



Appeal Decision

Site visit made on 28 February 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th March 2022

Appeal Ref: APP/M4510/D/22/3291255

154 Ellesmere Road, Newcastle Upon Tyne NE4 8TR

- 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 Mrs Yeasmin Aktar against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/1203/01/DET, dated 1 June 2021, was refused by notice dated 18 January 2022.
 - The development proposed is loft conversion with rooflights X 3, orangery and a 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council requested that I visited the appeal site and neighbouring properties at 150, 152 and 156 Ellesmere Road in order to “fully assess the amenity impact on neighbouring properties”. Although the visit to view the appeal property was conducted on an ‘unaccompanied’ basis I visited the neighbouring ground floor flat¹, on an ‘access required’ basis. I am satisfied that in conducting the visit in this manner I have been able to fully assess the appeal proposal and I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on living conditions, with particular regard to privacy and outlook of occupiers of existing properties at 150 and 152 Ellesmere Road and future occupiers of the proposed extension.

Reasons

Privacy

4. With a mix of ground floor and first floor flats and two storey properties set within a terraced setting, it is inevitable that there will be a degree of intervisibility between properties, particularly over adjoining rear yards. The presence of rear-facing windows on opposing properties on the opposite side of the rear lane adds to this sense of inter-visibility.
5. The appeal property and its relationship with Nos. 150 and 152 is no different in this respect where the existing ground floor kitchen and first floor bathroom windows face sideways towards Nos. 150 and 152. The proposed two storey rear extension would add an additional side-facing first floor window looking directly out towards Nos. 150 and 152.

¹ 150 Ellesmere Road

6. Whilst this window would look directly out over the yard area, it is the relationship with the existing windows at the rear of the neighbouring properties that would be of greatest concern. The added depth of the proposed extension and this window's position on it would open up views back towards the rear elevation of Nos. 150 / 152 as well directly across the narrow rear yards to their side-facing outrigger windows. Thus, the proximity of, and relationship between, the proposed first floor window to those on Nos. 150 / 152's main rear elevation and outrigger side elevation, would be such that there would be direct overlooking between them across a short distance to a degree that is not currently present.
7. Nor, as the sole proposed window to a bedroom, would it be reasonable to require this window to be entirely obscurely glazed and non-opening to avoid overlooking. In this respect, I agree with the Council's assessment whilst the presence of curtains, blinds and nets, as suggested by the appellant, cannot reasonably be relied upon in this respect.
8. The proposal would therefore cause harm to the residential amenities and living conditions of occupiers of Nos. 150 and 152 and the appeal property. The proposed extension would not, therefore, provide the 'good standard of residential amenity' and privacy that the Development and Allocations Plan (DAP) policy DM23(1) and (2)(ii) seeks to ensure for all existing and future occupants of land and dwellings. Although the proposal would also increase the extent to which the rear yard areas of Nos. 150 and 152 would be overlooked, as these areas are already heavily overlooked by a range of existing windows, the effect of the proposal upon the privacy of these yard areas is not determinative in this instance.

Outlook

9. The proposed extension would add additional depth to the rear of the appeal property at both ground and first floor levels. However, the Council do not object to the proposed ground floor element of the proposal given its limited dimensions and flat roof design and given the existing height of the separating rear yard wall. I do not disagree, and I am satisfied that there would be no harm arising in respect of this element of the proposal.
10. Nor, with regard to the two-storey element of the extension, do I conclude that there would be harm to outlook to Nos. 150 or 152. The proposed extension would not directly adjoin these neighbouring properties but would instead be set away from the separating yard wall. There would be some reduction in the angle of outlook from the rear of these neighbouring properties, but I am satisfied that it would be limited and not materially harmful. Moreover, the proposed extension would be located to the north of Nos. 150 / 152 and so would not result in additional overshadowing or loss of light to either flat.
11. I am satisfied the scale and projection of this element of the proposed extension would not therefore cause material harm to the outlook enjoyed by occupiers of No. 150 or No. 152. Whilst there would be no conflict with DAP policy DM23(1) or (2)(ii) with respect to outlook this does not alter my conclusion in respect of privacy and living conditions.

Conclusion

12. For the reasons set out, and having considered all other matters raises, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR