



Appeal Decision

Site visit made on 26 January 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th February 2022

Appeal Ref: APP/W4515/D/21/3288672

1 Dukes Meadow, Backworth NE27 0GD

- 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 Ian Misted against the decision of North Tyneside Council.
 - The application Ref 21/01485/FULH, dated 15 June 2021, was refused by notice dated 12 October 2021.
 - The development proposed is described as "single storey rear extension to create larger open plan kitchen area. Replace all timber windows in the property with double glazed uPvc units".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal preserves or enhances the character or appearance of the Backworth Conservation Area and the effect of the proposal on the living conditions of the occupiers of 2 Dukes Meadow (No 2).

Reasons

Conservation Area

3. The appeal site comprises a two storey residential property with garden area to the north. The site lies within the Backworth Conservation Area (BCA). The appeal building is not listed nor does it fall under any other designations.
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The BCA within the immediate setting of the appeal site is characterised by residential properties of traditional construction. The properties within Dukes Meadow are of simple form with traditional architectural detailing including the use of stone and pantile for the walls and roof and timber for the fenestration. It is this use of traditional materials which contribute positively to the character of the BCA in this location.
6. It is noted that there are other properties in the area which have uPVC windows however, most of the properties on Dukes Meadow have traditional

materials for windows. The appeal property is visually noticeable from within the street scene and the introduction of uPVC material for the fenestration would be out of keeping with surrounding properties and so would detract from the character and appearance of the area.

7. The appellant has provided window specification details and I note that the design, appearance and colour of the windows could remain similar to the existing windows. The appellant has indicated that the existing windows are not original to the building. The Council's Heritage and Design team have stated that the rear extension is acceptable although they do raise concerns with the proposed materials. It is also noted that the proposed fenestration would solve water, condensation, insulation and cold problems. However, these matters do not outweigh the harm I have identified to the character and appearance of the BCA.
8. Accordingly, the proposed replacement windows would not preserve or enhance the character and appearance of the BCA. The proposal would be contrary to Policies S6.5 and DM6.6 of the North Tyneside Local Plan 2017 (NTLP) and the National Planning Policy Framework (the Framework) which seeks proposals to sustain and enhance the significance of heritage assets and their settings.
9. My attention has been drawn to caselaw¹ and other appeal decisions² including an appeal decision from South Wales. However, I do not consider the proposals in this scheme to have a benign impact nor are these other appeal schemes directly comparable with the appeal scheme particularly with regards to location and effect on the BCA. In any case, I have determined the appeal on its own merits.

Living conditions

10. The proposed rear extension would be a large structure that would be located on the boundary with No 2. Due to its siting, height and proximity from the windows in No 2, the rear extension would appear as a dominating feature that would compromise the outlook from the rear windows of No 2.
11. It is noted that residents of No 2 would likely be set back from the window when looking out however, the proposal would introduce a large expanse of built development along the boundary which would be visible and adversely impede on the outlook for the residents of No 2 both from within the property and the rear garden area.
12. It has been brought to my attention that a two metre high boundary treatment could be erected along the boundary under permitted development rights. The rear extension, although of flat roof design, would be approximately 2.9 metres in height and given its overall size would have an adverse effect in terms of outlook. The appellant states that as an average persons eye-line is not above two metres, then this would not compromise outlook. I do not accept this assertion as a structure can affect outlook for a person beyond their eye-line level. The rear extension would create an oppressive environment due to its height and positioning that would have direct adverse effects on the living conditions of the occupiers of No 2 in relation to outlook.

¹ South Lakeland District Council v Secretary of State for the Environment and another [1992] 1 ALL ER 573

² PINS ref nos: APP/Q2908/A/08/2090151; APP/Q2908/A/08/2090153; APP/W4515/D/10/2129332; APP/G1630/A/08/2078670; APP/L5810/D/15/3049402

13. Due to the orientation of the buildings with north aspect rear gardens, the proposal would unlikely cause significant overshadowing onto the property of No 2. Therefore, the proposed rear extension would not have a detrimental effect on the occupiers of No 2 with regards to light.
14. The proposed rear extension would have a harmful effect on the living conditions of the occupiers of No 2 with regards to outlook. The proposal would be contrary to Policies S1.4, DM6.1 and DM6.2 of the NTLP and the North Tyneside Council Design Quality Supplementary Planning Document 2018 which seeks proposals to be acceptable in terms of impact upon local amenity for new and existing residents.
15. The appellant describes that the views to the appeal site side from the adjoining property would not be dissimilar to many existing urban situations, for example houses with rear off-shoot, two-storey extensions. The appeal site is not within a high density urban location and this matter does not outweigh the harm I have described above.

Other Matters

16. I have had regard to the appellants statement of case including matters relating to CABE guidelines, access and parking, urban design statement and assessment, biodiversity, economic and social impact, environmental impact assessment, flood risk, archaeology, sustainability, Google images, photographic evidence and planning permission certificate for the original housing estate. Some of these matters would be benefits and given the scale of the development I would attribute minimal weight to them.
17. It has been described that the rear extension is required to allow for more space within the property due to residents spending more time at home because of Covid-19 pandemic and would therefore be a more effective and efficient use of land. The appellant also describes that there have been numerous changes to the GPDO in recent years.

Conclusion

18. I have found that the proposal would not compromise the living conditions of neighbouring occupiers in terms of light. However, this matter and the benefits described above would not outweigh the significant harm I have identified with regards to the living conditions of neighbouring occupiers in respect of outlook, and the effects on the BCA.
19. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
20. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR