
Appeal Decision

Site visit made on 23 May 2016

by G Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 June 2016

Appeal Ref: APP/M4510/W/16/3146203

Llorets, 193 Stamfordham Road, Newcastle-upon-Tyne NE5 3JH

- 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 Gurdeep Singh Gill against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0044/01/DET, dated 16 December 2015, was refused by notice dated 7 March 2016.
 - The development proposed is New replacement retail unit to replace severely fire damaged retail unit with first floor storage and feature windows.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues in this appeal to be firstly, the proposal's effects on the character and appearance of its host property and the wider area; and secondly, the proposal's effects on the living conditions of the occupiers of the existing first floor flat of 193 in respect of outlook.

Reasons

Character and appearance

3. The appeal site is to the rear of 193 Stamfordham Road, a semi-detached, two-storey hipped-roof property occupying a prominent corner position at the junction with Acomb Gardens. Faced in brick and on a deep set back from the pavement, No 193 is adjacent to, and intervisible with, in the main two storey dwellings, with mainly hipped roofs, with the exception of the gable-ended semi-detached houses immediately to its rear on Acomb Gardens.
4. The appeal proposal would develop a one and a half storey retail unit attached to the rear of No 193 and facing Acomb Gardens, roughly on an area where a previous structure was fire damaged and subsequently demolished. The proposal would feature a gable end facing towards its neighbouring properties on Acomb Gardens and two dormer windows would be situated in its front roof slope.
5. The appeal scheme would introduce a roof form that would be of jarring variance to the hipped roof of No 193, introducing a cluttered complexity to the streetscene of Acomb Gardens that would be exacerbated by the proposed

dormers. The windows in the dormers would be of a size and at a level at variance to the upper windows in the side elevation of No 193, and would appear discordant, which would exacerbate the incongruity of the proposal. The detailing of the roof combined with the overall scale of the proposal would result in a development that had an uncomfortable relationship with its host building and, due to its wide visibility, an insensitive effect on the streetscene. Whilst I note that its roof ridge would be lower than that of No 193, the proposal's form and detailing would impart bulk and mass, and consequently, it would not appear subservient to its host building.

6. I note that there is an existing planning permission for a single-storey building on the site¹ and consider this to be a fallback scheme to which moderate weight can be attached. That proposal would be much more subservient in scale and would feature a roof more sensitive to the character of the building and wider streetscene. The proposal would thus have demonstrably more harmful effects on the character of the host building and the streetscene in these regards than the fallback scheme.
7. Whilst the side space achieved between the proposal and the adjacent properties would not be unusual in the immediate area, and matching materials would be employed in its construction these matters would do little to soften its overall incongruity. The proposal's scale and detailing would be harmful to the character of its host building and the wider streetscene. Consequently, the appeal scheme would conflict with Policies CS15 of the *Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne* (adopted March 2015) ("the Core Strategy"); and Policies EN1.1 and H2 of the *Newcastle upon Tyne Unitary Development Plan* (adopted January 1998) ("the UDP"). Taken together, and amongst other matters, the Policies seek to ensure that new development responds positively to local distinctiveness and character.

Living Conditions

8. The rear wall of the appeal proposal would be sited approximately 1m away from windows in the first storey flat of No 193 on its southern and eastern elevations. The blank rear wall of the proposal and, above that, its rear roof slope would be very prominent from these windows and would constitute an overbearing presence that was harmful to the outlook of the occupiers of the flat. The scale of the proposal would mean that the appeal scheme would have more significantly harmful effects in these regards than the fallback scheme.
9. I note that the plans show a different internal configuration of the first floor flat than currently exists that would limit these harmful effects to some extent. However, it would not be possible to ensure that these internal changes happen via a planning condition, as they are outside of the scope of town and country planning and would also be difficult to enforce. A condition specifying these internal changes would thus be at variance with the advice of the National Planning Policy Framework ("the Framework") on conditions at paragraph 206.
10. Due to its proximity to windows within the upper floor flat of No 193, and its overbearing scale, the appeal scheme would be harmful to the outlook of that dwelling's occupiers. Consequently, the appeal scheme would conflict with the objectives of CS14 of the Core Strategy and H2 and EN1.1 of the UDP. Taken together, and amongst other things, these policies seek to ensure that new

¹ LPA reference 2015/1298/01/DET

developments secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

11. I considered the appellant's comments regarding the presumption in favour of sustainable development arising from the Framework. According to the Framework, sustainable development has three aspects, namely the economic, the social and the environmental. The proposal would have a harmful effect to the character of the surrounding built environment. Furthermore, in causing harm to the living conditions of the occupiers of the first floor flat of No 193, it would have harmful effects on social sustainability. These harmful effects would outweigh any modest economic or social benefits that would arise from the construction of the appeal scheme, over and above those that could be delivered by the proposal in the fallback scheme.
12. Whilst I note the appellant's comments that the amount of storage space mooted by the appeal scheme would result in a development more likely to secure a tenancy than the fallback scheme, this is essentially a commercial consideration to which I can only attach limited weight in my assessment of the appeal.
13. I am aware of the appellant's frustrations with the processing of the application. However, this is essentially a procedural matter which cannot be instrumental in a planning decision.

Conclusion

14. The proposal would be at variance with the policies of the development plan insofar as they have been brought to my attention. As no material considerations would outweigh the conflict in this case, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G Fort

INSPECTOR