



Appeal Decisions

Site visit made on 1 May 2025

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal A Ref: APP/P2935/W/25/3361784

4 Cross View, Norham, Northumberland TD15 2LH

- 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 David Stebbings against the decision of Northumberland County Council.
 - The application Ref is 24/03171/FUL.
 - The development proposed is refurbishment and extension of existing dwelling..
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Appeal B Ref: APP/P2935/Y/25/3361793

4 Cross View, Norham, Northumberland TD15 2LH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr David Stebbings against the decision of Northumberland County Council.
 - The application Ref is 24/03336/LBC.
 - The works proposed are extension and refurbishment of existing dwellinghouse.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. Two of the plans submitted by the appellant are referenced Version 2¹. These plans are not included in the 'Submitted Drawing Schedule' and show a different scheme to that illustrated on other submitted plans². Upon request, the Council verified the plans it determined the applications on, which did not include the 'Version 2' scheme. For the avoidance of doubt, I have determined the appeals on the proposed development and works considered and consulted upon by the Council.
4. The appellant has submitted an 'Additional Detail Plan'³ which did not form part of the applications. The plan does not include a substantial difference or fundamental change to the development and works proposed, rather it provides additional information in support of the appellant's case⁴. Also, the Council and any interested parties have had the opportunity to comment on the additional plan as part of the appeals process. Having regard to procedural guidance and settled caselaw⁵, I am satisfied that the interests of any party would not be prejudiced by me taking the additional plan into account.

¹ A103 V2 and A104 V2 – Side elevation set back from rear boundary wall.

² A102 – Side elevation on the line of rear boundary wall.

³ A106.

⁴ In relation to Reason for Refusal 1 - Decision Notice 24/03171/FUL.

⁵ Section 16 Procedural Guide: Planning appeals – England, dated 16 April 2025; and *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin).

5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
6. The appeals concern a listed building located within a conservation area. As such, I have had regard to the statutory duties set out in sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act).

Main Issues

7. The main issues are:

- Whether the proposal would i) preserve the Grade II listed building, known as '4 Cross View', or its setting or any features of special architectural or historic interest which it possesses; and ii) preserve or enhance the character or appearance of the Norham Conservation Area (Appeals A and B); and
- The effect of the proposed development on the living conditions of the occupants of No 5 Cross View, with particular regard to outlook (Appeal A).

Reasons

Listed building and conservation area

Special interest and significance

8. The Grade II listed building 4 Cross View⁶ (No 4) is a modestly sized, two-storey, three-bay with projecting wing at the rear, mid-terraced house. It occupies a prominent position in Norham village and the Norham Conservation Area (the NCA). The building is stated to date from the early 18th century, being remodelled in circa 1800, and extended and altered in the early 1990s⁷. It is constructed of random pink sandstone and beige ashlar dressings with a clay pantile roof.
9. No 4's special interest and significance mainly stem from its architectural and historic interests, in illustrating a modest, vernacular, early 18th century domestic property. Important contributors in these regards include its traditional construction and materials; surviving historic fabric and legibility of its plan form; and group value with other listed buildings in the terrace. Special interest and significance is also derived, in part, from its domestic garden and village setting.
10. The special interest and significance of the NCA are largely derived from its historic street layout, combined with the pattern of development and architectural variety and richness of its traditional buildings, which denote its evolution. No 4 adds to Norham's historic and aesthetic charm. In doing so it positively contributes to the character and appearance of the NCA as a whole and thereby to its significance as a designated heritage asset.

Proposal and effects

11. Paragraph 212 of the Framework sets out, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state that, significance can be harmed or lost through the asset's alteration or destruction

⁶ National Heritage List for England. List Entry Number: 1303581.

⁷ Application Refs included in evidence: 92/B/0178/P & 92/B/0179/P (Amended Plan 004).

or from development within its setting, and that this should have clear and convincing justification.

12. The proposal includes the creation of a wide opening at ground floor level in the rear elevation of the property to provide open plan access into the proposed extension. This would include the removal of fabric from the 1990s infill addition, which is of minimal historic and architectural interest. However, it would also result in the harmful and irreversible loss of a section of surviving historic fabric. There would also be further loss of historic fabric as part of the proposed conversion of a window opening to a doorway. These changes would undermine the integrity of this heritage asset.
13. The proposed extension would be set partially over the footprint of the more recent additions and subservient in height to the host dwelling. Nonetheless, its sizeable width and footprint would compete with the primacy of the listed building and weaken the legibility of its historic plan form. Additionally, although it would be minimalist in its design, its expansive flat roof would jar awkwardly with the vernacular form and character of the asset.
14. These harmful effects would not be mitigated by the use of 'complementary' natural stone as part of the proposed contemporary design. Indeed, this approach, when combined with the use of warm deck insulated GRP for the flat roof, cast stone for quoins and window surrounds, and powder coated aluminium for windows, would result in an uncomfortable mix of styles and materials that would not relate well to the listed building or sit well within the site.
15. The proposal would fundamentally alter the authenticity of how the asset is experienced from within its rear garden. This would lessen the positive contribution that the asset's immediate setting makes to its significance, as well as reduce the ability to appreciate that significance.
16. The proposed extension would comply with Historic England Guidance⁸ in that it would be at the rear of the property. Nevertheless, having regard to the size, character and setting of No 4, it would dominate this historic building thus conflicting with the cited guidance in this respect.
17. I note that there are other interventions/alterations proposed to the listed building, on which there is little or no information provided. These include the insertion of supporting steel beams over the new opening; the abutment of the extension with the rear elevation, particularly the stated box gutter beneath the first floor window; the creation of a first floor en-suite; the creation of a ground floor utility room and shower room; and the installation of new plumbing, heating and electrics.
18. The omissions regarding the detail of these proposed physical interventions and alterations are a deficiency and restrict a full understanding of the proposal and its effects. Moreover, given the listed status of the building, I am not satisfied that it would be appropriate or acceptable to leave such important matters to be dealt with by conditions.
19. I recognise that, historically, the listed building has been subject to change. Change to a heritage asset does not automatically result in harm to its significance. It can also be positive or neutral and it only becomes harmful if the identified special

⁸ Adding an extension to a listed building. Historic England.

interest is eroded. However, the proposal would diminish the asset's heritage interests and thus its significance in the ways set out above.

20. The identified harmful effects would not be visible from the public domain. However, it does not follow that a lack of public visibility of a proposal results in a lack of harm to the significance of a designated heritage asset. It remains that the proposal would be conspicuous from the private domain of some adjacent properties. Moreover, given the positive contribution that this listed building makes to the key qualities of the NCA, it is reasonable to conclude that its harmful alteration due to the proposal would also undermine the character and appearance of the NCA as a whole, albeit modestly.
21. Drawing all of the above together, I find that the proposal would not preserve the Grade II listed building, known as '4 Cross View', or its setting or any features of special architectural or historic interest which it possesses. Nor would it preserve or enhance the character or appearance of the NCA. As such, there would be harm to the significance of these designated heritage assets.

Public benefits and balance

22. In finding harm to the significance of designated heritage assets, the Framework and the Planning Practice Guidance requires the category of harm to be 'explicitly identified', and the extent of harm within that category to be 'clearly articulated'.
23. Given the nature and extent of the proposed development and works, I find the category of harm to the significance of No 4 and the NCA would be 'less than substantial', being at the mid-point and lower end of that scale respectively. Nonetheless, this harm carries considerable importance and weight.
24. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits⁹ of the proposal, which includes, where appropriate, securing the asset's optimum viable use.
25. The proposal would generate economic benefits in the construction phase and social benefits through an improvement to the local housing stock. Moreover, heritage benefits would accrue from the removal of the dilapidated conservatory as part of the proposal. The scale of those benefits that would flow to the public at large are moderated by the limited amount of development and works proposed, but nonetheless, weigh in favour of the appeals.
26. That said, the additional accommodation would essentially be of private benefit to the property's occupants. Whilst I acknowledge the appellant's desire to adapt the listed building to their needs, this should not involve development and works that would not conserve it and the NCA in a manner appropriate to their significance.
27. I am not convinced that the only way of realising the identified benefits would be via the scheme as proposed. Furthermore, no substantive evidence has been provided which verifies that the proposal is necessary to secure the residential use of the listed building, or that its occupation as a dwelling would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented.
28. In all of the above respects, clear and convincing justification has not been provided for the identified harm to the significance of the designated heritage

⁹ Planning Practice Guidance: Paragraph: 020 Reference ID: 18a-020-20190723.

assets. Overall, the weight I ascribe to the public benefits which would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight I attach to the harm I have found.

Conclusion on heritage matters

29. The proposal would not preserve the Grade II listed building, known as '4 Cross View', or its setting or any features of special architectural or historic interest which it possesses. Nor would it preserve or enhance the character or appearance of the NCA. As such, there would be harm to the significance of these designated heritage assets, and this would not be outweighed by the public benefits that the proposal would generate.
30. Consequently, the proposal would conflict with the statutory presumptions set out in sections 16(2), 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also not accord with Policies ENV1, ENV7, ENV9, QOP1, QOP2 and HOU9 of the Northumberland Local Plan 2016-2036, adopted March 2022 (the NLP) in so far as they seek development to conserve, protect and enhance the character and/or significance, quality and integrity of Northumberland's historic environment and heritage assets; respect the existing dwelling and make a positive contribution to local character; and be of a high quality and good design.

Living conditions of the occupants of No 5 Cross View

31. Number 5 Cross View (No 5) adjoins No 4 to the east. At the rear, a boundary wall constructed of stone with a timber trellis on top and mostly concealed by vegetation, separates the gardens of the two properties.
32. At the rear of No 5 and adjacent to the boundary wall lies a single-storey extension dating from circa 1990¹⁰. The side elevation of the extension facing the boundary wall possesses three windows serving habitable rooms, two serving bedrooms and one serving a kitchen.
33. The proposed extension to No 4 would be built directly on the line of the boundary wall. It would be 6 metres in length and approximately 0.68 metres taller than the existing boundary wall.
34. There is a substantial disparity in the figures presented by the appellant and the occupant of No 5 as to the 'gap' between No 5's extension and the boundary wall, with the appellant stating that it is 3.3 metres and the occupant of No 5 stating that it is 56 inches (approximately 1.42 metres). Having regard to the images in the neighbour's representation and my own observations on site, I am persuaded that it is not as great as the 3.3 metres asserted by the appellant.
35. Given the above, the limited separation distance combined with the proposed height, length and overall massing of the proposed extension, would cause it to be an excessively overbearing and oppressive structure when viewed from the windows serving habitable rooms in No 5. This would create an uncomfortable sense of enclosure and significantly harm the outlook of the occupiers of No 5.
36. I acknowledge that the direct view and outlook from window 1 is already compromised by the constructed wall element of the 1990s extension to No 4.

¹⁰ 5 Cross View 90/B/0613/P & 90/B/0162/C 1993 Extension to provide 2 bedrooms, kitchen and garage

Nonetheless, the proposed extension would have a harmful effect on existing oblique views and thus outlook from this window.

37. I also note that window 3 is not included on the approved plans¹¹. However, even if I had not taken the effects arising from the proposal in relation to this window, it remains there would still be harmful effects keenly felt by the occupants of No 5 in relation to windows 1 and 2 and the bedrooms they serve.
38. I have had regard to the 'Additional Detail Plan' submitted by the appellant applying the standard 45 and 25 degree tests, in designing for daylight. However, given my findings above as to the size of the 'gap', I cannot be certain as to the accuracy of this plan. More importantly, loss of light is not an issue raised by the Council.
39. Accordingly, I conclude that the proposed development would have a significant harmful effect on the living conditions of the occupants of No 5 Cross View, with particular regard to outlook. This would conflict with Policies HOU9 and QOP2 of the NLP in so far as they seek that development does not have a significant adverse impact on the amenity of adjoining properties; and not cause unacceptable harm to the amenity of those living in the local area.

Other Matters

40. The appellant cites sections and/or sub-sections of the NLP policies included by the Council in its reasons for refusal which do 'not appear to be applicable' to the proposal and appeals. Whilst the proposal may not conflict with the policies in totality, there is a clear and direct lack of compliance with relevant parts of the policies referenced. As such, this matter does not alter my conclusions on the main issues.
41. The appellant highlights that listed and unlisted properties in the immediate area have 'mostly had substantial additions to the rear of the original buildings'. No detailed information has been submitted regarding any other extensions apart from those to Nos 4 and 5 Cross View. Mindful of the dates when these were granted permission/consent, whilst the relevant statutory duties contained within the Act have not changed, there have been significant and material changes in the national and local policy context within which any proposal is assessed and determined. Namely, the publication of the Framework in 2012 (latest revision in 2024) and the adoption of the NLP in 2022. Given this material change in circumstances, any historic extensions granted by the Council are not, of themselves, a reason to allow the appeals.
42. The appeals property adjoins other Grade II listed buildings, namely '3 Cross View'¹² and 'Alderside' (5 Cross View)¹³. From the information before me the special interest and significance of these assets primarily stem from their historic and architectural interests. However, they are also derived from their immediate domestic garden and wider village settings.
43. Given the location and extent of the proposal in relation to these other listed buildings, I find that their settings would be preserved and their significance would not be harmed. This would meet the statutory presumption set out in section 66(1) of the Act; the provisions in the Framework regarding the conservation and

¹¹ Plan 006 - Proposed Alterations at 5 Cross View.

¹² National Heritage List for England. List Entry Number: 1042222.

¹³ National Heritage List for England. List Entry Number: 1042223.

enhancement of the historic environment; and Policies ENV1 and ENV7 of the NLP, referred to above. I note the Council raised no concerns in this respect either.

44. Norham Parish Council is supportive of the proposal. Nonetheless, this is a neutral consideration in the balance.

Conclusions

45. **Appeal A:** The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, Appeal A should be dismissed.

46. **Appeal B:** For the reasons given above, Appeal B should be dismissed.

F Cullen

INSPECTOR