



## Appeal Decision

Site visit made on 13 November 2024

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 December 2024**

---

**Appeal Ref: APP/P2935/D/24/3348367**

**9 Osborne Avenue, Hexham, Northumberland NE46 3JP**

- 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 Miss Kate Benson against the decision of Northumberland County Council.
  - The application Ref is 24/01523/FUL.
  - The development proposed is convert loft into a bedroom with en-suite; 1 velux window front and rear; dormer windows front and rear. Remove a ground floor internal wall making an open plan dining kitchen area, brick up and remove rear door; replace with window and bifold door.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Miss Kate Benson against Northumberland County Council. This is the subject of a separate decision.

### Preliminary Matters

3. The description of development in the banner heading above is taken from the Council's decision notice and the appellant's appeal form which I consider accurately describes the development proposed.
4. Amongst the evidence before me, submissions have been made which question whether the proposed development, or elements of it, require planning permission. Within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) it is not within my remit to formally determine whether the proposed development requires planning permission. I must also consider the development proposed as a whole. In order to ascertain whether the proposed development would be lawful, an application under section 192 of the Act could be made. As necessary, I return to the matter of permitted development rights later in my decision.
5. The appeal site is situated within the Hexham Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon me, in respect to any buildings or other land within a conservation area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### Main Issues

6. The main issues are the effects of the proposed development upon the character and appearance of the area and whether it would preserve or

enhance the character or appearance of the Hexham Conservation Area (the CA).

## **Reasons**

7. Characteristics of the Hexham CA which contribute substantially to its significance as a whole include its town centre concentration of medieval buildings and the associated street layout which remains largely intact. In contrast with this tight-knit grain of the buildings, but also making an important contribution to the CA, are its large and verdant open spaces such as the Sele, which was farmed in medieval times and has remained open ever since, and the Abbey Grounds. As the town expanded, attractive Victorian and Edwardian buildings were developed including housing areas. This includes those within the parts of the CA identified as "The Terraced Suburbs" character area where the appeal site is located. Overall, the significance of the CA is derived from its architectural and artistic interest, because of its aesthetics, but also its historic interest owing to Hexham's status as a religious centre and the evidence that remains of this.
8. No 9 Osborne Avenue (No 9) is a terraced house. Like the other properties within the terraced row it forms a part of, it is traditionally designed. The front elevations of the terraced properties within the row are principally constructed of stone with brick to the rear elevations. The gable elevations at the two ends of the terraced row are predominantly brickwork but with stone quoin detailing. The roof covering of the terraced row is mainly slate. Detailed design features, such as the stonework to its window and door surrounds, add aesthetic interest to No 9.
9. Owing to its traditional design, and the building materials and design features it exhibits, No 9 is very reflective of the suburban housing developments within Hexham during the era it was built. Therefore, it provides an example of the attractive housing which typifies this part of the CA and, consequently, it makes a positive contribution to the character and appearance of the CA and its significance as a whole.
10. Within the surroundings to the appeal site there are many examples of dormer windows. The appellant has drawn my attention to a host of them, and some details of the planning permissions granted for dormers at 10 Windsor Terrace and 2 Alexandra Terrace. The dormers in the local area, and those referred to me, vary quite considerably in their design and material composition. They also vary in their design quality and the extent to which they are sympathetic to the character and appearance of the area.
11. The dormer proposed to the front would be centrally positioned on the roof, modestly scaled, and it would have a pitched roof. It would incorporate some ornate design detailing and, overall, it would have an appearance very similar to some front dormers which are already in situ elsewhere on the terraced row. The proposed rooflights and the changes proposed to the ground floor fenestration would be modest interventions and the latter would be largely screened from public vantage points. These elements of the proposal would be acceptably designed and I, like the Council, do not raise objection to them. It is clear from the evidence before me, including the Council's delegated report, that it is the rear dormer works to which the Council object.

12. Roof slates cover No 9's existing rear roof slope. The predominance of this traditional material on the roof slope, which is also widely used in the local area, contributes positively to the appearance of the back of the property. Owing to the rear and side roads close to the back of No 9, the rear roof slope can be readily appreciated too.
13. The works proposed to provide the rear dormer would include a standing seam zinc skirt which would extend down from the base of the dormer to the roof eaves. Although the zinc skirt's colour would be quite similar to the slates, it would nevertheless be a different material with a different composition. The incorporation of a zinc skirt of the size proposed would form a noticeably discordant addition to the rear roof slope beside the traditional slates. Above the zinc skirt the rear dormer's main elevation would exhibit both clear glazed window panes and obscured fixed lights. Altogether, these various elements would add undue complexity to the roof slope and would not be befitting to it.
14. The presence of some high-quality dormer windows in the area, located on traditionally designed properties, demonstrates to me that such features can be successfully implemented in this locality. However, in this particular case, and for the reasons I have given, the rear roof slope dormer proposal would form an unsympathetic addition to the host property and to the traditional terraced row it forms a part of.
15. As both No 9, and the terraced row, are very reflective of characteristics of the CA from which the CA derives its significance and since they make a positive contribution to the character and appearance of the CA, I also find that the detrimental effects I have described would result in the proposal failing to preserve or enhance the character or appearance of the designated heritage asset. The harm to the CA would be less than substantial. Even so, having regard to the statutory duty I set out earlier, this harm is a matter of considerable importance and weight in my decision.
16. The appellant has submitted to me that, although it would not be their preference, and as an alternative, slates could be utilised to the dormer's cheeks and a single-ply PVC roofing membrane incorporated, all potentially controlled via the imposition of conditions. However, this would not address the harmful effects I have described which would arise from the dormer's skirt and overall complexity of the completed rear roofscape.
17. As a result of the proposed development, the thermal efficiency of the host property would be improved, and the proposal would utilise energy efficient and durable materials. This would accord with policies STP 4 and QOP 5 of the Northumberland Local Plan 2016-2036 (LP) which support developments which mitigate and adapt to the effects of climate change and incorporate sustainable design measures in their construction. Some improvements to the property's accommodation and functionality for existing and future occupiers would result. These are public benefits of the proposal to which I attribute a moderate amount of weight, however, they would not be sufficient to outweigh the less than substantial harm that would be wrought upon the CA.
18. Therefore, for the reasons I have set out, I find that the proposed development would result in harmful effects upon the character and appearance of the area, and it would fail to preserve or enhance the character or appearance of the CA. As a result, the proposal conflicts with policies HOU 9, QOP 1, QOP 2, ENV1, ENV 7 and ENV 9 of the LP. Altogether, and

amongst other matters, these policies require developments to respect, complement and make a positive contribution to local character, be visually attractive, reinforce the local distinctiveness of conservation areas whilst setting out that any less than substantial harm to a conservation area should be weighed against the proposal's public benefits. The proposal also conflicts with policies HNP2 and HNP3 of the Hexham Neighbourhood Plan 2020-2036 (NP) which, together, require developments to achieve high-quality design, by responding positively to local character, and to conserve the CA.

### **Other Matters**

19. Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) provides permitted development rights for the enlargement of a house consisting of additions or alterations to its roof. However, limitations and conditions apply. Permitted development rights are not always available for every property as the rights can be removed. In this case, I am not certain the permitted development rights of the property are intact. Moreover, one of the limitations is at paragraph B(f) which sets out that roof extensions within conservation areas are not permitted development.
20. Therefore, and even though it is not for me to formally determine whether or not the proposed development constitutes permitted development, it is quite clear to me that it would not. Consequently, in this case, permitted development rights do not provide a fallback position of any meaningful weight.
21. The appellant has submitted that the proposal would provide extra accommodation which would enable the household's teenage children to each have their own room. I appreciate that the children sharing a room will be providing some compromised living conditions, however, I also have limited evidence of the particular problems that it may be causing.
22. I have had due regard to Article 8 of the Human Rights Act 1998 which affords the right to respect for private and family life and home and, where those rights apply to a child, their best interests are a primary consideration. I have also had due regard to the Public Sector Equality Duty under the Equality Act 2010 which sets out those with relevant protected characteristics which includes age.
23. In dismissing the appeal, the extra bedroom which would be provided by the proposed loft conversion and other works would not take place. However, I am satisfied that the aim of avoiding unacceptable harm to the character and appearance of the area and the harmful effects upon a designated heritage asset can only be adequately addressed by dismissal of the appeal. Any interference with the human rights of the occupants or effects upon those with protected characteristics is necessary and proportionate in this case.
24. It may be, in respect of a range of other planning considerations, that the proposed development would not result in harmful effects. This may include the effects of the proposal upon the living conditions of neighbouring occupiers. Even so, an absence of harm in respect of such matters is a neutral factor in my decision and does not outweigh the harm that I have identified.

25. The Council's reason for refusal cites conflict with Policy HNP1 of the NP and the appellant has referred to it as well. This policy supports sustainable development such as new housing, community facilities and employment. It does not focus upon design, heritage assets, residential extensions or alterations, or energy efficiency. Consequently, I find that the policy is largely irrelevant to the proposal.

### **Conclusion**

26. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

*H Jones*

INSPECTOR