
Appeal Decision

Site visit made on 20 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date:

Appeal Ref: APP/M4510/D/16/3160622

9 Heddon Close, Gosforth NE3 2LY

- 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 David Holmes against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0746/01/DET, dated 5 May 2016, was refused by notice dated 25 August 2016.
 - The development proposed is extensions to the front and rear of the property.
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Decision

1. The appeal is allowed and planning permission is granted for extensions to the front and rear of the property at 9 Heddon Close, Gosforth NE3 2LY in accordance with the application dated 5 May 2016 and subject to the conditions below:-
 - 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: Plan and Elevation Drawings dated as received by the Council 16 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed on the north-east elevation of the dwelling.
 - 5) No part of the proposed windows on the north-east elevation of the dwelling shall extend beyond the plane of the south-east elevation of No 7 Heddon Close.
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Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the dwelling and wider area and ii) the living conditions of existing residents with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is an end terrace property in a short cul de sac of two storey dwellings. The dwellings are characterised by their flat roof design and tall forward projecting side boundary walls which gives a sense of uniformity to the appearance of the street scene.
4. The proposed forward extension, whilst large, would not extend beyond the length of the forward projecting boundary wall. It would also be constructed with a flat roof and would not significantly exceed the height of this wall. Accordingly this element of the extension would be substantially concealed and not therefore obtrusive or incongruous within the street scene, particularly when viewed from the cul de sac entrance.
5. Whilst the forward extension would remove space at the front of the property, the visual impact of this would be limited due to the screening effect of the boundary walls. This extension and the resulting loss of space would not, therefore, be significantly visible from the public realm.
6. Whilst cumulatively the proposed rear extensions would be significant in length, they would incorporate flat roofs in keeping with the form of the original dwelling. Sufficient rear garden space would remain for the development not to result in over-development of the plot. Furthermore though visible from the rear of adjacent properties, the rear extensions would not be at all prominent in the public realm.
7. I conclude that the proposal would not result in harm to the character and appearance of the dwelling and wider area. It would therefore be in keeping with Saved Policies EN1.1 and H2 of the Newcastle Upon Tyne Unitary Development Plan 1998 (UDP); Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2015 (CSUCP) and the National Planning Policy Framework (the Framework) insofar as they seek to promote good design that protects local character and integrates into its surroundings.

Living conditions

8. The Council's concerns regarding overlooking and privacy relate to the proposed insertion of a bedroom window in the side elevation of the dwelling at first floor level. Whilst the side of the dwelling is in close proximity to the rear amenity areas of several properties on Heddon Close and Aln Walk, the proposed window would face the blank side elevation of No 7 Heddon Close. The proposed window would therefore be offset from direct views over the rear of the aforementioned properties, which would only be visible at oblique angles, and then only partially or at distance.
9. In terms of outlook, the Council is concerned about the relationship of the proposed extension to No 52 Aln Walk and No 11 Heddon Close. Whilst the extension would be very prominent, extending across the full width of No 52, it

would be limited to single storey height at this point. The extension would be sufficiently offset from the rear of that property not to result in an undue sense of enclosure or oppressive living conditions for residents.

10. The windows in the rear of No 11 would be close to the proposed rear extension. However, the limited projection of the proposed first floor element together with the existing single storey projection along the boundary to the rear of No 11 and the existence of some boundary planting would serve to mitigate the visual impact of the extension on the rear that property. In addition the occupiers of No 11 would continue to enjoy a good standard of direct outlook over the relatively spacious rear garden area serving that property.
11. I conclude that the proposal would not result in harm to the living conditions of existing residents with particular regard to privacy and outlook. It would not therefore be in conflict with Saved Policy H2 of the UDP; Policy CS14 of the CSUCP and the Framework insofar as they seek to protect the living conditions of residents.

Conditions and Conclusion

12. For the above reasons, I conclude that the appeal should succeed and planning permission be granted.
13. 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. Conditions specifying the position of the proposed bedroom window and withdrawing permitted development rights for any future windows on the north-east elevation are required to safeguard the privacy of residents.

Roy Merrett

INSPECTOR