



Appeal Decision

Site visit made on 13 May 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2019

Appeal Ref: APP/P2935/W/19/3223533

Land west of Chapel Lane, The Chare, Wall NE46 4DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Meakin against the decision of Northumberland County Council.
 - The application Ref 18/03085/FUL, dated 28 August 2018, was refused by notice dated 17 October 2018.
 - The development proposed is described as "Erection of one 3 bedroomed dwellinghouse."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the living conditions of the occupiers of the new dwelling and neighbouring properties Ashcroft and Middle Chare in respect of outlook, privacy and amenity space; and (ii) the character or appearance of the Wall Conservation Area.

Reasons

Living conditions

3. The proposed property would be a large building consisting of single and two storey elements that would create a dominating expanse of built development. The proposal would be in close proximity to neighbouring properties Ashcroft and Middle Chare, which have windows which overlook the appeal site. Given the large and dominant nature of the proposal and the close distance between the proposal and these neighbouring properties, it would result in overbearing effects on the neighbours windows which would have a significant detrimental effect in terms of outlook for the occupiers of Ashcroft and Middle Chare.
4. Outdoor space is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities. The proposal would provide a small outdoor amenity area which would not be sufficient for occupants of the large three bedroom property. The lack of adequate outdoor space would give the property an oppressive feel that would have a detrimental effect on the living conditions of the occupants of the proposed property.
5. I note that the proposed development has been revised from a previous scheme which includes staggering of levels and orientating of the two storey

element. However, I still find that the proposal would have adverse effects on the living conditions of the occupiers of the proposed development, Ashcroft and Middle Chare in respect of outlook and amenity space.

6. There are concerns that the privacy of the occupiers of Ashcroft and Middle Chare, as well as future occupiers of the proposed property, would be compromised. However, there are no windows into habitable rooms proposed in the property which would directly overlook Ashcroft and Middle Chare. I therefore do not consider that the privacy of neighbouring and future occupiers would be adversely affected. This matter however would not outweigh the harm I have raised above.
7. I have had regard to the appellants statement of case which details that there are examples in the area where separation distances between properties are reduced and garden sizes are small. A planning application ref: 16/04574/FUL has being noted by the appellant along with developments at Mithras Court and West Farm Court. However, I do not have full details of these and so cannot be sure that they represent a direct parallel to the proposal of this appeal, including in respect relationship with adjoining buildings. In any case, I have determined the appeal on its own merits.
8. Accordingly, I find that the proposal would have a harmful effect on the living conditions of the occupiers of the new dwelling, Ashcroft and Middle Chare in respect of outlook and amenity space. The proposed development would not be in accordance with policies GD2 and H32 of the Tynedale District Local Plan (LP) and the National Planning Policy Framework (the Framework) which seek development to have no adverse effect on adjacent land or buildings, ensure adequate outlook is maintained and provide acceptable private and usable open space.

Conservation Area

9. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. The Wall Conservation Area (CA) in the area surrounding the appeal site is characterised primarily by residential properties of varying styles and sizes. The appeal site is located next to a wide highway verge which contains a number of trees.
11. The proposal is located in a prominent position, however its proposed design, fenestration and materials would not be out of keeping with the variant built form in the area. The proposed development would result in the loss of an open space area. However, with the adjacent area of highway verge and open fields close to the appeal site, it is not considered that the proposal would significantly affect the openness of the surrounding area.
12. Therefore, I find that the proposal would preserve the character and appearance of the CA. The proposal would not be contrary to the objectives of Policy BE1 of the Tynedale Local Development Framework Core Strategy,

Policies GD2 and H32 of the LP and the Framework which seek to ensure that development reflects local character, is of a high quality design and maintains and enhances the distinctiveness local character of villages.

13. Whilst I have found that the proposal would be acceptable in terms of its effects on the character and appearance of the CA. This would not outweigh the harmful effects I have identified in respect of living conditions.

Conclusion

14. Having considered all matters raised in support of the appeal proposal, I conclude that the considerable harm I have found and the conflict with the development plan would not be outweighed by other material considerations.
15. For the reasons set out above and having regard to all other matters raised the appeal should be dismissed.

Chris Baxter

INSPECTOR