
Appeal Decision

Site visit made on 13 March 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 20th March 2017

Appeal Ref: APP/M4510/D/16/3161586

36 Lonnen Avenue, Newcastle upon Tyne NE4 9LR

- 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 Derek Dodds against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0912/01/DET, dated 16 May 2016, was refused by notice dated 14 September 2016.
 - The development proposed is first floor extension, add an extra bedroom and extend existing room.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:

- The effect of the proposal on the character and appearance of the host property and the area; and
- The effect of the proposal on the living conditions of existing occupiers at 34 Lonnen Avenue and 133 Grange Road in terms of light and outlook.

Reasons

Character and appearance

3. The appeal property is a two-storey, east facing semi-detached dwelling which occupies a corner plot. It has a hipped roof and a single storey extension to the rear. It is proposed to erect a two-storey, hipped roof rear extension the majority of which would be above the existing single storey extension. The estate is characterised by modest two-storey, semi-detached properties set in relatively spacious grounds with front and rear gardens along tree-lined streets.
 4. The proposal would be constructed in materials to match the existing property. Furthermore, the proposal would result in a relatively small increase in the footprint of the existing single storey extension and would not, therefore, occupy a materially greater proportion of the garden. However, the proposal would extend virtually the entire width of the existing property at a two-storey level projecting approximately 4m from the main rear elevation. The additional mass and bulk at a two-storey level would result in an unduly large extension which would dominate the host property. Consequently, the proposal would appear as an incongruous addition which would fail to be subservient to the host property.
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5. Although situated at the rear of the property, due to the orientation and corner location, the additional mass and bulk of the extension would be visible from the street and would be at odds with the spacious character of the area.
6. I, therefore, conclude that the proposal would harm the character and appearance of the host property and the area. The proposal would, therefore, be contrary to Policy CS15 of the Core Strategy and Urban Core Plan (CSUCP) for Gateshead and Newcastle upon Tyne 2010-30 (2015) which states 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 and respond positively to local distinctiveness and character. Conflict also arises with saved Policy EN1.1 of the Council's Unitary Development Plan (UDP) 1998 which requires all development to meet a high standard of design.
7. Furthermore, there is conflict 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

8. The existing single-storey extension is set an angle to the main elevation, tapering in towards the rear of the extension and away from the boundary with number 34 Lonnen Avenue (No 34). No 34 is set approximately 1m lower than the appeal property. There is an existing approximately 1m high fence on the common boundary of the appeal property and No 34.
9. The majority of the proposal would be constructed above the existing single storey extension; however, the north west corner would be extended flush with the main northern elevation closer to No 34. Indeed it would be situated approximately 1m from the boundary with No 34 and approximately 2.5m from the property itself.
10. Occupiers of No 34 currently enjoy an outlook from the rear first floor window over their own rear garden and the garden of the appeal property. The proposal would enclose part of the boundary of No 34 and whilst occupier's outlook from the first floor window would be retained over their own rear garden, the peripheral outlook over the garden of the appeal property would be reduced. Occupiers would instead be aware of an extensive, blank brick two-storey wall which would have a dominating presence.
11. Furthermore, due to the orientation of the proposal to the south of No 34 and the two-storey nature of the extension, I consider that it would be likely to reduce the daylight and sunlight available to this window. Moreover, the proposal would reduce the daylight and sunlight available to the patio area situated to the rear of No 34. Taking these factors in combination, I consider that the proposal would have a harmful effect on the living conditions of the occupiers of No 34 in terms of light and outlook.
12. Attention is drawn to a plan which shows that the proposal would meet the 45° rule in terms of this window. Whilst this may be the case, the 45° rule is a 'rule of thumb' which must be applied in the specific circumstances of each case. In this case the appeal property is on a corner plot, situated at an angle to No 34 and is approximately 1m higher. Taking these factors in combination and in the absence of any cogent evidence to the contrary, I consider that the proposal would in this instance have a harmful effect on the living conditions of No 34.
13. The southern elevation of the proposal would remain parallel with the boundary to the south, tapering in towards the rear of the extension. There is an approximately

1.5m high fence and conifer hedging on the common boundary with number 133 Grange Road (No 133) the adjoining semi-detached property.

14. There is an existing first floor window at No 133 situated in close proximity to the appeal property which currently enjoys an outlook over their rear garden. Although there are conifers on the common boundary these do not commence until beyond the existing single storey extension to the appeal property. Consequently, occupiers have some outlook over the garden of the appeal property.
15. The proposal would extend up to approximately 6.5m in height on the common boundary in close proximity to the first floor window of No 133. Due to the location of the extension to the north of No 133, the proposal would not have a materially harmful effect on the light received to this window. Occupiers would retain an outlook over their own rear garden. However, even taking into account the fact that No 133 is set slightly higher than the appeal property, the existing outlook over the garden of the appeal property would be lost. Instead occupier's peripheral outlook would be dominated by a blank, two-storey brick wall in close proximity to their window. I, therefore, conclude that the proposal would have a harmful effect on the occupiers of No 133 Grange Road with specific reference to outlook.
16. Whilst the proposal would have some benefits for the appellant and his family including his son, there is no evidence before me to suggest that these benefits could not be achieved by alternative means. Furthermore, I consider that these benefits would be outweighed by the significant harm which I have identified.
17. For the above reasons, I conclude that the proposal would have a harmful effect on the living conditions of the occupiers No 34 Lonnen Avenue in terms of light and outlook and the occupiers of No 133 Grange Road in terms of outlook. The proposal would, therefore, be contrary to Policy CS15 of the CSUCP. Furthermore, conflict arises with saved Policy EN1.1 of the UDP. Moreover, there would be conflict with saved 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. Finally, the proposal would conflict with paragraph 17 of the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

18. I have had regard to the appellants concerns regarding the Council's handling of the application and also the absence of objections from neighbouring properties, however, these factors would not alter my overall conclusion on the main issues.

Conclusion

19. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector