

Appeal Decision

Site visit made on 25 October 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 16 November 2016

Appeal Ref: APP/M4510/D/16/3156204

5 Queens Court, Walbottle, Newcastle-Upon-Tyne NE15 8JF

- 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 John Graham Muse against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0726/01/DET, dated 20 April 2016, was refused by notice dated 5 July 2016.
 - The development proposed is raising of the roof to provide rooms in the roof space and extension of the roof to the side.
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Decision

1. The appeal is allowed and planning permission is granted for raising of the roof to provide rooms in the roof space and extension of the roof to the side at 5 Queens Court, Walbottle, Newcastle-Upon-Tyne NE15 8JF in accordance with the application Ref 2016/0726/01/DET, dated 20 April 2016 and subject to the following conditions:-
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed plan and elevation drawings, dated as received by the Council on 10 May 2016.
 - 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) The extension hereby permitted shall not be occupied until the proposed rooflight serving bedroom 4 has been fitted with obscured glazing and no part of that rooflight shall be capable of being opened. Once installed the rooflight, or any replacement, shall be retained in accordance with these requirements.
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Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the street scene and ii) the living conditions of the occupiers of No 4 Queens Court with particular regard to outlook and privacy.

Reasons

Character and appearance

3. Queens Court comprises a short cul de sac of bungalows. The road slopes upwards towards the head of the cul de sac, with the appeal site at the highest point and in a corner location. However, because of its restricted frontage the appeal site is set back from the edge of the highway. It is also recessed in keeping with the staggered forward building line of adjacent bungalows, sited along the head of the cul de sac. Combined with its relatively squat form and modest front elevation, the bungalow, despite its elevated position, is somewhat recessive in appearance. This contrasts with the more prominent front elevations of adjacent and nearby bungalows at Nos 2, 3 and 4 Queens Court.
4. Whilst the proposal would result in a marked increase in the height of the bungalow, the visual impact of this would be mitigated by its set back location. This would ensure that the alteration would not appear visually intrusive or dominant.
5. Furthermore, the bungalow at No 6 has been extended by incorporating a tall roof alteration. This property, though at a lower ground level, occupies a more central location within the cul de sac. It therefore draws the eye as a prominent building and would further mitigate the visual impact of the less prominent proposed extension on its surroundings. In addition, it would ensure that the proposed extension would not interrupt any strong sense of uniformity in the appearance of the street scene.
6. For the aforementioned reasons I conclude that the proposal would not be visually intrusive or dominant within the street scene and would not result in harm to the character and appearance of the area. It would therefore be in keeping with Saved Policy EN1.1 of the Newcastle upon Tyne Unitary Development Plan 1998 (UDP), Policy CS15 of the Gateshead and Newcastle Core Strategy and Urban Core Plan 2015 and with the National Planning Policy Framework (the Framework) insofar as they seek to promote good design that responds to character and distinctiveness and integrates with its setting.

Living Conditions

7. No 4 Queens Court is situated adjacent to the side boundary of the appeal plot. The set back position of the appeal bungalow means that it extends significantly beyond the rear elevation of No 4. This arrangement means that at present there is already an impact on outlook from the nearest rear facing window in No 4, with views onto the side wall of the appeal building. However No 4 enjoys a spacious and open outlook directly to the rear, which is free from built development. This serves to mitigate the impact of the set back appeal bungalow.

8. Whilst the proposed extension would increase the height of No 5, the net impact on outlook from the rear of No 4 would not be significant, taking into account the aforementioned context.
9. The roof extension would be substantially to the north and east of No 4. Whilst it would be likely to result in some limited additional overshadowing of the rear garden during the morning, it would be unlikely to harm levels of internal light in relation to that property.
10. A rooflight is proposed towards the rear of the dwelling in order to serve one of the new bedrooms. This window would be close to the side boundary with No 4. However, I consider that providing the window incorporates obscured glazing and is fixed shut it would not result in perceived or actual overlooking of the rear garden of No 4. I note that the appellant would be agreeable to such a condition.
11. I therefore conclude that the proposal would not result in harm to the living conditions of the occupiers of No 4. Accordingly it would be in keeping with Policy H2 of the UDP and the Framework which seek to protect the living conditions of residents.

Other Matters

12. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the setting of Walbottle Hall which is a Grade II listed building. The location of the proposed extension is such that the setting of the listed building would not be adversely affected.
13. There would be sufficient separation from the appeal site to ensure that the privacy of the rear of Walbottle Hall would not be harmed.
14. I have considered the argument that the grant of planning permission would set a precedent for other similar developments. However each application and appeal must be determined on its own individual merits and a generalised concern of this nature would not in itself justify withholding planning permission in this case.
15. In terms of the concern raised regarding a general shortage of bungalows within the City, this would not be a sufficiently compelling reason to resist the proposed extension in this case.

Conditions and Conclusion

16. For the above reasons I conclude that the appeal should succeed and planning permission be granted.
17. Conditions specifying the plans and requiring details to be agreed of the materials to be used in the external surfaces of the extension are needed to safeguard the character and appearance of the area. A condition requiring the rooflight serving bedroom 4 to be fitted with obscured glazing and fixed shut is needed in order to avoid perceived and actual overlooking of No 4 Queens Court.

Roy Merrett INSPECTOR