



Appeal Decision

Site visit made on 16 January 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/P2935/W/24/3350641

22 High Market, Ashington, Northumberland NE63 8PD

- 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 Gary Philips against the decision of Northumberland County Council.
 - The application Ref is 24/01464/FUL.
 - The development proposed is change of use from office business to ground floor private flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised version of the National Planning Policy Framework (the Framework) was published, and the Council and the appellant have been given the opportunity to comment upon it. In making my decision I have had regard to the revised Framework insofar as it is relevant to the appeal.
3. During my site visit, I noted that the layout and appearance of the host property did not match that shown on the existing plans. The solar panels, depicted on the plans as being on the rear roof slope, were not in place. Furthermore, the 2 windows proposed to serve bedrooms 1 and 2 were already in situ. However, given that elements of the internal fit-out of the ground floor were ongoing, the development the subject of the appeal was not complete. Consequently, for the avoidance of doubt, I have determined the appeal on the basis that it is not retrospective and on the basis of the plans submitted. This is reflected in my use of tense.

Main Issue

4. The main issue is whether acceptable living conditions would be provided for the future occupiers of the proposed flat with particular regard to their outlook.

Reasons

5. The site relates to a terraced property located within a predominantly residential area, although commercial premises are also nearby. The plans show that the first floor contains an existing flat, but the appeal proposal relates only to the use of the ground floor. Within the appeal site, there is a largely covered and narrow passageway which is approximately the width of a doorway. At one end the passageway has an access door onto High Market and, at the other end, it opens out to the property's rear plot. The passageway has painted brickwork walls to its sides, and the oversailing first floor of the property provides it with a ceiling.

6. Each of the 2 bedrooms proposed would be served by a single window. Each of these windows would be located within one of the brickwork walls to the sides of the passageway. Consequently, the outlook from both of the bedrooms would be dominated by the opposing brick wall on the other side of the narrow passageway. This solid wall, at such proximity, would form a very strong sense of enclosure to both bedrooms. The outlook from both bedrooms would, as a result, be unduly restricted.
7. The proposed flat's living room would be spacious and, being served by 2 large windows facing High Market, it would not be the subject of the same strong sense of enclosure. However, bedrooms provide an important facet of a property's accommodation. As the level of outlook provided would be so considerably restricted, and given that this restricted outlook would affect both of the flat's bedrooms, I consider that the standard of the living conditions which the future occupiers of the flat would be provided with would be unacceptably deficient overall.
8. It is submitted to me that the design of the proposal has been governed by the host property's structure and layout and, furthermore, that the ground floor is more suited to a 2-bedroomed flat rather than a single one. It is also submitted to me that the ground floor of the host property has been a residential unit in the past. However, I must assess the scheme on the basis of the plans submitted and against the development plan policies which are in force today. I have identified that the specific design proposed in this case would fail to provide adequate living conditions for future occupiers. I have been provided with no substantive evidence that the appeal proposal is the only design option which could be developed and that alternative design iterations, which would provide better living conditions for prospective occupiers, cannot be achieved.
9. Whilst the appellant cites that there are other properties in the area with a similar layout to that proposed I have been provided with no specific examples nor do I have details of their planning history. In such circumstances, the reference to the other properties is a matter of very little weight in my decision.
10. For the reasons I have given, the proposed development would not provide acceptable living conditions for the future occupiers of the proposed flat as both bedrooms would be provided with unduly restricted outlook. The proposed development is therefore in conflict with Policies QOP 1 and QOP 2 of the Northumberland Local Plan 2016-2036. In summary, and amongst other matters, these policies require proposals to support health, wellbeing and enhance quality of life and provide a high standard of amenity for future users of the development including by ensuring that outlook from habitable areas is not oppressive.

Other Matters

11. The proposal would make a contribution to housing supply, and it would increase the choice of housing in the area. As a small development, it would be likely to be delivered quickly too. The contribution to housing supply would, however, be very modest. I am also mindful that the flat would be provided on previously developed land and the Framework outlines that substantial weight should be given to the value of using suitable brownfield land for new homes.
12. However, good design is a key aspect of sustainable development. It is fundamental to the planning process and high-quality development creates better

places and better functioning communities in the long term. As I have identified that the proposal would fail to provide adequate living conditions for future occupiers the proposal is not well designed. Therefore, I find that the benefits of the proposal are insufficient to outweigh its design deficiencies and the magnitude of the harmful effects which would be derived from this.

13. The effects of the proposed development upon parking in the area may be acceptable and no harm to the character or appearance of the area may result either. However, the absence of harm in relation to these matters is a neutral factor in my determination, and it does not outweigh the harm I have identified in my main issue.
14. Whilst I have some sympathy with the appellant if the positioning of the bedroom windows arose following exchanges with a building control representative, this has very little bearing upon the planning merits of the case which my decision must be founded upon.
15. The Council's second reason for refusal relates to the potential effects of the development upon the integrity of Habitats Sites in the area. More specifically, the potential for the interest features of those sites being affected by the proposal's contribution toward recreational activities and pressures. If I were minded to allow the appeal, I would need to be satisfied that the proposal would have no adverse effects upon the Habitats Sites. However, I am dismissing the appeal because of my findings on the main issue. Therefore, there is no requirement for me to undertake this assessment.

Conclusion

16. The proposed development conflicts 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