



Appeal Decision

Site visit made on 15 September 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2020

Appeal Ref: APP/W4515/D/20/3252607

43 Chirton Dene Quays, North Shields, NE29 6YW

- 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 Mike Richards against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref: 20/00298/FULH, dated 27 February 2020, was refused by notice dated 23 April 2020.
 - The development proposed is described as: New extended balcony and full width doors to first floor level.
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Decision

1. The appeal is allowed, and planning permission is granted for a new extended balcony and full width doors to first floor level at 43 Chirton Dene Quays, North Shields, NE29 6YW in accordance with the terms of the application, Ref: 20/00298/FULH, dated 27 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing Number 223-01-01 Existing Floor Plans and Elevations; and Drawing Number 223-01-02A Proposed Floor Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal building is a three storey, terraced, dwelling that forms part of a short terrace of four houses. This is situated within a small modern development of houses and flats sited around a roughly T-shaped cul-de-sac. To the rear of the development is a marina within a former dock, with public access around the quayside that then links to a footway giving access to areas of housing and public open space to the north.

4. The appeal proposal seeks to extend an existing balcony at first floor level to project 2.4 metres from rear of existing house and to create a full width opening with sliding glass doors to replace two existing French windows at first floor level. It is also proposed to replace the existing, ground floor, rear door and window with French windows. The Council do not raise any objections to the proposed extension to the balcony and is principally concerned with the visual effect of the alterations to the fenestration on the rear elevation of the building.
5. It is clear that when the development that includes the appeal building was first constructed there would have been a high degree of uniformity to its appearance, resulting from the near symmetrical layout and the use of repeating units of terraced housing, flanking centrally placed blocks of flats, along the interface of the site with the dockside. This is still evident in the front elevations of the buildings which are, by and large, unaltered and which adds to the planned symmetry and axial layout of the development. The uniformity would have been originally reinforced by the regular rhythm of balconies and fenestration to the rear of buildings.
6. However, I saw when I visited the site that a large number of the rear elevations have been modified with the addition ground floor extensions to several of the properties and alterations to the balconies and first floor rear fenestration of a number of others. This has resulted in the rear elevations of only two of the six terraced blocks retaining their original appearance.
7. Several properties have been altered in an essentially similar manner to the appeal proposal, including the neighbouring property at number 41. Similar works have also been carried out to properties in the neighbouring terrace and in two of the terraces to the north of the appeal building, on the opposite side of the centrally placed blocks of flats.
8. I have noted that the Council state that these other alterations were granted planning permission at a time when there was a fallback position to carry out such alterations under permitted development rights. Nonetheless, these alterations have been carried out and have diluted the uniform appearance of the rear elevations of the buildings, resulting in much of the original regularity and repeating patterns of windows and balconies being lost. I have noted the reference to a previous appeal decision for alteration to the rear of a nearby property and the reference in it to the uniform appearance of the buildings. However, I am also mindful that that decision pre-dates the subsequent granting of planning permission for alterations to the rear of several the other properties.
9. Whilst the Council state that the proposed development would conflict with the Article 4 Direction that is now in place, this direction merely restricts the unfettered use of certain permitted development rights. It must be borne in mind that an Article 4 Direction is not a development plan policy and does not prevent or preclude planning permission from being granted, on application, for the types of development specified in the Direction.
10. The North Tyneside Design Quality Supplementary Planning Document 2018 (the SPD), which is to be read alongside the more general design policies in the North Tyneside Local Plan 2017 (the Local Plan), seeks to ensure that extensions and alterations to dwelling houses sustain, enhance and preserve the quality of the built environment. The SPD offers guidance on the physical

enlargement of dwelling houses and on the placement of windows in order to avoid overlooking or loss of privacy to adjoining occupiers. However, it is silent in respect of the alteration of existing window and door openings, with the exception of those in historic buildings, which is not applicable in this case.

11. When seen in longer range views, the current differing degrees of projection of the various balconies is not unduly noticeable due to their lightweight and open construction. This would continue to be the case for the proposed balcony extension. In longer range views, the proposed alterations to the fenestration on the rear elevation would also be seen in context with the similar alterations to other houses nearby, including the adjoining property.
12. In closer views, such as from the dockside walkway directly to the rear of the properties, the current diversity in the appearance of the buildings is not inherently unattractive. In these shorter views, the residual uniformity of the terraced blocks is also less evident as a result of the truncated field of view. Due to the similarity to other alterations that have previously occurred, the proposed alterations to the appeal building would not appear incongruous or out of place.
13. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies DM6.1 and DM6.2 of the Local Plan and the SPD, which seek to ensure that new development is of a high standard of design that has a positive relationship to neighbouring buildings and spaces; is appropriate in the street scene; and does not have a harmful effect on the existing property.

Other matters

14. I have noted that the Council do not have any concerns regarding the effect of the proposed alterations on the living conditions of the occupiers of neighbouring properties regarding potential overlooking or loss of privacy. There is an existing balcony to the rear of the appeal building and it is proposed to install privacy screens to each end of the proposed extended balcony in a similar format to those that occur elsewhere in the development. Consequently, I would agree that the proposal would not result in a greater degree of overlooking of the neighbouring rear gardens than occurs at present.

Conditions

15. I have had regard to the list of conditions that have been suggested by the Council. In order to provide certainty regarding what has been granted planning permission, I have included a condition specifying the approved drawings. In the interests of the appearance of the appeal building and its neighbours, it is necessary to attach a condition requiring the works permitted be carried out in materials that match the existing external appearance.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR