



Appeal Decision

Site visit made on 21 July 2020 by S Witherley

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/M4510/D/20/3251080

12 Adderstone Crescent, Newcastle upon Tyne NE2 2HH

- 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 Westwood against the decision of Newcastle City Council.
 - The application, Ref 2019/1093/01/DET, dated 26 June 2019, was refused by notice 5 February 2020.
 - The development proposed as described on the application form is: Main House - Two storey side extension, One and half storey garage extension with gym at rear, Garden Store, Chimney within ex Sunroom, Boot room entrance. New boundary treatment to include new access and egress with sliding gates New Garden Room Relocation of existing timber garden room with timber deck.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey extension, single storey extension with attic space and single storey extension to side, infill extension to front, chimney to existing garden room to rear, alterations to boundary treatment including insertion and relocation of pedestrian and vehicular access route, and erection of garden room to the rear at 12 Adderstone Crescent, Newcastle upon Tyne, NE2 2HH, in accordance with the terms of the application, Ref 2019/1093/01/DET, dated 26 June 2019, subject to the following conditions:
 - 1) The development to which this permission relates must be commenced not later than 3 years from the date of this permission.
 - 2) The development shall be carried out in complete accordance with the approved plan(s) as detailed on the following plans: PO-20-203 (B) PO-20-210 (A) PO-20-204 (A) PO-20-201 (C2) PO-20-200 (C) PO-20-202.
 - 3) Notwithstanding the submitted drawings, no external materials shall be used on any part of the development hereby approved until samples of the materials, colours and finishes to be used on that part of the external surface of the development have been made available for inspection and are subsequently approved in writing by the local planning authority.
 - 4) Development shall not commence on the foundations for the rear garden room until a tree protection plan with details of fencing and any other measures to protect trees or other landscape features to be retained has been submitted to and approved in writing by the Local Planning Authority and thereafter erected on site in accordance with the approved details. The details contained within the approved tree protection plan shall be retained intact for the duration of construction works and there
-

shall be no access, storage, ground disturbance or contamination within the tree protection area. Where access is required into the tree protection area this shall be in accordance with the approved details provided within the tree protection plan.

- 5) In the course of the ground works if tree roots are encountered in the construction area and before any pruning work is carried out, details of any pruning works shall be approved on site by a representative of the Local Planning Authority and carried out in accordance with good Arboricultural practice contained in the current version of British Standard 5837.
- 6) The garage/gymnasium hereby permitted shall not be occupied until the first floor windows on the rear elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.

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 of the development given on the application form is set out in the banner heading above. However, from the evidence it is clear that the scheme has been amended from when it was originally submitted and therefore in the formal decision above I have used the description given in the Council's decision notice as this more accurately describes the proposal as decided by the Council. I have therefore determined the appeal on the basis of this amended description and the drawings that I have been provided with.
4. The Council's decision notice referred to saved policy EN1.1 and H2 of the Unitary Development Plan. This has now been superseded by the Development and Allocations Plan (2015 -2030) (DAP) which was adopted on the 24 June 2020. The relevant policies are those which are in place at the time the appeal decision is made, and, in that respect, I shall refer to policies DM15, DM20 and DM23 of the DAP in making my recommendation, these were cited on the decision notice as emerging planning policies. Both main parties have had the opportunity to comment on the revised policy position.

Main Issues

5. The proposal contains a number of different elements. It is common ground between the parties that the proposed two storey extension, single storey extension to side, infill extension to front, chimney to existing garden room to rear, alterations to boundary treatment including insertion and relocation of pedestrian and vehicular access route and the impact on neighbouring living conditions have been assessed and found to comply with the relevant planning policies. These matters are not subject to disagreement and there are no reasons to consider otherwise.

6. Therefore, the main issues of this appeal relates to the single storey extension with attic space above and erection of garden room to the rear and the effect of these on the character and appearance of the host property and that of the area, including whether the proposed development would preserve or enhance the character or appearance of the Jesmond Dene Conservation Area (CA) in which it is located.

Reasons for the Recommendation

7. No. 12 is a large two-storey detached dwelling with single storey side additions and single storey double garage. It is set back from the front garden which contains a mix of mature landscaping and off-street parking, bounded by a brick wall with privet hedge inserts. It sits in the heart of the CA with its significance, in so far as it relates to this appeal, deriving from the low-density residential suburb including large mid Victorian and Edwardian villas, set amongst Jesmond Dene, which features mature and varied landscaping.
8. I saw when I visited the site that No.12 along with several other properties decrease in scale towards their shared boundaries with some having either single or one and a half storey additions located close to or on the shared boundary, whilst others are set away from the shared boundary resulting in a more prominent visible gap at the side. Despite this variation, the gaps offer glimpses of the mature landscaping beyond which contribute to the spacious and verdant landscaping of the area, this is further complemented by the mature landscaping contained in many of the front gardens. Consequently, the variations in gaps between properties and the mature verdant landscaping are two of a number of characteristics which define the local distinctiveness of this part of the CA.
9. The Officer's report suggests that the replacement of the existing single storey double garage with a single storey with attic space above, combined with the increase in its overall footprint, would introduce a two-storey structure where previously only some single storey development occupied the area. From the description in the decision notice and from the details submitted on the drawings, it is clear that the proposal would sit below the ridge height of the main two storey dwelling and as such would appear as a subsidiary one and a half storey side extension.
10. Its design would incorporate similar architectural features as seen on the main property including a gabled front facing the road with its roof ridge perpendicular to that of the main house. A short secondary ridge would return to the gable wall of the main house. As a result of the gable form and the sloping plane of the roof, away from the shared boundary, its perceived height on the boundary would be reduced. Its design and scale would complement elements of the main dwelling and given that it would be set down from the main roof profile would not visually compete with the original character of the main dwelling and would remain as a subsidiary element. There would remain a gap, albeit reduced in size from what currently exists; however, this would be similar to other gaps seen throughout the street scene where one and half storey additions are located along the shared boundary and which contribute to the area's character. Moreover, the gap would retain the sense of space at the front of the dwelling and continue to provide intermittent glimpses of the mature and verdant landscaping beyond. Consequently, the effect of the

proposed development on this particular part of the CA, and the CA taken as a whole, would be a neutral one.

11. The proposed detached garden room in the rear garden, whilst large, would be constructed in a similar design as that of the existing sunroom located on the rear elevation of the main dwelling. Its rear elevation would follow a similar building line to that of the two-storey flank wall of the original dwelling thus would maintain a reasonable distance from the shared boundary.
12. Moreover, as a result of the existing single storey side addition, the shared boundary wall and the mature landscaping in the rear garden of the appeal site and along the adjacent boundaries, only partial and oblique views of the upper part of the proposal would be visible from the street. Furthermore, these views would predominantly take in the glass lantern roof which as a result of its highly glazed profile would take in the backdrop of the surrounding mature landscape thus reducing its overall visual impact when viewed from outside of the rear garden. Whilst covering a large area of the existing garden, its design and form would not, therefore, in my view, appear as an overly dominant structure in this large rear garden.
13. The Council note that the trees in the grounds of the appeal site and in the neighbouring garden would not be harmed subject to appropriate agricultural care during the construction phase. I have no reason to disagree with this assessment and also consider that the loss of two Silver Birch trees as identified in the Officer's report, would not dilute the contribution the remaining trees and hedgerows have upon the character and appearance of the area. The development would not, therefore, as a result of its design, scale and mass, erode the spacious and verdant character of the large rear garden, thereby having a neutral effect on the CA, and leaving the character and appearance of the CA preserved.
14. Having regard to the above findings I find the proposed development would not cause harm to the character and appearance of the host dwelling, the area or the CA. It would comply with the relevant requirement of Policy CS15 of the Gateshead and Newcastle upon Tyne Core Strategy and Urban Core Plan Development 2010 – 2030 (2015) (CUSP) and Policies DM15, DM20 and DM23 of the Development and Allocations Plan 2015 – 2013 (2020) (DAP), which seek to secure high quality design that responds positively to local distinctiveness and which preserve the character of the CA. As the significance of the CA would not be harmed, the development would also avoid conflict with the National Planning Policy Frameworks historic environment conservation requirements.

Other Matters

15. The Council was satisfied that the proposals would not unduly harm the living conditions of the residents of neighbouring properties and I agree with that assessment having regard to the scale and position of the proposals, the distance from neighbouring properties, the internal layouts and the position and scale of intervening boundary treatments.
16. The delegated officer report suggested that a condition to secure obscured glazing in the rear facing glazing of the first-floor garage/gymnasium would be necessary to prevent overlooking into the rear garden of No. 12a. As the rear elevation is directly on the boundary with that property, I agree that a

condition would be reasonable and necessary to prevent overlooking from this first floor internal area into the rear garden of No. 12a.

Conditions

17. I have had regard to the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity.
18. The Council has sought pre-commencement conditions. Advice in the Planning Practice Guidance is clear that pre-commencement conditions should only be used where there is a clear justification and that the timing for the submission of details is fundamental to the decision. Having considered the suggested conditions, the details do not appear to be genuinely necessary 'prior to commencement'. I have amended the suggested wording to require the submission of details at an appropriate stage.
19. I have attached a condition specifying the relevant drawings as this provides certainty as to what has been allowed. Whilst an indication of the external materials is given, the precise appearance of those materials is not apparent and a condition is necessary to ensure that the details of the materials are submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area.
20. A condition requesting details of the measures to protect the trees in the rear garden during the foundation works of the rear garden room is considered reasonable and necessary to protect tree health. It is also considered reasonable and necessary to attach a condition should any roots be exposed that work is ceased until an on-site meeting takes place with the Council's representative to approve the works, again this is to protect tree health.
21. A condition to secure obscure glazing in the first floor rear windows of the garage/gymnasium is considered reasonable and necessary to prevent overlooking into the rear garden of No. 12a.

Conclusion

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

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR