



Appeal Decision

Site visit made on 19 August 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2019

Appeal Ref: APP/M4510/D/19/3230840

105 Kenton Road, Gosforth, Newcastle-upon-Tyne, NE3 4NL

- 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 Joseph Hedworth against the decision of Newcastle City Council.
 - The application, Ref 2019/0419/01/DET, dated 20 March 2019, was refused by notice 21 May 2019.
 - The development proposed is the erection of a two-storey extension to front, a single storey extension to rear, increased patio to rear garden and block paving hardstanding to driveway. As amended by plans received on 07.05.2019.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The description used above has been taken from the Councils decision notice as this more accurately describes the proposal. The appellant approves the use of this description.
4. An application for costs was made by Mr Joseph Hedworth against Newcastle City Council. This application is attached as a separate decision.

Main Issue

5. The Council do not raise any concerns regarding the proposed rear extension, patio and block paving. The main issue is the effect of the two-storey extension to the front on the host property and the character and appearance of the surrounding area.

Reasons for the Recommendation

6. No. 105 is a modestly sized two storey, semi-detached dwelling in a predominantly residential area. The immediate area comprises mainly of houses of a similar type and size but within that overall setting there are a number of variations in type, design and plot size. No. 105 occupies a plot which sees its width taken up by the majority of the house including a two-storey side addition which incorporates a garage and first floor accommodation. This is set back from the front elevation by almost half the breadth of the property. This set back is a characteristic feature of the street enabling clear distinction to be made between linked and detached neighbouring properties. The gap results in a spacious frontage which is clearly a defining feature in the streetscape.
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7. At the time of the site visit it was noted that the garage door and external doors of the existing side addition had been removed and the wall bricked up. The amended scheme would comprise a large two storey side extension which would be flush with the front elevation at ground floor and set back slightly at first floor. As a result of its design, scale and form it would appear unduly bulky across the front elevation resulting in an unwelcome imbalance across the pair of semi-detached properties. It would also dilute the architectural merits of the central section of the property which appears to be unique to this pair of semi-detached properties along this section of Kenton Road. The increase in size and mass across the front elevation would present as a dominant and incongruous feature when viewed from various viewpoints. Whilst the proposal would not directly create a terracing effect, particularly as the roof profile would appear as hipped and in keeping with the original, it would fill in the significant gap that is a key feature in the streetscape thus eroding the character of the surrounding area. Accordingly, the proposal does not accord with the guidance contained in the Newcastle City Council *Extending Your Home, A design Guide Series*.
8. Previous planning permissions for similar proposals in the locality have been referred to. However, these examples are not directly comparable to the proposal submitted and are not strong enough reasons to allow visually harmful development. In any event, each application is considered on its own merits.
9. I find that the proposed development, as a result of its inappropriate design, scale and form would have a harmful visual effect upon the host property and the character and appearance of the surrounding area. Accordingly, the development would conflict with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-30 (2015), saved Policies EN1.1 and H2 of the Newcastle upon Tyne Unitary Development Plan (1998) and the design guidance found in the National Planning Policy Framework.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, including third party comments, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR

Costs Decision

Site visit made on 19 August 2019 by S Witherley BA, PGDip, PGDip, Cert CIG, Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 13 September 2019

Costs application in relation to Appeal Ref: APP/M4510/D/19/3230840 105 Kenton Road, Gosforth, Newcastle-upon-Tyne, NE3 4NL

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Joseph Hedworth for a full award of costs against Newcastle City Council.
 - The appeal was against the refusal of planning permission for the development proposed is the erection of a two-storey extension to front, a single storey extension to rear, increased patio to rear garden and block paving hardstanding to driveway. As amended by plans received on 07.05.2019.
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Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and, thereby, caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
 3. The key arguments are that the respondent failed to assess the proposal properly and should have approved the proposal. That the proposal should have been permitted, having full and correct regard to local and national planning policy and guidance. The respondent has not demonstrated tangible harm and used subjective and unsubstantiated reason for refusal. That the respondent has not proven any significant adverse impacts to neighbours or to the locality and have given no regard to the lack of objections.
 4. The Council have not considered the proposal against permitted development rights and other extensions and alterations in the locality. The amended proposal submitted by the applicant still rendered a refusal outcome resulting in the claimant feeling frustrated and let down by the process.
 5. The respondent's officer report details the relevant local and national planning policies and design guidance used in the assessment of the proposal. These documents are consistent with the aims of national policy. The reason for refusal stems from the harm caused to the character and appearance of the area, not upon the living conditions of occupiers of neighbouring properties. The reasons raise subjective planning judgement to be made upon the particular facts and circumstances of the case. The reason for refusal provides sufficient detail as to explain why the proposal was unacceptable in planning terms. Applying local and national planning policy, I have found favour with the respondent's assessment and my decision above explains why. The respondent's refusal reason was precise.
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6. The application sought full planning permission. Whilst examples of other developments in the locality were submitted, this does not suggest the respondent did not consider these. I have found that these other examples do not provide direct parallels with the appeal scheme on this particular site. There is nothing before me that suggests the respondent's approach fails consistency in planning decisions. The respondent did not prevent or delay development which was found to be harmful to the character and appearance of the host property and the surrounding area.
7. From the evidence submitted it is clear that detailed discussions regarding the proposed development took place between the appeal parties. The respondent noted that the principle of development would be acceptable subject to it according with the relevant local and national policies. Reasons why the proposal did not accord with the policies and guidance were communicated to the applicant alongside positive solutions to overcome their concerns prior to the determination of the application. Nevertheless, the applicant did not agree to amend the scheme further. Whilst the applicant was disappointed by the outcome, there is nothing to indicate that the respondent did not co-operate.
8. I, therefore, conclude that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated. An award of costs, partial or full, is unjustified in this case.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too concur that this application for costs is refused.

A U Ghafoor

INSPECTOR