would also be conflict with the Framework, insofar as it requires developments to be sympathetic to the local character.

Effect of the development on protected species

10. Regulation 9 (3) of the Conservation of Habitats and Species Regulations 2017 imposes a duty on me to have regard to the likelihood of bats, a European Protected Species, being present and affected by the proposed development.
11. I have not been told that the appeal property falls within any Special Areas of Conservation. However, the appeal site has a number of mature trees close by and is located within verdant surroundings. As such, there is a possibility that the existing dwelling could provide suitable habitats for bats and breeding birds. Given that the proposed works would incorporate alterations to the roof and structure of the existing dwelling, I cannot be certain whether the proposed development would have an impact on bats or breeding birds.
12. I acknowledge that the appellant did not undertake an ecology survey at the time of the application due to the upfront cost and lack of certainty with regard to planning approval. Despite the appellant's commitment to undertake a survey, I do not have an ecology survey before me. Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Given the objection from the council's Ecology Officer, it would therefore not be reasonable to attach a survey as a condition to an approval.

13. I conclude that I have insufficient evidence to satisfactorily demonstrate whether any bats or breeding birds, which may be present on site, could be adequately protected as part of the proposed development. For this reason, the proposal would not accord with local policies, national guidance and legislation with regard to protected species, namely bats and breeding birds. It would therefore conflict with Policies ENV2 of the Northumberland Local Plan 2016-2036 (Local Plan) and Policy LNP12 of the Longhorsley Neighbourhood Plan 2017-2031 (LNP) which collectively seek to minimise any adverse effects on habitats and species. There would also be conflict with the Framework which seeks, amongst other matters, to conserve and enhance the natural environment.

Other Matters

14. Whilst I sympathise with the appellant with regards to the design process with the Council, this is not within the scope of my assessment which must focus on the planning merits of the appeal proposal.
15. Furthermore, even though plans may have the support of surrounding neighbours, I have nothing before me to demonstrate this.

Conclusion

16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

L Clark

INSPECTOR