



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: 10 March 2022

Appeal Ref: APP/M4510/D/22/3292217

5B Jesmond Park West, Newcastle Upon Tyne NE7 7BU

- 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 Jasvinder Chungh against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/0520/01/DET, dated 10 March 2021, was refused by notice dated 1 February 2022.
 - The development proposed is the erection of a two-storey and single storey extension to rear, alterations to elevations and increase in ridge height of side offshoot to include 3 dormers to front elevation (as amended by plans received 01.12.2021).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have noted the appellant's agreement to the use of the revised development description used by the Council on the decision notice. I too have adopted that revised description and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effects of the proposed development upon:
 - The character and appearance of the surrounding area; and
 - The living conditions of occupiers of 7 Loweswater Avenue, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property lies within a wide but relatively shallow residential plot fronting Jesmond Park West. The surrounding area, formed by Jesmond Park West, Melbury Road and Jesmond Park East and smaller residential culs-de-sac is comprised principally of large, detached dwellings set within a pleasant and verdant sylvan setting. The appeal property's well-stocked mature landscaped side garden contributes to, and is in keeping with, the spacious and verdant character of the Jesmond Dene Conservation Area.
5. Whilst the appeal property appears, from its street frontages at least, to be broadly consistent with the area's prevailing spacious grain and pattern of development, the plot is far wider than it is deep. So too the house, which is wide but more modest in terms of its depth from front to rear. As such, it

retains a reasonable degree of space about it and from the garden plot of 7 Loweswater Avenue to the rear.

6. The proposed extension's bulk and mass would be largely focused towards the rear of the property. Here, the large, flat roofed extension would be out of keeping with the character, appearance and form of the host building whilst the extension's parapet wall level would relate poorly to the eaves and roof form of the main building. Although seen only in glimpses from Jesmond Park West where existing vegetation, foliage and tree branches would partly screen the proposed extension, the two-storey element of the extension would nevertheless be an incongruous and jarring feature at the rear of the property.
7. Whilst views of the extension would be limited to surrounding properties on Loweswater Avenue and Glendyn Close, it would nevertheless be an incongruous addition to the property. In this context it would be an imposing and dominant feature at the rear of the building and would significantly reduce the space around it. Its wider public view may be limited, but the proposal would nevertheless cause material harm to the appreciation of the area's otherwise spacious setting and therefore to its character and appearance.
8. As such, the proposed extension, and particularly the rear 2 storey element, would fail to respect the character and appearance of the host building. The scale of this element and its proximity to the rear of the site would significantly reduce the space around the building compromise the spacious setting of the house within its plot. As a consistent feature of the area's character, the proposal would cause harm to character and appearance and would fail to achieve the high quality of design sought by Development Action Plan (DAP) policy DM20 and Core Strategy and Urban Core Plan (CSUCP) policy CS15.
9. For these same reasons, the proposal would also cause harm to the character and appearance of the CA, for which I am statutorily required to give special attention to the desirability of preserving or enhancing that area's character or appearance. Any harm should require clear and convincing justification. However, whilst harm to the CA would arise, I am satisfied that it would be less than substantial harm. In such circumstances, the National Planning Policy Framework (the Framework) states that the less than substantial harm should be weighed against the public benefits of the proposal.
10. The changes to the front, the introduction of additional and re-proportioned dormer windows and the raising of the ridgeline would have a neutral effect on the character and appearance of the property when viewed from Jesmond Park West. Whilst this element of the proposal would avoid harm to the character and appearance of the CA, it does not amount to a benefit, public or otherwise, and so carries weight neither for nor against the proposal in this balance. Nor is it sufficient to outweigh the harm that I have identified which would arise from the rear two storey element of the proposed extension.
11. The proposal would facilitate the multi-generational occupation of the appeal property as well as allowing the appellant to more conveniently work from home. As well as reducing the need to commute regularly, the greater occupation of the property would contribute to local services and facilities, thereby providing social, economic and environmental benefits. These benefits would be both private and public, albeit on a relatively limited scale given the quantum of development proposed and would not outweigh the less than substantial harm identified above. The proposal is contrary to the aims of the

Living conditions

12. The appeal property is already a significant presence when viewed from the rear and rear garden area of the neighbouring property at 7 Loweswater Avenue. Here, a number of first floor windows already provide elevated views across the rear garden of No. 7 and, at an oblique angle, towards the rear of the house. Inter-visibility between residential properties is not uncommon in a residential setting, but the relationship between the two properties in this instance is unusual and neither that relationship nor the extent of inter-visibility between the two is particularly representative of the character or grain of the surrounding area.
13. Whilst I was aware of the presence of the existing upper floor windows at the appeal property whilst stood at the rear of No. 7, the extent of direct overlooking between the two properties was tempered by the presence of intervening trees and shrubs, their canopies and their branch structure. However, the proposal would introduce two first floor bedroom windows within 4 metres of the boundary which would look directly out over the rear garden area of No. 7. A further window on a side elevation of the extension would also allow for a straighter and more direct view back towards the rear of No.7.
14. I have no detail before me of either guidelines regarding separation distances between windows or the distance that would result between the side-facing window and the rear of No.7. However, the proposal would intensify the extent of overlooking and inter-visibility between the properties which would be incongruous and harmful in the context of the surrounding area's character and grain. This would harmfully increase the actual and perceived extent of direct overlooking between the two properties, resulting in a loss of privacy for the occupiers of both, to the detriment of living conditions.
15. Nor would the existing trees and vegetation, which the appellant suggests would soften any impacts, provide much in the way of meaningful mitigation. The two largest trees closest to the proposed extension are shown on the proposed plans to be removed, thereby taking away a significant portion of the existing screening material. Nor, given the nature of the rooms these windows would serve, their proximity to the garden of No. 7 and their relationship with the rear windows at the neighbouring property, would a condition to secure installation of obscure glazing be reasonable.
16. DAP policy DM23 requires development to provide a high-quality environment, a good standard of residential amenity for existing and future occupants of land and buildings and proposals will be assessed, amongst other factors, to ensure a good standard of privacy is maintained. For the reasons I have set out, I conclude that the proposal would fail to do so and, as a result, it would be contrary to DAP policy DM23.

Conclusion

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

G Robbie

INSPECTOR