
Appeal Decision

Site visit made on 2 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 9th May 2017

Appeal Ref: APP/H4505/D/17/3169225

14 Leam Gardens, Wardley, Felling NE10 8SX

- 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 and Mrs Salvage against the decision of Gateshead Council.
 - The application Ref DC/16/01316/HHA, dated 12 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is double storey side extension to form kitchen and bedroom over.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 16 Leam Gardens with particular regard to outlook.

Reasons

3. The appeal relates to a two-storey, semi-detached dwelling. The property has a side garden which adjoins the side garden of the neighbouring dwelling, 16 Leam Gardens. No 16 contains a kitchen window in its flank wall which faces the appeal site.
 4. It is proposed to construct a two-storey extension to the side of the appeal property. The extension would be around 2.2m in width at the front, stepping in to around 1.8m towards the rear due to the angled nature of the plot. It would have a total depth of around 5.7m and would project close to the shared boundary with No 16. It would also have a height of around 7m and the flank wall would contain no windows.
 5. Whilst the kitchen window of No 16 faces the appeal property at an angle, the extension would nevertheless appear as a significant mass of unrelieved built form in particularly close proximity to the kitchen window of No 16. As a result, I find the proposal would appear as an unduly overbearing and dominant feature in the outlook of the kitchen window of No 16.
 6. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 16 Leam Gardens with particular regard to outlook. Consequently, the proposal would conflict with Policies CS14 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 which states that development should
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prevent negative impacts on residential amenity. It would also conflict with Saved Policy DC2 of the Gateshead Unitary Development Plan 2007 which states that planning permission will be granted for development which ensures a high quality of amenity for existing residents and National Planning Policy Framework which seeks to secure a good standard of amenity for the occupiers of land and buildings. Finally, it would fail to accord with the guidance set out in the Gateshead Household Alterations and Extensions Supplementary Planning Document (SPD) which states that any extension to the side of the property should have minimal impact on the residential amenity of neighbours.

Other Matters

7. I note that the extension would utilise a hipped roof and that the distances between the properties would not result in a terracing effect. However, the lack of harm in respect of the character and appearance of the area would not outweigh the harm I have identified in respect of the living conditions of the occupiers of No 16.
8. I recognise the appellants' concerns relating to the Council's handling of the planning application and that they were willing to amend and adjust the scheme. However, such concerns would not outweigh the harm I have identified.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR