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## Appeal Decision

Site visit made on 20 February 2017

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

**Decision date: 27<sup>th</sup> February 2017**

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**Appeal Ref: APP/M4510/D/16/3164855**

**14 The Fellside, Newcastle upon Tyne NE3 4LJ**

- 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 Robert Dowdell against the decision of Newcastle-upon-Tyne City Council.
  - The application Ref 2016/1268/01/DET, dated 8 August 2016, was refused by notice dated 10 October 2016.
  - The development proposed is described as 'two storey side extension above existing converted garage'.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of first floor extension to side and rear, pitched roof over existing single storey rear extension and alterations to roof line at 14 The Fellside, Newcastle upon Tyne NE3 4LJ in accordance with the terms of the application, Ref 2016/1268/01/DET, dated 8 August 2016, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Project No 288/BD/15, drawing No 001, Rev C; Project No 288/BD/15, drawing No 002, Rev C; Project No 288/BD/15, drawing No 003, Rev C.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matter

2. The description of the proposal on the application form is different to that on the decision notice. I have altered the description of the proposal to that contained on the decision notice in paragraph 1 above as I consider it to be a more detailed and accurate description of the proposal.

### Main Issues

3. The main issues in this case are:
    - The effect of the proposal on the character and appearance of the host property and the area.
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- The effect of the proposal on the living conditions of existing occupiers at 12 The Fellside with specific reference to outlook.

## **Reasons**

### *Character and appearance*

4. The Council do not raise concerns with the front element of the first floor side extension which would be set down and back from the roof and front elevation of the property and would, therefore, be subordinate to the host property. Also concerns are not raised regarding the proposed pitched roof above the existing single storey extension to the rear or the proposed canopy above the existing porch and garage to the front. From everything which I have seen in submissions and on my site visit I have no reason to disagree.
5. The proposed two storey extension would be situated above the existing single storey side extension which extends beyond the main rear elevation of the host property by approximately 2.2m. The first floor element of the extension would not extend beyond the footprint of the existing extension. In addition, it would have a limited width occupying only a small proportion of the rear elevation. Furthermore, the eaves of the extension would not extend above the eaves of the existing property and the ridge would be set well down from the main ridge. Moreover, the hipped roof of the extension would be consistent with the main roof.
6. Taking these factors in combination, I consider that the proposal would appear subservient and would not, therefore, have a harmful effect on the character or appearance of the host property.
7. Although there are existing two storey extensions in the vicinity, these do not generally extend beyond the rear elevation of the properties. However, I consider that due to the limited depth and width of the extension, the presence of the existing single storey extension which extends beyond the rear elevation and its location at the rear that in this instance the proposal would not have a harmful effect on the character and appearance of the area.
8. For the reasons stated above, the proposal would not have a harmful effect on the character and appearance of the host property or area. It would not, therefore, be contrary to Policy CS15 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (CSUCP) 2015 and Policy EN1.1 of the Council's Unitary Development Plan (UDP) 1998 which together require development to contribute to good place-making through the delivery of high quality and sustainable design. Furthermore, no conflict arises with paragraphs 17 and 56 of the National Planning Policy Framework (the Framework) which seek to secure high quality design which contributes positively to making places better for people.

### *Living Conditions*

9. The Council consider that the proposal would result in an unacceptable reduction in the amount of outlook afforded by the rear of No 12 The Fellside (No 12) to the detriment of the occupiers of that property.
10. The application is a resubmission of an earlier application<sup>1</sup> which proposed a similar rear extension as part of the wider proposal and which was refused on the grounds of the effect of the first floor extension on the character and appearance

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<sup>1</sup> Planning application reference: 2016/0339/01/DET

of the area. I note that no concerns were raised regarding the effect of the rear extension on the living conditions of No 12 in relation to that application.

11. No 12 is situated to the east of the appeal property and has a garage on the common boundary. Although there is a window on the rear elevation of the garage this does not serve a habitable room. Beyond this is a ground floor window which appears to serve a kitchen. Due to the presence of the existing single storey extension, I do not consider that there would be a materially greater effect on the outlook from these windows than the existing situation.
12. The nearest first floor window on the rear elevation of No 12 is a small window which appears to serve a bathroom. Due to the limited depth of the extension and the obscure glazing on this window, I do not consider that there would be a materially harmful effect on the outlook from this window. Beyond this is a ground floor and first floor bay window on the rear elevation of No 12 which serves habitable rooms. Due to the limited depth of the extension, the sloping nature of the hipped roof and the distance of these windows from the extension I consider that occupiers would retain the outlook of their rear garden and the first floor window would also retain an outlook over the garden of the host property.
13. The Council's Householder Design Guide (HDG) 2011 states that two storey rear extensions can seriously affect the outlook and light to adjoining properties. However, the HDG is informal guidance and due to the limited depth of the extension and the presence of the existing single storey extension, I consider that in this instance the proposal would not have a materially greater effect on the outlook enjoyed by No 12 than at present.
14. For the reasons stated I consider that the proposal would not have a harmful effect on the living conditions of occupiers of No 12 with regards to outlook. The proposal would not, therefore, conflict with Policy CS15 of the CSUCP. In addition, no conflict arises with criterion J of Policy EN1.1 of the UDP which seeks to minimise adverse impacts on nearby land uses. Furthermore, no conflict arises with Policy H2 of the UDP which states that development which would harm the amenity of any dwelling, or group of dwellings will not be allowed and seeks to ensure satisfactory daylight, sunlight, outlook and privacy for all dwellings. Finally, there is no conflict with paragraph 17 of the Framework which seeks to ensure a good standard of amenity of all existing and future occupants of land and buildings.

## **Conditions**

15. The Council has suggested conditions which I have imposed subject to minor amendments. In addition to the standard time limit (1) I have imposed a condition (2) specifying the relevant drawings as this provides certainty. Finally, I have imposed a condition (3) requiring the materials to be used in the construction of the external surfaces of the extension to match the existing building in the interests of character and appearance.

## **Conclusion**

16. For the reasons stated above and taking all other matters into consideration the appeal should be allowed.

*Caroline Mulloy*

Inspector