

Appeal Decision

Site visit made on 3 October 2016

by Andy Harwood CMS MSc MRTPI

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

Decision date: 04 November 2016

Appeal Ref: APP/M4510/W/16/3153596

55 Fawdon Park Road, Newcastle upon Tyne, NE3 2PN

- 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 Ms Tina Wotherspoon of CKW Trading Ltd against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0482/01/DET, dated 29 February 2016, was refused by notice dated 6 June 2016.
 - The development proposed is subdivision of existing residential plot (containing a single, semi-detached bungalow) into 2 plots, with shared access off of highway and construction of new detached 2 storey dwelling to new plot to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal upon the living conditions of adjoining residents with particular reference to additional activity from the proposed dwelling, privacy and outlook. The second is whether the prospective occupants of the proposed dwelling would enjoy satisfactory living conditions. The third main issue is effect of the proposals upon the character and appearance of the area.

Reasons

Living conditions – adjoining residents

3. The appeal site currently includes an existing semi-detached bungalow. The proposed dwelling would be partly single storey but would include accommodation within the roof-space. It would be positioned within the existing rear garden of No 55.
 4. The Area includes mainly bungalows. However there is a dwelling with a high roof dormer close to the south west of the site and the bungalow conjoined to No 55 also has a high roof dormer. These windows provide potential vantage points over the appeal site. However given the space available within the large garden it seems likely that the existing occupants would be able to enjoy some privacy as well as a reasonable degree of seclusion from activity within Fawdon Park Road and from goings-on in neighbouring properties.
 5. The separation off of the garden to provide the site for the proposed dwelling
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- would limit external space available for the occupants of No 55. The retained garden would be close to the comings and goings of the new household as would the rear windows and those along the side close to the shared driveway.
6. The new dwelling would be on higher ground than the existing dwelling. A high boundary fence is proposed and it may be possible to dig the new development down. However the front access of the new dwelling as well as the vehicle turning and the parking area would be close to the short retained rear garden. A fence at 1.8 or 2m high would not be an adequate buffer in my opinion to voices and the noise from engines or banging vehicle doors for example. There is no submitted evidence to demonstrate that such a boundary structure would adequately absorb or deflect such noise. This would in my view give the much smaller rear garden a less secluded feel. The disturbance from comings and goings of residents and visitors to the new property would be harmfully noticeable within that garden and the rear rooms of the dwelling itself.
 7. At its nearest point, the proposed dwelling would be 2m away from the boundary with No 53. Set into the roof close to this boundary would be 2 dormer roof windows that would face towards the garden of No 53. These would enable users of the bedrooms to look over the robust hedge along that boundary, into the adjoining garden and (albeit at an indirect angle) towards the rear of that dwelling. The bedrooms may primarily be used at night but can be used for significant periods of the daytime when neighbouring residents may wish to enjoy the privacy of their garden. The dormer within the opposite roof slope looking towards No 59 would be further away from the boundary and would not enable as much overlooking of that property.
 8. The Council's document 'Development Control Policy Statement 17 – Spacing Standards for Housing' provides an indication of acceptable separation distances between proposed buildings and existing properties. The high windows would be well within the 10.5m recommended for this arrangement. As the appellant points out these are guidelines. It is not clear that I can give them any more than limited weight but they are useful and help to demonstrate the sensitivities of developing close to a boundary in this way. The proposed dwelling would be sufficiently away from all of the boundaries to prevent it being overbearing for any adjoining residents. There would be no harmful impacts upon outlook from the adjoining dwellings or garden areas.
 9. In relation to the first main issue, the proposal would have an adverse impact upon living conditions of adjoining residents. In particular the occupants of No 55 would be subject to an increase degree of disturbance and those at No 53 would have less privacy within their rear garden which would not maintain the wellbeing of these residents. The other case referred to by the appellant, close to the junction of Pine Avenue and Fern Avenue, has a much more spacious layout not directly comparable with this appeal proposal in this respect.
 10. This would not comply with Policy CS14 of the Core Strategy¹ (CS) nor Policies H2 and H4 of the Unitary Development Plan² (UDP). The National Planning Policy Framework (the Framework) identifies a need to use land more effectively and efficiently. However a principle of the Framework is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings which would not be achieved.

¹ Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne, 2010–2030, adopted March 2015

² Newcastle upon Tyne, Unitary Development Plan, adopted January 1998

Living conditions – prospective occupants

11. The proposed dwelling would have a modest rear garden alongside the high hedge on the south west boundary of the site. It would be a narrow area and if the boundary hedge is retained at the current height would be in shadow for some daylight hours. The windows and glazed door on the rear of the property would not have much of an outlook. These deficiencies are partly questions of personal choice when deciding whether or not to occupy a dwelling. The overlooking from the dormer of the dwelling to the south west would affect some of the proposed garden but there would also be some adequately private outdoor space.
12. I do not consider that these aspects of the proposal would cause concerns about the wellbeing or health of the prospective occupants. In relation to the second main issue, the prospective occupants of the proposed dwelling would enjoy satisfactory living conditions. This would comply with CS Policy CS14 and UDP Policies H2 and H4.

Character and appearance

13. There are some other dwellings nearby within backland positions, set behind others that front the estate roads. In this context, this proposal would not look out of place and would not be in a prominent position. There is also variety to the designs and styles of dwellings near to the site. This includes some dwellings with roof dormers. In relation to this issue, the proposal would not have a harmful impact upon the character and appearance of the area. This would comply with CS Policy CS14 and UDP Policies EN1.1 and H4.

Other Matters

14. It may well be the case, as the appellant points out, that permitted development rights could be used to build structures across an extensive part of the site. However, such a structure or structures would be limited in terms of height and use. It would not be possible to incorporate high dormer windows or use such structures for a separate household without requiring planning permission.
15. The proposal would help to increase the choice of accommodation for some of the population and Policies CS9 and CS11 would be complied with. An additional dwelling would be a small advantage of limited weight socially and due to the need boost housing supply as required by the Framework. There would be economic benefits from constructing a new dwelling as well and the Framework and the Written Ministerial Statements referred to by the appellant support this. My conclusions on the second and third main issues are neutral factors and environmental impacts would also be minimal. Overall, the modest positive factors do not however outweigh my conclusion on the first main issue.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR