

Appeal Decision

Site visit made on 14 February 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 23 March 2017

Appeal Ref: APP/M4510/W/16/3164431

Flats A, B & C, 56 Manor House Road, Jesmond, Newcastle upon Tyne, NE2 2LX

- 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 Sunil Maini against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/1602/01/DET, dated 27 September 2016, was refused by notice dated 25 November 2016.
 - The development proposed is the erection of a stepped-back by level, three storey rear extension to existing rear extension/outrigger.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on: the character and appearance of the street scene; and, the living conditions of neighbouring residents, with particular reference to outlook, light and privacy.

Reasons

Character and appearance

3. No. 56 shares its: southern side boundary with No. 54, which is an end of terrace house situated on a corner site at the junction of Manor House Road with Buston Terrace; and, northern side boundary with No. 58, which is a mid-terrace house.
 4. The rear elevation of the terrace, of which Nos. 54-58 form part, is characterised by the regular rhythm of the rear gables of similar pairs of back-to-back, 2-storey pitch roofed rear annexes, set apart from one another by the adjoining narrow rear yards of neighbouring properties. The gable walls of these annexes appear to share a common alignment, the rearward projection of the annexes being approximately equivalent to just over half the distance between the back wall of the main building and its rear boundary. Although single-storey, flat roofed off-shoots extend from the back of the adjoining 2-storey annexes of Nos. 56 and 54 to, or to within a short distance of, their rear boundaries, they are hardly visible above the boundary walls of the properties. The roofscape of the rear annexe of No. 56 is unusual, although not unique, in incorporating a flat roofed dormer, which serves second
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floor accommodation in the roof space. However, its visual impact is limited, as it is positioned close to the main building and set well back from the eastern end of the annexe.

5. The regular rhythm of the rear gables of the 2-storey annexes to the rear of the terrace, which is clearly visible from the neighbouring back lanes and Buston Terrace, contributes positively to the streetscene. The rhythm is not materially affected, nor its value diminished, by the bay window drawn to my attention by the appellant, which projects from one of the back walls of the annexes within the terrace.
6. 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.
7. The proposal includes the extension of the rear annexe of No. 56 above part of the single-storey off-shoot of the property. It would interrupt the regular rhythm of the rear gables of the 2-storey annexes to the rear of the terrace, to the detriment of the character and appearance of the streetscene. Furthermore, the proposal includes the extension of the flat roofed dormer across almost the entire width of the roof of the existing annexe, significantly increasing the visual impact of this feature. In the context of the relatively plain pitched roofs of neighbouring annexes, it would have an unduly bulky appearance and would be contrary to guidance contained within the Council's *Extending Your Home-A Design Guide Series*. When seen from public vantage points, such as from Buston Terrace and the neighbouring back lanes, the extended annexe would have an awkward and obtrusive appearance.
8. Whilst the appellant has suggested that people do not often walk along the lane to the rear of No. 56, a number of pedestrians passed that way during my site visit and in any event, the rear of the terrace of which No. 56 forms part is clearly visible from Buston Terrace, which is likely to be much busier. The appellant has drawn attention to a property with a large flat roofed dormer extension and a rear balcony. However, it is located further along Manor House Road, it does not form part of the same terrace that includes No. 56 and it is not as prominent a feature of the streetscene local to the appeal site. The existence of that development would not justify harmful development of the appeal site.
9. I acknowledge that it would be possible to ensure that the materials used in the external surfaces of the proposed development would match those of the existing building and in this specific respect the scheme would not conflict with Policy EN1.1 of the *Newcastle upon Tyne Unitary Development Plan, 1998* (UDP).
10. Nevertheless, I conclude overall, that the proposal would have a significant detrimental effect on the character and appearance of the streetscene. In this respect it would conflict with UDP Policies EN1.1 and H2, and Policy CS15 of the *Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, 2010-2030* (CS) which, between them, require high standards of design, including seeking to ensure that development responds positively to local distinctiveness and character, in keeping with the aims of the *National Planning Policy Framework* (the Framework). This weighs heavily against the scheme.

Living conditions

11. The side elevation of the annexe of No. 56 faces towards that of the annexe of No. 58 across the adjoining narrow yards of the 2 properties. As a result of the close proximity of these annexes, the outlook from the habitable room windows within the rear wall of the main building of No. 58 and in the sidewall of its annexe, as well as the outlook from its yard, is likely to be somewhat limited. The outlook from those areas is likely to be reliant, to a significant degree, on views over the existing flat roofed rear off-shoot of No. 56 as well as above/across the pitched roof of its annexe. Those views would be interrupted by the proposed dormer extension, which would appear to add to the height and bulk of the annexe, and the proposed rearward extension of the annexe. The proposal would be likely to significantly reduce the sense of space enjoyed by residents of No. 58 when using those parts of their property.
12. Furthermore, the back wall of the rear annexe of No. 54 contains a first floor habitable room window, which is located close to the side boundary shared with No. 56. The proposed rearward extension of the appeal property's annexe, due to its close proximity, rearward projection and height, would also noticeably reduce the outlook from that neighbouring window.
13. I regard the likely impact of the proposal on the outlook of neighbouring residents as overdominant and unneighbourly.
14. Due to its position a short distance to the south of No. 58, the existing rear annexe of No. 56 is likely to limit the daylight and sunlight received at the back of that neighbouring property. Against that background, the further reduction in natural lighting likely to be caused by the increased mass of the extended rear annexe of No. 56 would be significant. I acknowledge that the proposed extension of the rear annexe of No. 56 would not reduce the sunlight received by the first floor window within the back wall of the rear annexe of No. 54, as it is to the south of the appeal property. Nonetheless, due to its close proximity, height and rearward projection, the proposed extension of the rear annexe would be likely to reduce the daylight received by that neighbouring first floor window.
15. Above ground floor level, the only habitable room window within the side elevation of the existing annexe of No. 56 is a kitchen window at roof level. From that window, the potential for overlooking of the nearby rear-facing habitable room windows in the main back wall of No. 58 and the ground floor habitable room windows in the side elevation of its annexe is limited by the kitchen window's relatively elevated position and close proximity to the alignment of the main back wall of No. 58. The provision of a second window at roof level would be unlikely to increase the potential for overlooking to any significant degree. However, the potential for overlooking into the rooms served by those neighbouring windows would be far greater from the proposed first floor kitchen window in the side elevation of the annexe of No. 56, due to its larger size and lower position. Nonetheless, that matter could be satisfactorily addressed, through the imposition of a condition requiring that the proposed window be glazed with obscured glass and fixed shut.
16. The proposed use of the rear section of the flat roof of the single-storey off-shoot of No. 56 as a balcony would provide a vantage point from where it would be possible to look into the first floor habitable room window in the rear gable of the annexe of No. 54 as well as overlook a number of the rear

windows of No. 58, to the detriment of the privacy of the residents of those properties. These impacts could be prevented through the erection of screens on either side of the proposed balcony, the provision of which could be ensured by condition. However, a screen on the southern side of the balcony would be likely to restrict the outlook from the first floor rear window of No. 54 to an even greater extent. The proposed balcony would not significantly increase the potential for overlooking of the rear yard of No. 58, which can already be overlooked from a number of the appeal property's windows. Nor would it significantly increase the potential for overlooking of No. 72 Buston Terrace, on the other side of the back lane, as it is some distance away, its yard is walled, and the view of its visible facing habitable room windows, which are relatively narrow, would be at an angle.

17. I consider that, subject to conditions, the proposal would be unlikely to have a significant detrimental effect on the privacy of neighbouring residents.
18. Nonetheless, I conclude on balance, that the proposal would have a significant detrimental effect on the living conditions of the residents of neighbouring properties, with particular reference to outlook and light. In this respect it would conflict with UDP Policies EN1.1 and H2, which are consistent with the aims of the Framework insofar as they seek to secure a good standard of amenity for all existing and future occupants of land and buildings. This weighs heavily against the scheme.

Other matters

19. A consultation response objecting to the proposal was received from only one neighbouring resident. Nonetheless, in my view, a lack of objections from others cannot be automatically interpreted as a sign of support, not least as the propensity of neighbours to object can be influenced by a number of factors.
20. Whilst the Council has made reference to CS Policy CS14-*Wellbeing and Health*, the particular aspects of residential amenity it is concerned with¹ appear to me to be of little relevance in this case. Although the appellant has drawn my attention to UDP Policy H4-*New Housing Design*, as the proposal involves the extension of existing flats, it also appears to be of little relevance in this case. The same can be said in relation 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. Furthermore, the Letter to Chief Planning Officers- '*Planning for Growth*', dated 31 March 2011, referred to by the appellant, 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.
21. The Framework gives encouragement to development that would improve the conditions in which people live as well as make efficient use of land. I have not been provided with any evidence to support the contention that the proposal would make No. 56 more, safe, secure or accessible or that it would minimise the likelihood of future obsolescence. However, I acknowledge that the proposal would add to the accommodation at No. 56, thereby improving the

¹ Noise, ground instability, ground and water contamination, vibration and air quality.

quality of the flats and making more efficient use of the site. The scheme would also be likely to add to the value of the property and, in keeping with the aims of the Framework, give rise to some local economic benefits, such as through investment associated with the construction activity. However, there is no evidence before me to show that those benefits would be significant.

22. Having regard to the economic, social and environmental impacts of the scheme, I conclude on balance that the harm caused by the proposed development 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

23. I conclude on balance, that the proposal would cause unacceptable harm to the character and appearance of the streetscene and the living conditions of neighbouring residents. It would not amount to sustainable development under the terms of the Framework. Furthermore, it would conflict with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR