



Appeal Decision

Site visit made on 26 January 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2021

Appeal Ref: APP/W4515/W/20/3262650

49 Roxburgh Terrace, Whitley Bay NE26 1DR

- 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 Iain Caldwell against the decision of North Tyneside Council.
 - The application Ref 20/00635/FUL, dated 17 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is Dwelling conversion into 2 flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The original description of the proposed development, as set out on the planning application form and in the banner heading above, excluded the proposed staircase extension. This has been included within the Council's revised description as per their decision notice. The appellant included this revised description on the appeal form. As part of my consideration of the appeal I have therefore taken this into account.

Main Issue

3. The main issues are:
 - Whether or not the proposal would lead to on-street parking stress to the detriment of highway safety; and
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the development on the living conditions of neighbours as a result of loss of outlook and privacy.

Reasons

Highway safety

4. Roxburgh Terrace is a permit holders parking zone Monday to Saturday 0900 until 1730, with pay and display available. This parking scheme extends to the neighbouring residential streets. Upon my visit, I was aware that local residential streets were heavily occupied by parked vehicles to both sides of roads.

5. Splitting the single dwelling into two separate residential units would inevitably lead to an increased demand for additional on-street parking as well as to the back lane of the terrace where the parking restriction also applies.
6. The appellant could not reasonably seek to control the numbers of vehicles of future occupiers living at the proposed development. Furthermore, it has not been demonstrated that a car could be accommodated within the yard area of the appeal property, together with the proposed external staircase.
7. This leads me to the view that there would be a greater demand for on-street parking in an area where parking control measures are in place as a means to ease parking stress. There is no evidence provided to demonstrate that an additional dwelling would not lead to exacerbated parking stress here.
8. Therefore to conclude, the proposal would lead to additional parking demand within local streets and would be in conflict with the North Tyneside Local Plan 2017 (LP) Policy DM7.4 and the Local Development Document 12 Transport and Highways 2017 in so far as they seek development to avoid parking issues. In addition, it would be contrary to the National Planning Policy Framework (the Framework) in its aims to resist development that would lead to an unacceptable impact on highway safety.

Character and appearance

9. External staircases are not uncommon along both Roxburgh Terrace or Park Parade behind. A curved staircase in this location would be visible to a number of residential properties and from the back lane. However, due to its proposed scale and curved design and evidence of others, I find no harm would arise to the character and appearance of the area.
10. Therefore, to conclude on this main issue, I have found no harm would arise to the character and appearance of the area as a result of the proposal and therefore there would be no conflict with Policy DM6.1 of the LP and the Design Quality Supplementary Planning Document 2018 or the Framework in their combined design aims.

Living conditions

11. A new first floor door would be introduced from the rear off-shot leading to the proposed staircase, with a landing area outside the door. The attached dwelling of 47 Roxburgh Terrace has a first floor bedroom window adjacent to the proposed staircase. It would lead to harm arising to their living conditions as a result of overlooking and loss of privacy into this bedroom window.
12. There would also be the opportunity to overlook the rear yard areas of both adjoining dwellings. In addition, there is significant potential for noise and disturbance to occur as a result of using the staircase as external space. These factors would lead to harmfully compromising the living conditions of the adjoining residents.
13. Whilst the appellant may intend to occupy one of the proposed dwellings, this would not lead me to the view that the proposal would be acceptable. I note the appellant's comment that the staircase could be enclosed. However, no details of this have been forthcoming and, as is my duty, can only determine this appeal based on the information before me.

14. To conclude, it would lead to harm arising to the living conditions of adjacent residents as a consequence of overlooking and loss of privacy. The proposal would therefore only be in conflict with the North Tyneside LP policies S1.4, DM5.19 and DM6.1 and the Framework in so far as their collective aims for development not to cause a nuisance and to achieve a high standard of amenity for existing and future users.

Other Matters

15. The appellant states that the proposal would financially benefit them in later years to come. However, its effect on their financial position is a private matter and cannot be considered as part of this appeal. Whilst it may allow them to live locally, there are alternative means the appellant can explore out-with the appeal proposal.

Conclusion

16. I have found no harm with respect of the effect of the appeal proposal on the character and appearance of the area. In other considerations, I have found harm and consequent conflict with development plan policies for the reasons set out above.
17. The appeal is therefore dismissed.

Alison Scott

INSPECTOR