



Appeal Decision

Site visit made on 18 November 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2019

Appeal Ref: APP/M4510/D/19/3236363

50 Keyes Gardens, Newcastle Upon Tyne NE2 3QX

- 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 Mrs Natasha Narayanan against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2019/0515/01/DET, dated 15 April 2019, was refused by notice dated 24 June 2019.
 - The development proposed is a rear ground floor single storey extension with glazed lantern and doors into rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, I saw that the development of the rear extension had commenced but was not substantially complete. I have determined the appeal on this basis.

Main Issues

3. The main issues are (i) the effect of the proposal on the living conditions of the adjoining occupiers within particular reference to outlook and (ii) the effect of the proposal on the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

4. The proposed extension would run across the full width of the lower ground floor, rear elevation of the host property, facing south-east towards Matthew Bank. The extension would have a flat roof and central glazed lantern.
5. The completed extension would project approximately 4 metres from the rear elevation of the host property and would have a height of around 3 metres along the boundary with adjoining semi-detached property no 52 Keyes Gardens. The resultant increase in height relative to the existing boundary treatment, coupled with the substantial projection and position south-west of no 52 would create an oppressive, enclosing effect on the rear garden of no 52. It would also significantly impinge on outlook from the rear facing patio doors and reduce sunlight into the windows of the lower ground floor habitable rooms

from early afternoon onwards, this would be more pronounced in the winter months when the sun is lower in the sky. Indeed, I visited no 52 during my site visit at approximately midday and I could see the sun dipping below the partially built extension. Clearly, when the extension reached full height this would be exacerbated.

6. Whilst I do appreciate the appellant's submission that there is already some overshadowing caused by existing properties south-west of the appeal site, I consider that owing to its scale and position this would be significantly increased by the current proposal.
7. Taking the above into account the proposal would result in unacceptable harm to the living conditions of the occupiers of the adjoining property no 52 Keyes Gardens in conflict with saved policy H2 of the Newcastle City Council Unitary Development Plan 1998 (UDP) and the Council's Householder Design Guides 2011 (DG). These policies, amongst other matters, seek to promote high quality design that prevents negative impacts on the amenity of residents. The proposal would also conflict with paragraph 127 (f) of the National Planning Policy Framework (the Framework) which seeks to achieve a good standard of amenity for current and future occupiers of properties.

Character and Appearance

8. The appeal property is a split-level, semi-detached house within a relatively densely developed residential suburb. The front of the property faces onto Keyes Gardens where it is two storeys in height. To the rear, the property is three storeys in height with the lower ground floor and main outdoor amenity space providing access onto Matthew Bank. Due to the height of the properties at the rear, the change in levels and the relatively open character of Matthew Bank the rear elevations of the properties are very prominent when viewed from the public realm.
9. The main parties agree that the materials proposed to complete the extension would harmonise with the remaining street scene and that in principle a single storey rear extension in this location would be acceptable. Indeed, I acknowledge that the appellant points out there are a number of similar extensions within the street. However, I note that the other single storey extensions in the vicinity have lean to roofs and a shorter projection than the current proposal and consequently their scale and bulk is less pronounced.
10. Nonetheless, I must determine this appeal on its own merits and I consider that the scale and bulk of the proposal would be out of keeping with the surrounding area and would appear dominant and intrusive in the street scene. Consequently, it would cause significant harm to the character and appearance of the host property and the area as a whole.
11. Accordingly, I find conflict with the character and appearance aims of Policy C515 of The Newcastle and Gateshead Core Strategy and Urban Core Plan 2015 (CS) and saved Policies EN1.1 and H2 of the UDP.

Other Matters

12. I have carefully considered the appellant's submission regarding the health needs of a family member with regards to wheelchair accessibility and the storage of medical equipment and I accept that additional space would be beneficial in this regard.

13. In weighing these personal circumstances in the balance, they must be considered against the very significant effect that the proposal would have upon the living conditions of the adjoining neighbours and the identified harm that would be caused to the character and appearance of the host property and the area as a whole. Furthermore, I note that the proposed extension, located at lower ground floor would not facilitate level access from the street in any event.
14. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
15. In respect of the above, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the existing and future living conditions of the occupiers of the neighbouring property can be reasonably safeguarded and that harm to the CA of the host property and wider area is avoided. Furthermore, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the appellant and their family members. Therefore, whilst I acknowledge the personal circumstances raised in this appeal, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of my aforementioned conclusions on the other main issues.
16. I have also considered representations made in support of the developments with regards to improvements to the host garden, quality and lifestyle of the occupiers and the natural surveillance provided by the proposed extension. These matters weigh in favour of the proposal but they do not outweigh the harm that I have identified with regards to the main issues set out above.

Conclusion

17. For the reasons set out above and having regard to all other matters, the appeal is dismissed.

J Hunter

INSPECTOR