
Appeal Decision

Site visit made on 31 October 2016

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 10 November 2016

Appeal Ref: APP/M4510/D/16/3159682

Westgate Hill Grange, 275 Westgate Road, Newcastle upon Tyne NE4 6AJ

- 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 Jaswinder Singh against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0817/01/DET, dated 28 January 2016, was refused by notice dated 9 August 2016.
 - The development is erection of detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development varies between the application form and the subsequent documents. I have used the description on the decision notice, as it describes the development more clearly.

Main Issues

3. The main issues are the effect of the proposal on the setting of the listed building, and on the character and appearance of the conservation area.

Reasons

Setting of the listed building

4. The appeal site is located on land to the rear of 275 Westgate Road. The land adjoins the east side of St Matthews Church, which is a grade II* listed parish church dating from 1877.
 5. The National Planning Policy Framework (NPPF) states that heritage assets should be conserved in a manner appropriate to their significance. When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight should be. The NPPF makes clear that significance can be harmed by development within the setting of a heritage asset. Grade II* buildings are particularly important buildings of more than special interest. They form only a small proportion of all listed buildings.
 6. The setting of a heritage asset is defined in the NPPF (Annex 2:Glossary) as the surroundings in which it is experienced. The extent of setting is not fixed and may change as the asset and its surroundings evolve. Elements of the setting
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- may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance, or may be neutral.
7. The east elevation of the church is an imposing structure whose wide 6-light window is noted in the list description. The church and the adjoining hall together form an attractive architectural composition, and are built of similar stone, giving a unity of appearance. In contrast, the new garage is a flat-roofed structure of a stark modern appearance which fails to reflect or complement the character of the listed building.
 8. I accept that brick is a material which is used in a number of nearby buildings, including those facing Westgate Road. However, the red brick of the new garage contrasts markedly with the more mellowed, weathered brick of those buildings. I agree that the choice of a contrasting material visually separates and distinguishes the garage from the church. In terms of height, the garage does not compete with the dominance of the east wall. Nonetheless, it has been set at an arbitrary angle to the church, and does not reflect its alignment. This further detracts from the significance of the church, as it reduces the legibility of its historic plan form.
 9. The garage is visible from the appellant's private land, and oblique views would also be possible from other nearby buildings and gardens. The appellant lays considerable emphasis on the fact that the development cannot readily be seen from the wider surroundings. Whilst that is so, such harm does not need to be widely seen because it is the character of the listed building which the legislation seeks to preserve, not merely its appearance from the public domain. Also, paragraph 013 of the Planning Practice Guidance is clear that the contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. In my judgement, the listed building derives significance from its setting on the east side, which is adversely affected by the development.
 10. The appellant contends that crime and anti-social behaviour are of concern in the area, and that the discreet location of the garage was chosen for security reasons. However, it is possible that these issues could be addressed independently of the appeal scheme, and so they would not outweigh the harm I have identified above.
 11. I note that the former sawmill building which was previously located on the appeal site was removed at the appellant's expense. From the photographs which have been supplied, this appears to have been a sizeable structure. However, even if the sawmill had had a more detrimental impact on the setting of the listed building than the new garage, that circumstance would not justify the harm I have found.
 12. I acknowledge the appellant's willingness to replace the garage doors, and to change the external facing brick to an alternative such as stone or render. However, these measures would not be sufficient to overcome my concerns regarding the harm arising from the development.
 13. Drawing these factors together, I find that the garage is a discordant visual element which unacceptably harms the setting of the listed building. It therefore conflicts with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (CS, March 2015), insofar

as it requires new development to respect the setting of heritage assets. It also conflicts with the NPPF, which similarly seeks to protect heritage assets.

Character and appearance of the conservation area

14. The appeal site also lies within the Summerhill Conservation Area (CA), and so I have had special regard to the desirability of preserving or enhancing the character or appearance of the CA.
15. The land where the garage is located makes little contribution to the CA's special character or appearance. The secluded position of the development is such that its harm to the significance of the wider CA is negligible, and would not warrant the withholding of planning permission. On this issue, I therefore conclude that the character and appearance of the CA are preserved, and so there is no conflict with CS Policy CS15 in this regard.

Conclusion

16. Whilst the harm to the setting of the listed building is less than substantial (in terms of the phraseology used in the National Planning Policy Framework), this does not mean that the harm is not significant. Furthermore, there is no substantive evidence before me to demonstrate any public benefits that would outweigh that harm.
17. Therefore, whilst I consider that the development preserves the character and appearance of the conservation area, I have found that it unacceptably harms the setting of the listed building. For that reason, and taking all other matters into account, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR