



Appeal Decision

Site visit made on 22 September 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/M4510/W/20/3254899

Land adjacent to Nook House, Melbury Road, Jesmond, Newcastle upon Tyne NE7 7BT

- 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 Kayu Poostchi against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2020/0310/01/DET, dated 11 January 2020, was refused by notice dated 1 June 2020.
 - The development proposed is three detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the application by the Council, the saved policies of the Newcastle upon Tyne Unitary Development Plan 1998 have been replaced by those of the Development and Allocations Plan 2015-2030 (DAP), adopted 24 June 2020. The appellant has had the opportunity to comment on the policies in the course of the appeal process so has not been prejudiced.

Main Issue

3. The main issue is whether the development would preserve or enhance the character or appearance of the Jesmond Dene Conservation Area (JDCA).

Reasons

4. The JDCA encompasses the Jesmond Dene and surrounding residential development. Melbury Road lies within 'Sub Area 2' at the south eastern extremity of the JDCA. The area is characterised by large detached and semi-detached dwellings within large plots and mature gardens, maintaining the sense of openness and verdant character that is reflective of the mature landscape of the Dene itself. The Jesmond Dene Conservation Area Character Statement confirms that these are key characteristics from which the significance of the JDCA is derived, and I agree.
5. The age and style of the dwellings on Melbury Road and in the surrounding streets is varied, although most large detached dwellings notably feature pitched roofs of similar overall height and type with subordinate elements that break up the overall mass of the roofscape and building.
6. The appeal site is comprised of the former Mancroft House and the extended garden of Nook House. The Mancroft House plot has largely been cleared and is

identified in the Council's Jesmond Dene Conservation Area Management Plan (CAMP) as a gap site with potential for development. The other half of the appeal site contains a large lawned area and a more formal landscaped garden. Regardless of whether this latter part of the site was ever intended to be developed as a separate plot, it has not, and it is not identified as a development opportunity in the CAMP. The overall spaciousness and natural character of this part of the site contributes positively to the landscaped setting of Nook House, the street scene and to the significance of the JDCA.

7. The proposed dwellings would be of the same design featuring a crown/mansard-type roof with dormer windows. The scale and siting of the dwellings deep within the site, together with appropriate use of materials, could be considered to be reflective of the dwellings on the north side of Melbury Road. Nonetheless, due to an uncharacteristic and bulky roof form, the dwellings would appear at odds with the other nearby dwellings. The small dormer windows would not be sufficient to break up the bulk of the roof and building. In this regard the dwellings would not be sympathetic to local character and distinctiveness, notwithstanding the diverse housing of the area.
8. Furthermore, the scheme would introduce development in a previously undeveloped part of the site that is defined by its spaciousness and landscaped character. The spacious setting of Nook House, a fine Edwardian dwelling, would be significantly diminished as a result. The provision of new planting within the site would not be sufficient to overcome the loss of spaciousness. The harm would be further compounded by the loss of the original boundary wall in the middle of the site. The wall is a distinctive feature that increases notably in height to the north and is visible from Melbury Road and surrounding properties. As an intact feature, it helps to evidence the historical development of the area and contributes positively to the JDCA. The CAMP advises that such features should be incorporated into any development scheme.
9. I take account of the subdivisions that have occurred to the west of the appeal site, including at the adjoining Glenariffe where a dwelling has been allowed at appeal. However, in those cases the development relates to a single dwelling at the rear of an existing dwelling where it would be less visible, and is therefore not directly comparable in scale and nature to the scheme before me. Consequently, those examples do not set any precedent for the proposal, which I have in any event, considered on its own merits.
10. The site also contains a number of mature trees which make a positive contribution to the JDCA. Only 1 Birch tree is proposed to be removed. As a relatively small category B tree located centrally within the site, its removal in order to facilitate the development would not, by itself, be fatal to the acceptability of the scheme.
11. However, the information before me indicates that the development on plots 1 (west) and 3 (east) would likely result in significant incursion and disturbance within the Root Protection Areas (RPAs) of a number of trees identified for retention, including two large category A trees on plot 1. The default position in BS 5837:2012 is that development should be located outside of RPAs, and only where there is an overriding justification for construction within the RPA should technical solutions be considered to prevent root damage. I have not been provided with such an overriding justification. Nor have I been provided with any details of how the development could reasonably be carried out without

causing harm to the trees, including how and where any protective fencing could realistically be erected during construction. Given the considerable uncertainty in these respects, it would not be appropriate to leave such matters to conditions. Therefore, the development is likely to adversely affect the long term health and retention prospects of trees on the site, to the detriment of the verdant character and significance of the JDCA.

12. For all these reasons, I find that the development would unacceptably harm the local character and distinctiveness of Melbury Road, and in turn would fail to preserve or enhance the character or appearance of the JDCA. It would therefore conflict with policy C15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2015 (CS). The proposal would also be in conflict with policies DM15, DM20 and DM28 of the DAP. Amongst other things, these policies seek to conserve and where appropriate enhance the historic environment, secure high quality design that responds positively to local distinctiveness, and protect existing trees. The Council have also referenced Policy CS18 in the refusal reasons, however it appears to relate to more strategic green infrastructure, which the appeal site is not, and therefore I find no conflict with this policy.
13. The scheme would add to the supply and choice of housing in an accessible location, and make use of the previously developed part of the site. There would also likely be some small short-term economic benefits from construction. However, due to the size of the development, the scale of these benefits is limited. The appellant's desire to downsize the garden and ease the maintenance burden is a private benefit. The lack of current maintenance of the garden does not make the land useless and in need of development. Heritage assets are irreplaceable and great weight should be given to their conservation. Therefore, as set out in paragraph 196 of the National Planning Policy Framework (the Framework), there are no public benefits that outweigh the less than substantial harm that would occur in this case.

Other Matters

14. Based on the additional information submitted with the appeal, there is no reason why an appropriate surface water drainage scheme and ecological mitigation details could not be controlled by conditions. However, this does not lead me to a different conclusion on the main issue.
15. I have noted the representations from interested parties on matters not covered above. However, I am dismissing the appeal for other reasons and therefore it is not necessary to explore these matters any further as it would not alter the appeal outcome.

Conclusion

16. For the reasons given, I conclude that the proposal would be contrary to the relevant identified policies of the development plan, and the Framework, and therefore the appeal should be dismissed.

A Caines

INSPECTOR