
Appeal Decision

Site visit made on 8 November 2016

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 29 November 2016

Appeal Ref: APP/M4510/D/16/3158346

6 Shoreswood Way, Newcastle upon Tyne, NE13 9AE

- 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 & Mrs Baker against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0870/01/DET, dated 6 June 2016, was refused by notice dated 2 August 2016.
 - The development proposed is construction of new single-storey extension to the east side of the existing three-storey dwelling to form enlarged study area and additional play room.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the character of the street scene.

Reasons

Character of the street scene

3. No. 6 is a 3-storey detached house, which occupies a corner site at the junction of Shoreswood Way with Hepburn Avenue. An area of side garden, which extends from the front to the back of the site, separates the 3-storey northeastern gable wall of the No. 6 from Hepburn Avenue. This area of side garden is separated from the rear garden of the property by a tall wall, the alignment of which is similar to that of the northeastern gable wall. The side garden is enclosed along the boundary shared with Hepburn Avenue by low railings. Although narrowed slightly and over a short distance by a 2 storey projection from the gable that contains windows, the application plans indicate that the side garden is generally around 4.8 metres wide, between the gable wall and the northeastern boundary of the site. In contrast, the 2-storey southwestern gable of No. 8, which is situated to the northeast of No. 6 on the opposite corner, is set back from Hepburn Avenue by a much smaller distance.
 4. I consider that the side garden of No. 6 gives the entrance to Hepburn Avenue a broad, open appearance, which complements the spacious appearance of Shoreswood Way and contributes positively to the character of the street scene. The appellants acknowledge that the '*locality comprises a very pleasant new development, with the built form carefully considered*'. Furthermore, in
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my judgement, the contribution made by the side garden of No. 6 would not be significantly eroded if the existing railings were to be replaced by a boundary enclosure falling within the scope of permitted development rights, which would not be significantly taller.

5. The *National Planning Policy Framework* (the Framework) indicates that whilst decisions should not attempt to impose architectural styles or particular tastes, it is, however, proper to seek to promote or reinforce local distinctiveness.
6. The proposal includes the erection of a single-storey side extension, which would project from the northeastern gable wall of the property by around 3 metres. Whilst it would be set back slightly beyond the frontage of the existing building, it would extend along almost the entire length of the northeastern gable wall. In addition, the tall wall enclosing the northeastern side boundary of the rear garden of No. 6 would be removed and reconstructed on an alignment which would be similar to that of the northeastern sidewall of the proposed extension. I acknowledge that the proposed single-storey extension would amount to a subservient addition to the existing 3-storey dwelling. Furthermore, it would be possible to ensure, through the imposition of a condition, that the materials used in the external surfaces of the proposed structures would match those of the existing property, in the interests of visual amenity. Nonetheless, the proposal, which would reduce the width of the side garden of No. 6 from around 4.8 metres to approximately 1.8 metres, would greatly narrow the appearance of the entrance to Hepburn Avenue, to the significant detriment of the character of the street scene. In my view, this scheme could not be said to satisfactorily integrate into its setting with regard to the pattern of surrounding buildings and spaces.
7. I conclude that the proposal would cause significant and demonstrable harm to the character of the street scene and it would conflict with the aims of Policy CS15 of the *Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030* as well as Policies EN1.1, H2 and H4 of the *Newcastle upon Tyne Unitary Development Plan, 1998* (UDP), which, between them, require high standards of design, including seeking to ensure that development responds positively to local distinctiveness and character.

Other matters

8. At the heart of the Framework is a presumption in favour of sustainable development. It indicates that this means, where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless, amongst other things, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, in this case the appellants have not provided any evidence to show that the Development Plan is absent, silent or relevant policies are out of date. I consider that the Policies referred to above are consistent with the aims of the Framework, which also promotes good design and the need for development to respond to local character. Based on the evidence before me, I consider that the Development Plan can be considered as up-to-date. The Framework confirms proposed development that conflicts with an up-to-date Local Plan should be refused unless material considerations indicate otherwise.
9. In terms of the provision of habitable accommodation, the scheme would make more effective and efficient use of the appeal site. In this respect it would gain some support from the Framework, which encourages the effective use of land.

10. The Framework gives encouragement to development that would improve the conditions in which people live. However, the appeal property already contains a substantial level of accommodation, including: 5 bedrooms; a kitchen/dining room and a utility room; a living/dining room; a family room; a study; and, a number of bathrooms. It appears to me to provide a good standard of accommodation which is reasonably versatile in form and layout, so as to minimise the likelihood of future obsolescence. Although I understand that the proposed extension would provide space that the appellants want, the need for it has not been explained. Under the circumstances, I am not convinced that it would significantly improve their quality of life and I give their desire for additional accommodation little weight. Nor am I convinced that the proposed extension of the existing rooms, facilitated by the scheme, would contribute in any material way to the widening of the choice of high quality homes; an aim supported by the Framework. The appellants have indicated that the width of the proposed extension, at 3 metres, is the minimum possible to create a usable room. However, this is not supported by any compelling evidence and, in any event, it appears to be of little relevance in this case as the space within the extension would be laid out as an extension to 2 existing rooms, rather than as a separate enclosed space.
11. The appellants have drawn attention to UDP Policy H3, which seeks to resist development in a group or area of large, traditional dwellings where it would result in a loss to the limited stock of these dwellings. This Policy appears to me to be of little relevance in this case, which involves the extension, rather than loss, of a dwelling on a modern, rather than traditional, housing estate.
12. The Letter to Chief Planning Officers- '*Planning for Growth*', dated 31 March 2011, referred to by the appellants, is amongst the documents identified by the Department for Communities and Local Government list of *Guidance documents cancelled by the planning practice guidance suite*, published in 2014. Nonetheless, the principles relied upon appear to be taken forward by the Framework, to which I have had regard.
13. I understand that residents of properties neighbouring the appeal site have not responded to the planning application or appeal. However, in my view, the absence of any consultation responses cannot be automatically interpreted as a sign of support, as the propensity of neighbours to object can be influenced by a number of factors. I give the appellants' unsupported assertion, to the effect that no response indicates neighbours do not have a problem with the proposal, little weight. Nonetheless, there is no dispute that the proposal would be unlikely to harm the living conditions of neighbouring residents.
14. Whilst construction activity associated with the proposal would contribute to the local economy, given the scale of development proposed, it would be likely to be limited.
15. Having regard to the economic, social and environmental impacts of the scheme, I conclude on balance that the harm caused by the scheme would be likely to significantly and demonstrably outweigh the benefits and it would not amount to sustainable development under the terms of the Framework.

Conclusions

16. In my judgement, the proposal would cause unacceptable harm to the character of the street scene, it would conflict with the Development Plan taken

as a whole and there are no other material considerations which indicate that the appeal should nevertheless be allowed. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR