
Appeal Decision

Site visit made on 25 October 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 9th November 2017

Appeal Ref: APP/M4510/D/17/3181441

35 Ashleigh Grove, Newcastle-upon-Tyne NE2 3DJ

- 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 S Littlefair against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2017/0789/01/DET, dated 28 May 2017, was refused by notice dated 20 July 2017.
 - The development proposed is described as "loft conversion: dormer extension to rear elevation: rooflights to front elevation. Resubmission."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the host building and the area; and,
 - the effect of the proposal on the living conditions of the occupiers of 26, 28 and 30 Mayfair Road with particular regard to outlook and privacy.

Reasons

Character and Appearance

3. The appeal relates to a flat contained within the upper floors of a two-storey, mid-terrace property in a predominately residential area. The area is characterised by a pattern of linear terraces of similarly designed 'Tyneside flats'. Ashleigh Grove is back-to-back to the perpendicular terrace of Mayfair Road, with the two separated by a narrow access road. To the rear, both sets of terraces are characterised by original, two storey outriggers which are largely paired throughout. I was able to see from my site visit that the main roof slopes are predominately free from addition or significant alteration, resulting in a consistent, uniform roof line on either side.
4. The Council has raised no concerns with the proposed rooflights. I see no reason to disagree. Nevertheless, it is also proposed to construct a dormer window on the rear roof slope of the property. The Council's 'Extending Your Home – A Design Guide Series 2011' Supplementary Planning Guidance (SPG) states that, due to their visual impact, the introduction of dormer windows on any elevation where there are no other examples within the street scene will be

discouraged. It goes on to state that, any dormer on the rear elevation should be designed in proportion to the overall size of the roof slope so as to reduce the visual impact.

5. I note the dormer would utilise materials which match the host building and surrounding properties. However, the dormer would be offset from the centre of the property, out of line with the existing windows and with a somewhat awkward and bulky flat roof appearance. Moreover, the proposed windows within the dormer would have a distinct horizontal emphasis, in stark contrast to the vertical emphasis of the existing fenestration. Furthermore, the dormer would cover a considerable proportion of the rear roof slope and would interrupt the established uniformity of the existing roofline.
6. Whilst the wider visual impact of the dormer would not be significant, it would nevertheless sit above the two storey outrigger and therefore would be visible from public vantage points in the lane between the two terraces, as well as within views from Brentwood Avenue and the rear of Highbury. As a result, the dormer window would appear as a dominant addition to the host property and an incongruous feature within the street scene.
7. The appellant indicates that there are many properties within the area with similar roof additions and has provided photographs of several examples. However, I have limited detail of those cases and cannot be certain that the circumstances in those instances were comparable to those here. In any event, I have considered this proposal on its own merits.
8. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the host building and the area, in conflict with Policy CS15 of the Core Strategy 2015¹ which states that development should respond positively to local distinctiveness and character. It would also conflict with saved Policies EN1.1 and H2 of the Newcastle upon Tyne Unitary Development Plan 1998 (UDP) which state that development will be required to meet high standards of design and protect the character of the locality, as well as the National Planning Policy Framework which promotes high quality design and the guidance set out in the Council's SPG.

Living Conditions

9. The properties of 26, 28 and 30 Mayfair Road lie to the rear of the appeal property. The properties contain windows in their rear elevations at ground and first floor level which face the appeal site. The dormer window would be visible from those windows.
10. However, the outlook from those properties, particularly at ground floor level, is already compromised to a significant degree by the high walls which enclose the rear yards. Moreover, the dormer would not extend the overall height of the appeal property or bring the existing property any closer to those properties. As such, it would not appear unduly dominant nor create an oppressive sense of enclosure for neighbouring residents.
11. The dormer would contain windows that would serve a bathroom and bedroom. As such, there would be the potential for prolonged occurrences of overlooking of Nos 26, 28 and 30 from the bedroom window. However, the dormer would be around 23m to the closest windows to the rear. It seems to me that this

¹ Planning for the Future – Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030

would be a reasonable separation distance to avoid any significant, harmful levels of overlooking.

12. Furthermore, the nature of the closely knit grain of terraced streets in the area means that the rear yards and windows of the properties to the rear on Mayfair Road are already overlooked to a significant degree by several other windows on both the appeal property and adjacent properties on Ashleigh Grove. Thus, there is already a pattern of high levels of mutual overlooking between properties in this location. In my view, the proposal would not extend to such a degree that it would give rise to a significantly greater level of overlooking than that which currently exists.
13. I conclude, therefore, that the proposal would not have a harmful effect on the living conditions of the occupiers of 26, 28 and 30 Mayfair Road with particular regard to outlook and privacy. Consequently, it would accord with Policy H2 of the UDP insofar as it states that regard will be had to ensuring satisfactory outlook and privacy for all dwellings.

Other Matters

14. The appellant suggests that the dormer window would accord with the necessary criteria to be constructed under permitted development rights² were the appeal property to have been a terraced house and that, as such houses exist in the area, it is probable that similar dormers will be implemented under those rights.
15. However, there is no evidence that similar dormers have been constructed along the terrace nor is there any substantive evidence which shows that any are likely to be built. In any event, the appeal property is a flat and the fact of the matter is that planning permission is required for the proposal. I am, therefore, required to determine the appeal on its own merits, having regard to the development plan, unless material considerations suggest otherwise. This consideration is one that would not outweigh the conflict with the development plan in this instance.

Conclusion

16. Whilst I have found the proposal would not have a harmful effect on the living conditions of neighbouring occupiers, I have found it would result in harm to the character and appearance of the host building and the area. That is the prevailing consideration in this instance.
17. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

² Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015