The Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2020

by I Jenkins BSc CEng MICE MCIWEM

an Inspector appointed by the Secretary of State

Decision date: 18th December 2020

Appeal Ref: APP/M4510/W/20/3255210
97 Regent Farm Road, Gosforth, Newcastle upon Tyne, NE3 3HD

- 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 & Mrs Michael Willcock against the decision of Newcastle-upon-Tyne City Council.
- The application Ref 2020/0020/01/DET, dated 3 December 2019, was refused by notice dated 26 May 2020.
- The appeal development is re-siting of wall to enclose open space and its change of use to garden, widen and re-surface driveway (retrospective).

Decision

1. The appeal is dismissed.

Procedural matters

2. In 2008 planning permission Ref. 2008/0017/01/DET was granted for development at No. 97 described as '*erection of pitched roof over existing bedroom to side and erection of a single storey garden room and utility room to rear*'. The detailed drawing which accompanied the associated planning application also showed the front garden wall re-positioned in a manner consistent with the appeal scheme. With reference to this extant planning permission, the appellants have indicated they do not accept that the appeal scheme involves development requiring planning permission. I am not convinced that is correct, not least as the application site identified by the 'red-lined' plan that accompanied planning application Ref. 2008/0017/01/DET appears not to include the former open green space or that part of it now occupied by the repositioned wall. However, within the context of an appeal under section 78 of the *Town and Country Planning Act 1990* (the Act), it is not within my remit to formally determine whether the proposed development requires planning permission as questioned by the appellants. If the appellants wish to ascertain whether the development is lawful, they may make an application under section 191 of the Act.

Main Issue

3. I consider that the main issue in this case is the effect of the appeal scheme on the character and appearance of the street scene.

Reasons

4. No. 97 fronts onto the southern side of Regent Farm Road. A notable characteristic of the street scene here is short rows of linked semi-detached houses positioned either forward or back from the front building line of the next row of dwellings. In most cases, where the properties are set back, their formal front garden areas are enclosed by a dwarf wall, which is set back from the highway footway beyond an area of open green space that also falls within the ownership of the associated dwelling. In contrast, the formal front gardens of the rows of dwellings that are set forward often have dwarf walls along the back edge of the footway. I consider that, where it occurs, the open green space in front of the 'set back' properties softens the visual impact of that built development and gives the street scene a more open and verdant appearance. It makes a significant positive contribution to the character and appearance of the street scene.

5. No. 97 forms part of a row of 'set back' properties comprising Nos. 95-109. There are areas of open green space in front of Nos. 99-109. The appeal scheme involves: the relocation of the front garden wall of No. 97 to the back edge of the footway; the widening of the driveway of the property; and, the extension of the side boundary wall between Nos. 97 and 99 to the back edge of the footway. These works, which were carried out in 2018, have resulted in a change of use of the open green space[1], which now forms part of the extended enclosed front garden of No. 97. In my judgement, this has had a significant detrimental impact on the character and appearance of the street scene. In comparison with the former open green space, the existing grassed front garden of No. 97 does not make a similar contribution to the street scene, as the appeal front wall largely screens it from view, other than from vantage points close to the dwelling. The appeal scheme has diminished the open and verdant appearance of the street scene.

6. The front garden wall of No. 95 has also been relocated to the back edge of the footway. However, I understand that those works were carried out many years ago; I do not know the circumstances of that case and consider that it does not justify harmful development of the appeal site.

7. I conclude that the appeal scheme causes significant harm to the character and appearance of the street scene, contrary to the aims of Policy CS15 of the *Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030* (2015)(CS) and Policies DM20 and DM23 of the *Newcastle upon Tyne Development and Allocations Plan 2015-2030* (2020)(DAP). They are consistent with the aims of the *National Planning Policy Framework* (the Framework), which gives encouragement to good design, the creation of high quality places and seeks to ensure that development is sympathetic to local character and adds to the overall quality of an area.

Other matters

8. CS Policy CS18 seeks to safeguard interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife; an aim echoed by DAP Policy DM27. According to the reasoned justification for CS Policy CS18, this includes open space that is accessible to the public, such as parks and community gardens. However, in this case the

[1] APP/M4510/C/18/3216459 & 3216460.

open green space lost as a result of the appeal scheme was privately owned by the appellants and not intended by them to be available for the public to access. Furthermore, as a result of the intermittent pattern along the street of the open green space in front of 'set back' but not 'set forward' properties, I consider that those areas are likely to offer less benefit to the movement of wildlife than the generally more continuous pattern of front gardens. I conclude it is unlikely that the former open green space in front of No. 97 made a material contribution to interconnected green infrastructure in the area and so the appeal scheme does not conflict with CS Policy CS18 or DAP Policy DM27.

9. The appellants have indicated that the appeal scheme involved the re-surfacing of the driveway, which they considered to be unsightly, and the provision of a drain to aid surface water management. Nonetheless, I have not been provided with any compelling evidence to show that the benefits associated with those works are significant. In my view, it is unlikely that they are significant, given the limited driveway area. I understand that the reason the appellants decided to re-site their garden wall to the back edge of the footway was that the open green space had become a maintenance burden, due to an increase in dog fouling. I have also taken account of the support for the appeal scheme advanced by neighbouring residents. However, in my judgement, neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue. Against this background the scheme also conflicts with DAP Policy DM28, which seeks to safeguard landscape features unless there is an overriding benefit that would outweigh the loss.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR