
Appeal Decision

Site visit made on 27 January 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/H4505/D/21/3287199

227 Prince Consort Road, Gateshead NE8 4DX

- 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 A Roth against the decision of Gateshead Council.
 - The application Ref DC/21/00992/HHA, dated 22 July 2021, was refused by notice dated 17 September 2021.
 - The development proposed is a first floor bedroom above existing ground floor extension (resubmission).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 225 Prince Consort Road in respect of outlook.

Reasons

Character and appearance

3. The appeal property is a brick built mid-terraced house. It is proposed to erect a flat roof first floor extension over an existing single storey extension projecting about 3 metres from the main rear elevation of the house and at a width of 2.7 metres. The flat roof would be at a height just below the eaves of the two storey rear outrigger of the appeal property.
4. While the extension would be to the rear, it would nonetheless be noticeable from the back street. While there are some exceptions in the wider area, the subject terrace includes properties with mainly two storey rear outriggers and then single storey extensions. In fact, and as outlined by the appellant, *'the proposed rear first floor extension would be the first development of its kind at the rear of the Prince Consort Road terrace of dwellings'*. The existing pattern of development to the rear of the terraced dwellings gives the locality a pleasing design uniformity when viewed from the back street. Indeed, it provides a rhythm and regularity of open gaps between each of the terraced properties.
5. In the context of the above, the proposed development would seek to erode the aforementioned distinctive and positive characteristics of the terrace of dwellings when appreciated from the back street. Owing to its height and

position, it would unacceptably interrupt the uniformity of design and open gaps between buildings and hence would appear incongruous in the street-scene. Furthermore, the flat roof would sit awkwardly when seen against the pitched roofs of the two storey outriggers thereby failing to assimilate well to the rear of the host property and within the terrace as a whole.

6. For the above reasons, I conclude that the proposal would cause harm to the character and appearance of the area and would constitute poor design. Therefore, it would not accord with the design, character and appearance requirements of policies CS15 and MSGP24 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 (LP), the Council's Householder Alterations and Extension SPD (SPD) and chapter 12 of the National Planning Policy Framework 2021 (the Framework).

Living conditions

7. No 225 Prince Consort Road is to the north of the appeal property. The single storey extension and two storey outrigger of No 227 Prince Consort Road is already apparent when viewed from this neighbouring property and has some limited enclosing impact.
8. Owing to the height and projection of the proposed first floor extension, it would, in combination with existing development, have a materially dominating and enclosing impact when viewed from windows to the rear elevation (i.e. a dining room) and outrigger (i.e. kitchen) of the neighbouring building and its outside amenity space. Consequently, the development would lead to a material loss of outlook for the occupiers of No 225 Prince Consort Road.
9. For the above reasons, I therefore conclude that the proposal would not accord with the amenity requirements of policy MSGP17 of the LP, the SPD and paragraph 130(f) of the Framework. Reference is made in the Council's refusal notice to policy CS14 of the LP, but this is not directly relevant to this main issue as it does not relate to outlook.

Other Matters

10. The appellant has commented that if the proposed first-floor extension was built on top of an 'original' single storey addition, it would be permitted development. However, the evidence is that the single storey addition to the dwelling is not original and planning permission is required for the appeal development. I have not been made aware of any permitted development fall-back positions that would alter my conclusions on the main issues.
11. I acknowledge that this is a re-submission of an earlier refused application and that the appellant has reduced the projection of the extension from 3.5 metres to 3 metres. While the appeal proposal would be less harmful than the earlier scheme, it is still unacceptable in planning terms for the reasons outlined above.
12. While I do not disagree with the Council that the proposal would not cause significant harm to levels of light and privacy for the occupiers of No 225 Prince Consort Road, it does not follow that this automatically means that outlook would be acceptable. The latter is a matter of planning judgment.
13. I do not doubt that the appellant requires additional space, but this has to be balanced against the identified harm that would be caused to the character and

appearance of the area and the living conditions of the occupiers of No 225 Prince Consort Road.

14. None of the other matters raised alter or outweigh my conclusions on the main issues.

Conclusion

15. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR