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## Appeal Decision

Site visit made on 19 January 2026

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 4 March 2026**

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**Appeal Ref: APP/P2935/D/25/3375800**

**24 Westbourne Avenue, Stakeford, Northumberland NE62 5YN**

- 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 Michael Allis against the decision of Northumberland County Council.
  - The application Ref is 25/01935/FUL.
  - The development proposed is two-storey side and single-storey rear extensions with associated internal reconfiguration.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effects of the proposal on (i) the living conditions of the occupiers of 77 Ringway (No 77) with particular regard to natural light, and (ii) protected species with particular regard to bats.

### Reasons

#### *Living conditions*

3. The appeal site comprises a detached 2-storey dwellinghouse and its associated curtilage, located near the junction of Westbourne Avenue and Ringway. No 77 is located to the west and comprises a detached 2-storey dwellinghouse that is oriented almost perpendicular to the appeal dwelling. The rear garden of No 77 abuts that of the appeal site and, due to the layout of the plots, the shared boundary is at an oblique angle to its rear elevation.
4. The dwellinghouse at No 77 features a single storey garage offshoot to the side, and a single storey conservatory projecting from its east facing rear elevation. It features habitable room windows at ground and first floor level in the rear elevation facing towards the appeal site. At its closest point, the shared boundary between No 77 and the appeal site is only a short distance from No 77's rear elevation.
5. The appeal proposal would replace the existing single storey side offshoot and rear conservatory at the host dwelling with a larger extension. At the side, the 2-storey element of the proposed extension would project towards the shared boundary with No 77, albeit with a partial set back. This would increase the amount of development along the shared boundary.
6. The Council concluded in its officer report that the scheme would not have an unacceptable impact upon neighbouring residential properties with regards to outlook, privacy and visually obtrusive or overbearing impacts. Based on the

evidence and my own observations, there is no compelling reason for me to conclude otherwise.

7. Nevertheless, the proposed 2-storey extension would be located south-east of the rear facing windows, conservatory and rear garden of No 77. The proposal is supported by a shadow study plan<sup>1</sup>. This shows that the appeal dwelling already casts some shadow over the adjacent property at times. It indicates that no appreciable additional overshadowing to the rear garden of No 77 would occur from 13:00 onwards during the Spring/Autumn equinox as a result of the proposal.
8. However, the shadow study does show additional overshadowing to No 77's rear garden at 09:00 during the equinox. Moreover, the assessment is limited in scope, and it is not clear to what extent the additional overshadowing would reduce the amount of sunlight that reaches the rear facing windows and conservatory of No 77. Given the orientation of the dwellings, loss of light to rear facing windows is likely at times. The extent of overshadowing to both rear facing rooms and the rear garden of No 77 would also be greater during winter months when the sun is lower in the sky. Further loss of light to this neighbouring property would be detrimental to the living conditions of occupiers.
9. I recognise that the appeal scheme was revised through the pre-application and application processes to take into account initial concerns raised by the Council and to reduce impacts on the living conditions of neighbours. Nevertheless, this does not demonstrate that the proposal before me is acceptable with regard to this main issue. Likewise, while no objections from neighbours were received during the application process, this does not in itself indicate that the proposed extension would not result in harm to living conditions for the reasons set out above.
10. The proposed development would thus have a harmful effect on the living conditions of the occupiers of 77 Ringway, with particular regard to natural light. It would be contrary to Policies HOU 9 and QOP 2 of the Northumberland Local Plan 2016 – 2036 Adopted March 2022 (the Local Plan). These policies, among other provisions, seek to ensure that development does not cause unacceptable harm to the amenity of those living in the local area and that householder extensions do not have a significant adverse impact on the amenity of adjoining properties, including in terms of unacceptable loss of daylight/sunlight.

### *Protected species*

11. All bat species are protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. Circular 06/2005<sup>2</sup> 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. Nevertheless, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development.
12. The proposal is supported by a Daytime Bat Walkover Survey<sup>3</sup>. This identified that the host dwelling has a small number of gaps that could allow access for bats to roost. Moreover, the habitats in the immediate proximity of the site, including

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<sup>1</sup> Drawing No XX-XX-SI-0020 Shadow Study

<sup>2</sup> ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impacts within the Planning System, 16 August 2005

<sup>3</sup> Tyne Ecology, Daytime Bat Walkover Survey, 28<sup>th</sup> July 2025

nearby trees, woodland and the River Wansbeck, provide good foraging and commuting potential. Indeed, bats have been recorded in the surrounding area.

13. The bat survey assessed the appeal building as having low suitability for bats, with one or more potential roost sites that could be used by individual bats opportunistically at any time of the year. While there were no bat droppings or other signs of roosting bats found, the Council's Ecologist advises that most bats in Northumberland are crevice dwelling species which do not always leave clear evidence outside structures or inside lofts.
14. The bat survey recognises that the development will impact the existing roof and could result in destruction or damage to roosts and harm to any bats if present. A presence / absence survey for bats to be undertaken between May and August was therefore recommended by the appellant's Ecologist.
15. There is a reasonable likelihood of bats being present and affected by the development. No additional survey information was submitted with the planning application, nor has it been provided as part of this appeal. The Council's Ecologist alternatively suggested that it may be possible in this case to agree a precautionary working methodology for the works under supervision, subject to this being provided by the appellant. However, no such methodology is before me.
16. The appellant maintains that the methodology and/or additional survey work could be secured by planning condition. However, Circular 06/2005 is clear that the need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. There are no such circumstances in this instance that would justify reserving this to a planning condition. Moreover, without the methodology or survey, it is not clear whether any additional conditions may be necessary to secure measures to protect bats.
17. Based on the evidence before me, I thus conclude that the proposal would have a harmful effect on protected species, with particular regard to bats. It would be contrary to Policy ENV2 of the Local Plan. This policy, among other provisions, seeks to ensure that proposals minimise their impact on protected species and, where significant harm cannot be avoided, requires applicants to demonstrate that adverse impacts will be adequately mitigated or, as a last resort, compensated for.

## **Conclusion**

18. The proposed development would conflict with the development plan, taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

*Ryan Cowley*

INSPECTOR