



Appeal Decision

Site visit made on 1 June 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/M4510/W/21/3269512

61-73A New Northumbria Hotel, Osborne Road, Newcastle upon Tyne NE2 2AN

- 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 Malhotra Group PLC against the decision of Newcastle City Council.
 - The application Ref 2020/1914/01/DET, dated 2 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is construction of 3no. Pergolas on existing external terrace.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal upon the character and appearance of the host property and street scene.

Reasons for the Recommendation

4. Nos 61-73A are part of a terrace block of three-storey properties located on Osborne Road in the Jesmond suburb of Newcastle. Osborne Road is a busy road which services other side roads in this vicinity of Jesmond. The road predominantly characterised by three-storey terrace blocks, most of which properties are joined to accommodate medium sized hotels and restaurants with outdoor eating areas making it a vibrant and popular area for nightlife, eating and socialising. The hotel itself is an attractive building with a symmetrical frontage with ground floor bays either side of the entrance door and balanced windows above.
5. A number of outdoor seating areas to the front of hotels in the vicinity are fitted with large foldable parasols/'jumbrellas', including the appeal site which hosts three in number. Although these are bolted to the ground for safety and stability, they are relatively lightweight and would be easy to remove, compared to the more permanent pergolas proposed in this instance.

Moreover, unlike a pergola, the parasols can be retracted as and when the weather requires. At the time of my visit to the site, most of the parasols on Osborne road were folded, making them less visually prominent. Notwithstanding the existing parasols the forecourt of the appeal site remains largely open which enables the attractive building frontage to be appreciated.

6. Save for the wooden pergolas on the outdoor terrace of 64 - 78 Osborne Road, Caledonian Hotel on the opposite side of the road, more substantial covered seating areas are not a feature on the road. The Council have stated that these do not have planning permission and in the absence of any further detail I cannot assume that they are an authorised part of the street scene.
7. The three proposed Pergolas would by virtue of their scale and design introduce incongruous features which would add clutter of some scale and permanence to the street scene. They would be unduly prominent when viewed together and would detract from the attractive frontage of the host property as well as the wider character of the street scene. Whilst outdoor seating is clearly well-established in the area, the pleasant frontages have not been unduly harmed by the existing lightweight parasols and the introduction of a more visually intrusive form of enclosure would cause harm for the reasons given.
8. The appellant has made reference to other structures which have been assembled across Newcastle City Centre, in order to accommodate Covid-19 restrictions including those at Jesmond 360¹ and adjacent to the Centre for Life in Newcastle City Centre. These however are temporary and easily removable structures in line with The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) (England) Order 2021 (as amended) states under Class BB also referred to by the appellant. These contrast with the proposal which would be permanent structures. Thus, schemes carried out under temporary Permitted Development rights are not directly comparable and their existence does not alter my conclusions on the harm that would be caused.
9. Each appeal should be assessed according to its own merits and the existence of similar development does not justify harmful development. Taking all in context, I find that the proposal would be visually harmful to the appearance of the host property and the character of the street scene. Accordingly, it would be in conflict with the objectives of the National Planning Policy Framework (NPPF) and Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015). These seek amongst other things to ensure that new developments respond positively to local distinctiveness and character.
10. I recognise the difficult economic circumstances faced by the business during the Covid pandemic and that the covered seating is aimed at making outdoor seating more viable at times when existing parasols may not offer sufficient protection from the elements. However, there is little information to substantiate what any economic benefit would be and, even with the pergolas in place outdoor seating would still be likely to be dependent on the weather to an extent. Consequently, I am not satisfied that the temporary, albeit exceptional, circumstances relating to the pandemic are sufficient to outweigh the significant and permanent harm to the character and appearance of the area.

¹ Figure 2 of Appellant's Rebuttal Statement

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR