



Appeal Decision

Site visit made on 25 February 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2020

Appeal Ref: APP/P2935/D/19/3242461

11 Riding Terrace, Mickley NE43 7BU

- 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 David Anderson against the decision of Northumberland County Council.
 - The application Ref 19/02182/FUL, dated 13 June 2019, was refused by notice dated 5 November 2019.
 - The development proposed is erection of raised decking to the rear of the property.
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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.

Procedural Matters

3. The proposal has already been constructed and is located within a Green Belt. The Council in assessing the development have concluded that the decking to the rear of the existing building does not result in a disproportionate addition over and above the size of the original building and therefore falls within the exception stated in Paragraph 145 of the National Planning Policy Framework (the 'NPPF') of development which are not inappropriate in the Green Belt. The Council also find that the development would not have a materially greater impact on the openness of the Green Belt than the existing building. I find no reasons to disagree given the scale of the proposal and its location within the built-up area of Mickley.

Main Issues

4. The main issues are the effect of the proposal upon 1) the character and appearance of the property and surrounding area and 2) the living conditions of occupants of nos. 10 and 12 Riding Terrace and nos. 11, 12 and 13 Newton Terrace, having particular regard to overlooking and privacy.

Reasons for the Recommendation

Character and appearance

5. No. 11 is a two-storey dwelling at the end of a block of terraced dwellings located on Riding Terrace. The immediately surrounding area is residential, and the distinctive character is derived predominantly from two-storey terraced residential properties set back from the road with small front gardens enclosed in low brick walls with iron gates, and modest gardens and outdoor amenity spaces to the rear. Many properties in the surrounding area benefit from rear extensions or contain timber storage sheds within the rear gardens. The rear gardens slope quite substantially, and the gradient of the external space and the corresponding stepped profile of the terrace are key features of the area.
6. The raised decking to the rear of the property spans the entire width of the host property. It is also at an imposing height where it appears prominent when viewed from Newton Terrace and surrounding vantage points; the bulky profile contrasts awkwardly with the sloping nature of the surrounding rear gardens and jars against the prevailing pattern. Whilst garden sheds and fences are commonplace the scale of the structure is substantially greater than the generally modest domestic structures in the locality. Consequently, the design and scale of the development appears out-of-keeping with the general character of domestic gardens and outbuildings to the rear of the row. The overall built form of the development is visually harmful to the character of the surrounding area.
7. The appellant has referred to other schemes that have been approved by the Council under reference nos. 18/00924/FUL and 18/03644/FUL. However, no plans have been provided of those schemes which are not located in the immediate area of the appeal property and it is not clear that the circumstances under which those proposals were considered and approved is comparable to the current appeal. The appellant also contends that the addition of raised platforms at the rear of properties has been established, and refer to nos. 9, 12, 13 and 16 Riding Terrace. However, I observed on my visit to the site that these examples are more like steps to the rear exit and are not of the same height and scale as the development which is the subject of this appeal.
8. I find that the development would significantly harm the visual appearance of the rear garden of the property and the surrounding area and is inconsistent with the established character of the area. Accordingly, there is conflict with the aims and objectives of the NPPF, Policy GD2 of the Tynedale District Local Plan (2000) (the 'LP') which amongst other things seeks to ensure that new development is appropriate to the character of the site and its surroundings, existing buildings and their setting, in terms of the scale, proportions, massing, positioning and appearance of buildings, use of materials, structures and landscaped and hard surfaced areas.

Living conditions

9. The raised decking is at a height where it is almost the same as the boundary fence shared with no.12 Riding Terrace. Based on the proximity of these terraced properties, it affords a direct view into the neighbouring rear garden from an elevated position at close proximity, and also some view into the rear kitchen window at no.12. The raised decking also results in overlooking into the rear garden of no.10 Riding Terrace, and views into gardens at nos. 11, 12 and 13 Newton Terrace, albeit at a greater distance. Consequently, it has a negative effect upon privacy of occupiers of the aforementioned properties because of its height, siting and proximity.

10. As a result, I find that the development has a significantly harmful effect upon the living conditions of the occupiers of nos. 10 and 12 Riding Terrace and results in limited harm to the living conditions of residents at nos. 11, 12 and 13 Newton Terrace. Accordingly, there is conflict with the objectives of the National Planning Policy Framework (the Framework), Policy GD2 of the LP which amongst other things seeks to ensure that new development have no adverse effect on adjacent land or buildings, in terms of loss of light, noise or other disturbance, overbearing appearance or loss of privacy.

Other Matters

11. The Public Sector Equality Duty requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability. Whilst reference has been made to future plans to open a rear entrance way which would facilitate better access to the property for the disabled, little information has been provided about the personal circumstances relating to that intention. Moreover, personal circumstances will seldom outweigh more general planning considerations and it has not been demonstrated that access to the rear garden could not be provided in a manner that would be less harmful to the character and appearance of the area, as well as being less harmful to living conditions of neighbouring residents.
12. Having carefully weighed the potential benefits of the scheme, I therefore consider that they are not sufficient to outweigh the harm caused by the development. Dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well-established planning objectives mentioned above.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR