



Appeal Decision

Site visit made on 2 July 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 15 July 2019

Appeal Ref: APP/H4505/D/19/3226986 25 Lincoln Street, Gateshead NE8 4EE

- 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 Avram against the decision of Gateshead Council.
 - The application Ref DC/18/01161/HHA, dated 13 November 2018, was refused by notice dated 25 January 2019.
 - The development proposed is first floor extension to rear elevation, ground floor extension with succah, dormer to rear main roof and 2 velux windows to front main roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupants of No 27 Lincoln Street, with particular regard to daylight and sunlight and outlook.

Reasons

3. The appeal site is located within a residential area of Gateshead which is characterised by terraced houses in a grid pattern. The building is a mid-terrace property built of brick with a slate roof. It has a wide flat roof single storey extension within a rear yard which is enclosed by a high brick boundary wall.
4. The Local Planning Authority (LPA) has raised no concerns regarding the proposed ground floor extension with succah, dormer to rear main roof and two velux windows to front main roof and consider them to be acceptable. I have no reason to disagree. I shall therefore limit my considerations of the proposed development comprising the first floor extension to the rear elevation.
5. The LPA has produced guidance on extensions to residential properties in the form of the Household Alterations and Extensions Supplementary Planning Document (SPD) (2011). It states that any extension to the rear should not dominate neighbouring properties or significantly alter a neighbour's existing level of sunlight, daylight or privacy. A key objective is to avoid overshadowing or having an overbearing or oppressive effect on the neighbouring property. It declares that two storey extensions to the rear can have a significant adverse effect on neighbouring properties. Such extensions will not normally be permitted unless it can be demonstrated through careful design that there will

be no unacceptable reduction in sunlight, daylight and privacy of adjoining occupiers.

6. I acknowledge that the proposed first floor extension would provide additional facilities and accommodation within this family home and that the flat roof would sit below eaves level. However, its height, length, size and scale would cause a great deal of overshadowing to the rear elevation of No 27 Lincoln Street. This would considerably reduce the amount of daylight and sunlight into habitable rooms on this south facing elevation. Furthermore, taking into account the existing part single storey part two storey rear extension to No 27 Lincoln Street, it would be an overbearing and oppressive structure, that would create an uncomfortable sense of enclosure from habitable rooms and within the yard. This would substantially harm the outlook of the occupants of No 27 Lincoln Street.
7. Accordingly, I conclude that the proposed development would significantly harm the living conditions of the occupants of No 27 Lincoln Street, with particular regard to daylight and sunlight and outlook. This is contrary to policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) which states the wellbeing and health of communities will be maintained and improved by, amongst other things, preventing negative impacts on residential amenity. It also conflicts with saved policy DC2 of the Gateshead Unitary Development Plan (2007) which, amongst other things, safeguards the enjoyment of light and privacy for existing residential properties. It is also contrary to guidance within the Household Alterations and Extensions SPD (2011) referred to above.

Other Matters

8. I note that planning permission has been granted for an amended proposal to No 25 Lincoln Street ref DC/19/00215/HHA. This includes a revision to the design detail of the proposed first floor extension to the rear to mitigate harm to the living conditions of the occupants of No 27 Lincoln Street. I acknowledge that this is a relatively small alteration to the proposal. However, acceptance of the amended scheme by the LPA does not justify this proposed development or the identified harm.
9. The appellant has drawn my attention to similar or larger two storey extensions to the rear of terraced properties within the area. I accept that there are many properties nearby that have been substantially altered and extended to the rear. However, I consider none of them to be directly comparable to this particular mid-terrace property. Furthermore, I do not know the circumstances of any of these cases and their existence does not justify further harm. I must determine this appeal on its own merits, and I have found harm.

Conclusion

10. For the reasons above and having considered all matters raised, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR