



Appeal Decision

Site visit made on 26 May 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/P2935/D/20/3249869

Charlton House, Front Street, Wark, Hexham NE48 3LG

- 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 Dr P Kelway against the decision of Northumberland County Council.
 - The application Ref 19/04333/FUL, dated 26 October 2019, was refused by notice dated 21 January 2020.
 - The development proposed is described as Provision of French doors, decking, two vertical side panels (composite) and one glass front panel with central glass panel access gate.
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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 area; and
 - The living conditions of neighbouring residents in terms of privacy and noise levels.

Reasons

Character and appearance

3. The appeal site is located within a terrace of traditional stone two-storey houses in the village of Wark. To the rear, it has been extended to create a single storey flat roofed kitchen extension projecting to the rear boundary of the site, with a glass lean-to conservatory in-fill to the side. Behind the houses are typically either individual domestic gardens or courtyards, and a landscaped communal garden is separated from the houses by the rear access lane.
4. Given the highly visible location of the appeal site within the street scene, the proposed development would appear very prominent given its height and materials to be used to surround it. This would be further emphasised given the proposal would span the full width of the ground floor extension, with side panels positioned very close to its side edges.

5. A limited amount of other low-level extensions is visible to a number of dwellings along the rear elevation of the terrace, together with other domestic paraphernalia, and a rear first floor external staircase was evident to at the back of one property. However, this development would appear out of context in this environment and its position and scale would give rise to a dominant feature that would be significantly at odds with the current appeal property and the terrace as a whole. It would therefore result in an incongruous feature, harmful to the character and appearance of the host dwelling and the area.
6. On this basis, the proposal would be in conflict with Policy BE1 of the Tynedale Local Development Framework 2007 that seeks to protect and enhance the built environment, amongst other matters, as well as Policies GD2 and H33 of the Tynedale District Local Plan 2000, that requires development, as well as other things, to be of a design that is appropriate to the character of existing buildings and surroundings. Furthermore, it would conflict with the National Planning Policy Framework (the Framework) in its aims for development to achieve good design.

Living Conditions

7. The dwelling is positioned towards the end of the terrace although it is sandwiched between two houses. My visit allowed me to access the flat roof. From this perspective, I could determine that the side panels at approximately 1.4m above the proposed raised decking, and their position along the side edges, would offer only limited protection from overlooking to the surrounding area. Furthermore, a layer of decking above the flat roof would result in a raised height to the finished floor level. This would further increase the overlooking opportunity into neighbouring properties, despite the side panels.
8. Most acutely, overlooking would arise to the rear garden and into the rear conservatory of the attached Green Lea, and to both the courtyard of adjacent Allendale House and into a number of ground floor windows that would come within very close quarters to the proposed development. This overlooking and loss of privacy that would occur would be detrimental to the living conditions of these immediate occupiers.
9. Although there is an expectation of some overlooking within a residential terraced environment, however this, or an external paved area, cannot be compared to a new raised feature of the location and height proposed here. The use, with limited means of enclosure, would give rise to noise and disturbance to local residents, causing significant harm to their living conditions.
10. As the proposed area would offer external space to the occupiers, its use could not be reasonably restricted by condition to meet the tests of paragraph 55 of the Framework.
11. For these reasons, the proposal would unacceptably harm the living conditions of neighbouring occupiers. The proposal is therefore contrary to Policies GD2 and H33 of the Tynedale District Local Plan 2000 that seeks, amongst other things, for development to result in no adverse effect on adjacent land or buildings in terms of noise, disturbance, appearance or loss of privacy, and to respect the amenities of nearby residents. The proposal is also contrary to the Framework that seeks development to achieve a high standard of amenity for existing and future users.

Other Matters

12. The matter of the insertion of a French door to the rear return elevation of the dwelling, or the provision of temporary decking above the flat roof, is not a matter for me to comment upon.
13. Should a balcony have once been erected at the site, it is no longer in existence and nevertheless, I have a duty to deal with the circumstances before me.
14. There are other means of fire prevention and escape measures that can be explored by the appellant and I apply limited weight to the necessity of the proposal as a means of escape.

Conclusion

15. The appeal is dismissed.

Alison Scott

INSPECTOR