



Appeal Decision

Site visit made on 20 June 2022

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th June 2022

Appeal Ref: APP/M4510/D/22/3295943

6 Grosvenor Avenue, Jesmond NE2 2NN

- 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 Simon Thorpe against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2021/1919/01/HOU, dated 14 September 2021, was refused by notice dated 7 January 2022.
 - The development proposed is two storey, hipped-roof, side extension, rear dormer to create an additional level, full width single-storey rear extension and replacement of front bay window with single-storey front extension and porch.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of existing occupiers at 8 Grosvenor Avenue with specific reference to outlook.

Reasons

Character and appearance

3. The appeal property is a two-storey, semi-detached dwelling situated on the northern side of Grosvenor Avenue. The street is characterised by similar semi-detached properties to the north and terraced properties to the south. The street slopes down towards Jesmond Dene Road. Although there have been some alterations, the regular rhythm of the street is emphasised by the pattern of small front gardens bound by low walls, hipped roofs with central chimneys, bay windows, casement windows and porch canopies. These features contribute to the local distinctiveness of the area.
4. The dwelling is part of a pair of semi-detached properties which are largely unaltered to the front elevation. Whilst the single storey garage to the side of the appeal property has been converted into a habitable room, the garage door remains to the front elevation. Consequently, the properties exhibit a high degree of symmetry. The appeal property has a single storey extension to the rear, and it is in use as a Class C4 House in Multiple Occupation.

5. It is proposed to demolish the existing bay window and erect a porch/single storey extension across the whole of the front elevation. This would result in the loss of the bay window, a feature which is representative of this era of property and characteristic of the street scene. The bay window would be replaced by an angular, lean-to style extension which would be at odds with the character and appearance of the street. Furthermore, it would unbalance the symmetry with the adjacent property which retains the bay window. I acknowledge that the bay window is not protected; however, the appellant has applied for planning permission, and I must consider the proposal before me. Although a porch of around 3m² could be built under permitted development rights in the manner suggested by the appellant, stretching across a significant proportion of the front of the house; it would result in a very contrived arrangement, as acknowledged in the appellant's submissions. Consequently, I consider that it would be unlikely to be implemented in such a manner and is not, therefore, a realistic fall-back position which limits the weight which I give to it in my decision.
6. The Council's Householder Design Guide (HDG) (2001; updated 2011) recommends that side extensions should be set back at first floor level. However, the appeal proposal would be flush with the front elevation and there would be no set down from the roof. The difference in levels between the appeal property and number 4 Grosvenor Avenue (No.4) would create a small off set which would mitigate to a degree the potential terracing effect as would the proposed hipped roof. Nonetheless, due to the lack of set-back/set down it would fail to appear subordinate to the host property and the extension would be indistinguishable from the original dwelling. Moreover, the difference in materials would add to the incongruous nature of the proposal, although I acknowledge that details of materials could be secured by way of a condition.
7. Attention is drawn to a number of side extensions in the street. The side extensions at Nos 16, 61, 36, and 85 are flush to the front elevation and there is no set down from the roof. However, these cases appear to pre-date the HDG. Whilst the side extension at No 10 is flush to the front elevation it is, nevertheless, set down from the roof and so appears subservient to the host property. Consequently, none of these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
8. The proposed dormer would occupy a significant proportion of the rear roof slope and would, therefore, fail to appear subservient to the host property. The flat roof, box like shape of the dormer would add to the incongruous nature of the proposal. Moreover, the proposed dormer would be visible from The Grove and Reid Park Road to the rear, although longer range views would be limited due to significant mature trees beyond The Grove. Overall, I consider that the proposal would have a harmful effect on the character and appearance of the appeal property and the street.
9. In conclusion, for the reasons stated the proposal would harm the character and appearance of the area. It would, therefore, conflict with Policy CS15 of the Council's Core Strategy and Urban Core Plan for Gateshead and Newcastle 2010-2030 (2015) and Policy DM20 of the Council's Development and Allocations Plan 2015-2030 (2020) (DAP) which together seek to ensure that development contributes to good place making through the delivery of high quality and sustainable design and responds positively to local distinctiveness

and character. Conflict also arises with the HDG. Furthermore, conflict arises with paragraph 130 of the National Planning Policy Framework (the Framework) which requires developments to be visually attractive and sympathetic to local character and history.

Living conditions

10. The rear elevations of the appeal property and the adjoining semi, No. 8 have small, single storey bay windows. The bay window of No 8 lies near the shared boundary with No. 6. Occupiers of No 8 currently have an outlook from this window of their own garden and across the garden of the appeal property and of the trees beyond The Grove.
11. The proposed single storey, lean-to style extension would occupy the full width of the house projecting approximately 3.5m beyond the existing rear elevation. The highest point of the extension would be around 4.5m adjacent to the rear elevation, sloping down to around 3.4m at its furthest point away from the house. The height to eaves would be around 3.4m.
12. The HDG advises that single-storey rear extensions are usually acceptable subject to the extension not crossing a horizontal line drawn at 45 degrees from the centre of the neighbours nearest habitable window and crossing a line drawn at 25 degrees above the horizontal when measured 2 metres above the original ground level. The Council consider that the proposed extension would significantly breach the 45-degree line from the bay window at No 8 and that to a lesser degree the 25-degree line would also be breached, a point not disputed by the appellant. From everything I have seen in submissions and on my site visit, I have no reason to disagree.
13. Whilst occupiers of No 8 would retain an outlook over their own garden outlook would be significantly reduced to the east. Rather than open views of their neighbour's garden and beyond, occupiers would be faced with a blank, brick elevation in close proximity to their window to a depth of 3.5m. The proposal would, therefore, have a harmful effect on the outlook of occupiers of No 8.
14. Attention is drawn to the fact that an extension of up to 3m in projection and up to 4m in height could be built under permitted development rights. I consider that there is a realistic prospect that the fall-back position would be implemented and so it is a significant material consideration. Nevertheless, the proposal would be at a higher level near the window of No 8 than would be allowed under permitted development rights. Furthermore, although the roof would slope down, the proposal would extend further out and would, therefore, have a greater effect on the outlook experienced at eye level than a scheme which would be allowed under permitted development rights. Consequently, the appeal proposal would have a more harmful impact on outlook than that which could be erected under permitted development rights. The presence of those permitted development rights does not, therefore, justify the harm which I have identified.
15. In conclusion, for the reasons stated, the proposal would have a harmful effect on the living conditions of occupiers of No. 8 Grosvenor Avenue with regards to outlook. It would, therefore, conflict with Policy DM23 of the DAP which, amongst other things, seeks to ensure a good standard of residential amenity for existing and future occupants of land and dwellings and ensure development maintains a good standard of outlook. Conflict also arises with

the HDG. Furthermore, conflict arises with paragraph 130 of the Framework which requires development to have a high standard of amenity for existing and future users.

Other matters

16. The Grove lies to the rear of the appeal property which marks the boundary of the Jesmond Dene Conservation Area. To the north lies the Grade II listed St. Mary's Chapel and Jesmond Dene Historic Park and Garden. The setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as the surroundings in which the heritage asset is experienced. Elements of the setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. Due to the degree of intervening vegetation any intervisibility with the appeal proposal would be very limited. The proposal would not, therefore, have a harmful effect on the setting of those heritage assets.

Planning balance and conclusion

17. The proposal would have some benefits for the occupants in terms of providing extended living space, potentially enabling occupiers to work from home and making efficient use of land in a sustainable location. The proposal would also contribute to the local economy during the construction phase. However, these benefits would be outweighed by the significant harm which I have identified to the character and appearance of the area and the living conditions of adjacent occupiers. There are no material considerations which would indicate a decision other than in accordance with the development plan.
18. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector