



Appeal Decision

Site Visit made on 4 February 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2021

Appeal Ref: APP/M4510/W/20/3259183

Ashton Court Nursing Home, 376 West Road, Newcastle Upon Tyne NE4 9RJ

- 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 Neeraj Handa (The Cairn Group) against the decision of Newcastle Upon Tyne City Council.
- The application Ref 2019/1569/01/DET, dated 21 November 2019, was refused by notice dated 27 March 2020.
- The development proposed is a mansard roof extension with dormers and repositioning of one window to provide 3 nursing care bedrooms (C2).

Decision

1. The appeal is allowed and planning permission is granted for a mansard roof extension with dormers and repositioning of one window to provide 3 nursing care bedrooms (C2) at Ashton Court Nursing Home, 376 West Road, Newcastle Upon Tyne NE4 9RJ in accordance with the terms of the application, Ref 2019/1569/01/DET, dated 21 November 2019, subject to the conditions in the schedule at the end of this decision.

Procedural Matters

2. Notwithstanding third party correspondence received during the course of the appeal, the named appellant is the same as the original applicant so I am satisfied that the appeal can proceed on this basis.
3. Since the determination of the application by the Council, the saved policies of Newcastle's Unitary Development Plan 1998 (UDP) have been replaced by those of the Development and Allocations Plan 2015-2030 (DAP), adopted 24 June 2020. As such, the UDP policies cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal against the development plan in force at the time of my decision.
4. My attention has been drawn to the planning and enforcement history of the building. However, whilst similarly located on the building, it is not disputed that the proposal is smaller and different in design to that which was the subject of a previously dismissed enforcement appeal¹. As such, whilst I have had regard to the previous appeal decision, I have considered this appeal on its own merits.

¹ Appeal ref: APP/M4510/C/15/3136479

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host building and surrounding area.

Reasons

6. The appeal site is a four-storey care home located on the north-eastern side of the junction of West Road with Two Ball Lonnen, both of which are wide arterial roads. The building is markedly larger than the surrounding two-storey housing, but it is set back from the roadside boundaries and steps up in height on the Two Ball Lonnen elevation.
7. The development, described as a mansard roof extension, would be located at fourth floor level on the Two Ball Lonnen elevation. The exterior would be covered in a zinc-coloured cladding. As indicated by the appellant's Visual Impact Assessment, the development would be clearly visible in the immediate vicinity of the road junction. It would also introduce a new design element to the building. Nevertheless, I attach some weight to the fact that this modern landmark building has been purposely designed to make a statement in terms of scale, design, and materials. Moreover, the development would be read in the context of a range of architectural features on the building, including different projecting sections, roof forms and materials, such that being different and visible would not mean it is automatically incongruous.
8. The development would not extend the full width above the existing flat roof sections and would be roughly level in height with the eaves of the main roof. It would also sit behind the forwardmost three-storey feature projection. Consequently, the development would not appear dominant or disproportionate against the building as a whole and would retain the impression of a building that steps up in height from the road. Furthermore, the design incorporates a canted roof, which together with the use of appropriate contrasting materials, would reduce the verticality of the development and successfully bridge the transition between the flat roof projections and main building. The design and proportions of the dormer windows would also suitably reflect those of existing windows below and I note that no concerns are raised with regard to the minor repositioning of an existing fourth floor window. Overall, the scale and design of the development would integrate acceptably with the host building, and would not have a dominating impact on the street scene.
9. I therefore conclude that the development would not have a harmful effect on the character and appearance of the host building and surrounding area. Accordingly, the development complies with Policy C15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle (2015), and Policy DM20 of the DAP. These require, amongst other things, that development is of high quality design and responds positively to local character and context. The development also complies with paragraph 127 of the National Planning Policy Framework (the Framework) in this regard.
10. The Council has also drawn my attention to Policy DM23 of the DAP, which replaced UDP Policy H2. However, the effect on neighbours did not feature in the refusal reason, or in the planning officer's delegated report. In any event, for the reasons above and having regard to the wide roads and the degree of separation to neighbouring properties, I find no conflict with this policy.

Other Matters

11. I have noted the comments made by the parties regarding issues of viability. However, given my findings on the main issue, this matter is not determinative and therefore it does not require any further consideration in this decision.

Conditions

12. I have considered the conditions suggested by the Council in the event of the appeal being allowed and note that the appellant has agreed to these. Where necessary, I have amended the wording to ensure precision, and I have imposed only those conditions which meet the relevant tests set out in paragraph 55 of the Framework.
13. A condition is necessary to confirm the approved plans in order to provide certainty (2). A condition is necessary to approve the external cladding materials to ensure a satisfactory appearance of the development (3). A condition is necessary in relation to sound insulation to ensure that occupiers of the development do not suffer from excess external road noise (4).
14. However, no justification has been provided for a Construction Management Plan on a development of this nature and scale, so a condition to this effect is not necessary and is not imposed.

Conclusion

15. For the reasons given above, and subject to the stated conditions, I conclude that the appeal should be allowed.

A Caines

INSPECTOR

SCHEDULE OF 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: N81-2751-100- P1; N81-2751-301-P1; N81-2751-207-P1; N81-2751-209-P1.
- 3) Construction works on the external elevational treatments of the development shall not take place until a sample of the external cladding materials to be used shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) (a) The development shall be constructed so as to achieve the following internal noise levels with windows shut and other means of ventilation provided: Bedrooms- 30dB LAeq,T* and 45dB LAfmax.

*T- Night-time 8 hours between 23:00-07:00

(b) The sound attenuation works shall be completed before first occupation of the development and be retained thereafter.