
Appeal Decision

Site visit made on 24 January 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 14 February 2017

Appeal Ref: APP/M4510/W/16/3161654

Land adjacent 3 Westfield Grove, Gosforth, Newcastle upon Tyne, NE3 4YA

- 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 Dr Shiv Pabary against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2015/1843/01/DET, dated 23 December 2015, was refused by notice dated 26 April 2016.
 - The development proposed was originally described as *'4 Bedroom House located on land adjacent to 3 Westfield Grove in Gosforth. A rectangular plot to the south. The plot forms part of the current garden space although the majority is covered in tarmac and relates to the former use when the property was once a school, the tarmac area being the school yard. Resubmission of previously refused application Ref 2014/1637/01/DET'*.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have taken the site address from the Council's decision notice as is more accurate than that set out in the application form. I considered the appeal site address as set out on the appeal form which is given as 5 Westfield Grove. However, I consider that to so describe the address in this way would be inaccurate. I shall return to the issue of the numbering of properties on the street.

Main Issues

3. The main issues for the appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Gosforth Conservation Area; and
 - The effect of the proposed development on the living condition of nearby residents with particular reference to any loss of light and or outlook and privacy.

Reasons

Character or appearance

4. The appeal site is situated within the extensive Gosforth Conservation Area, which is primarily residential in character and includes the commercial High
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Street. Whilst I saw during my site visit that there is some variety in the design of properties on Westfield Grove, I noted that it is characterised by relatively large two storey properties situated within large plots and that there is a sense of spaciousness in the streetscene.

5. The appeal site is an area of land situated between Nos 3 and 7 Westfield Grove, which are substantial two storey semi-detached properties with No 3 also having attic accommodation. I saw at my site visit that the appeal site consists primarily of a hard surfaced yard which I understand to be related to a former use of No 3 as a school. The street frontage of the appeal site is marked by a brick wall and metal gates.
6. I understand that Westfield Grove was first laid out in the late 19th Century and was developed into the Twentieth Century, with some properties on Westfield Avenue being developed as through plots to Westfield Grove. Consequently, the urban grain of the street is not uniform. It is clear from the evidence that the appeal site formed a separate land parcel to No 3, and I note that there is not a number 5 on the street. Whilst it may have been intended that the land was to be developed, it has not been and it consequently forms a significant gap between dwellings within the street, which allows views across it to Westfield Avenue. I consider that open appeal site contributes to the spacious character of the area and whilst it is hard surfaced, is a nevertheless positive element in the Conservation Area. Whilst I note the appellants comment regarding development plan and supplementary guidance regarding the sub division of plots, it is nevertheless necessary to consider the effect of the proposal on the character and appearance of the area.
7. Whilst the Gosforth Conservation Area Character Statement (GCACS) sets out that the contribution Westfield Grove makes to the Conservation Area is less significant than that of most streets, I note that it also states that the character and appearance of the street broadly relate to that of the Conservation Area.
8. The proposed detached one and a half storey dwelling has been designed with a ridge height which, at its highest, would not significantly exceed the eaves height of the adjacent No 3. In this regard, I note that it has been designed to reflect Council guidance, seeks to maintain spaciousness, be of an appreciably smaller scale than its neighbours and includes features found on the street, such as the projecting gable. However, I consider that the proposed dwelling would appear incongruous in the street scene, as its mass would appear significantly less than its neighbours and the high brick wall to the front elevation and the prominent glazed elements would not be characteristic of the area. Additionally, the proposed dwelling would lack the symmetry of its neighbours. Furthermore, the smaller scale and massing of the proposed dwelling would be accentuated in the street scene by it being set back behind the established building line.
9. Whilst I note that the existing single storey element of No 3 would be demolished, the gaps between the proposed dwelling and those to either side would be modest. Consequently, the effects of the appeal proposal upon the spacious character of the street would be significant.
10. I find therefore that the proposed dwelling would give rise to harm to the character and appearance of the Gosforth Conservation Area and having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the National Planning Policy Framework (the Framework)

states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.

11. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and any harm, which is less than substantial, must be weighed against the public benefit of the proposal as per paragraph 134 of the Framework. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. I will return to this.
12. To conclude on this matter, the proposal is contrary to Policy CS15 of Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne adopted in March 2015 (CS) which includes that development will contribute to good place-making through the delivery of high quality and sustainable design and the conservation and enhancement of the historic environment. The proposal is also contrary to saved Policy H4 of the Newcastle upon Tyne Unitary Development Plan (UDP) which is concerned new housing design including particular attention should be paid to the character and quality of the local environment. It is also contrary to saved UDP Policy EN1.1 which is concerned with development meeting high standards of design. The appeal proposal also does not accord with the design guidance set out in the Gosforth Conservation Area Management Plan 2009.

Living conditions

13. No 3 Westfield Grove is a substantial 2 storey dwelling with accommodation within the roof space and has a number of windows in the elevation facing toward the appeal site. During my site visit, I viewed the appeal site from the first floor and dormer windows of No 3. In respect of the dormer, due to the height of the proposed dwelling, the outlook would principally be over its roof and consequently, whilst some harm would occur due to a reduction in outlook, this would not be unacceptable. At first floor level, there are several windows, the largest of which I saw at my site visit serves a bedroom. This window would overlook directly onto the roof of the proposed dwelling which would be in relative close proximity, giving rise to a significant reduction in outlook. Given the aspect of the window, there would also be some loss of light. However, I noted that the bedroom also has a window in the rear elevation of the dwelling and consequently, I do not consider that the effect of the development to be consequently unacceptable. The other first floor windows which would be affected serve non-habitable rooms.

14. No 7 has several windows in its flank wall facing towards the appeal site and I understand that these serve a study, bedroom and bathroom and note the comment that these rooms have no other windows. I consider that as the flank wall of No 7 is set back from the appeal site boundary and that the proposed dwelling is located so that it would not fall in front of the windows, whilst outlook may change from the windows, the effect of the development upon them would not be so great so as to give rise to significant harm. In respect of Nos 3 and 7, I note the comment regarding the spacing standards set out in the Newcastle upon Tyne UDP Development Control Policy Statement 17.
15. To the rear of the appeal site are situated properties on Westfield Avenue, which I noted during my site visit are of two stories with attic accommodation. The proposed dwelling would project appreciably beyond the rear of both Nos 3 and 7 and include significant glazed elements to both the ground and first floors, including a balcony structure. However, I consider that whilst there would be some increase in overlooking of nearby dwellings on Westfield Avenue, given the separation distances between the rear of the dwellings, any loss of privacy which would result would not be significantly harmful.
16. The proposal therefore would not be contrary to CS Policy CS14 which is concerned with wellbeing and health. The proposal also would not be contrary to saved UDP Policy H2 which is concerned with the protection of residential amenity and includes that particular regard would be had to ensuring satisfactory daylight, sunlight, outlook and privacy for all dwellings existing and proposed. Additionally the proposal does not conflict with the Framework in respect of living conditions which includes in paragraph 17 that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

17. The appellant has referred me to the development of a dwelling to the rear of 18 Westfield Avenue¹, which was allowed on appeal. During my site visit I viewed the property from the street. Whilst I do not have before me the information available to that Inspector, I did note that the dwelling is two storey in scale and that the appeal decision predates the Framework. I also observed the developments at 78 The Drive and the Former Magistrates Court. Again, I have limited details before me, but I note that those developments included the demolition of existing buildings and appear to be of a commensurate scale with the development which surrounds them. Consequently, I do not consider that these developments provide examples which should inevitably be followed given the harm found in this case.

Balance and Conclusions

18. The appellant has set out that the appeal site is previously developed land situated within a residential area and that bringing the site into use would assist in delivering a wide choice of quality homes as set out in the Framework. I have also taken into consideration the comments made regarding the sustainable location of the appeal site, in terms of access to public transport networks, schools, shops and services and the opportunities for sustainable modes of transport. However, the contribution to housing supply is one dwelling and I give modest weight to the public benefits cited.

¹ (APP/M4510/A/07/2049821)

19. Although I acknowledge that the GCACS sets out that Westfield Grove is less significant to the Conservation Area than most other streets, I find that the harm which would arise to the character and appearance of the Conservation area to be significant. I have taken into account the appellants statement that the optimal use of the appeal site would be for a dwelling, but do not consider that this has been demonstrated. I consider therefore that the harm to the Conservation Area is not outweighed by the modest public benefits identified.
20. In respect of the presumption in favour of sustainable development as set out in paragraph 14 of the Framework, as I find that the appeal proposal would give rise to less than substantial harm to the Conservation Area which is not outweighed by public benefits, the proposed development does not represent sustainable development.
21. For the above reasons and having considered all matters raised, I consider that the appeal should be dismissed.

Philip Lewis

INSPECTOR