



Appeal Decision

Site visit made on 26 September 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 10th November 2022

Appeal Ref: APP/W4515/D/22/3301810

11 Shrewsbury Drive, Backworth, North Tyneside NE27 0JS

- 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 Ross Chromarty against the decision of North Tyneside Council.
 - The application Ref 22/00253/FULH, dated 9 February 2022, was refused by notice dated 1 June 2022.
 - The development proposed is described as proposed car port to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. To clarify the personal circumstances of the appellant, further information was requested. The parties were given an opportunity to comment, and no party would be prejudiced by my decision to have regard to it.

Main Issues

3. The main issues in this case are the effects of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of neighbouring dwellings by way of outlook; and
 - the appellant's need for a covered access, given their personal circumstances.

Reasons

Character and appearance

4. The appeal site is a brick constructed mid-terrace bungalow which has a pitched roof and small front garden and paved driveway. The front area is partly enclosed by a low-level timber fence. The neighbouring bungalows are of a similar design with front gardens and drives. These front areas are either open plan or enclosed by low-level boundary treatments (railings and timber fencing). This short row of bungalows is very uniform in appearance and while the wider area has some variation in the alignment of the buildings, there is a good consistency and openness of the front areas. This positively contributes to the character and appearance of the area.

5. The proposal would be a car port consisting of a flat and clear corrugated PVC roof set on steel posts. It would cover the property's doorway and driveway areas and extend up to the public footpath. The height of the car port flat roof would be approximately the same as the eaves level of the host property.
6. Notwithstanding its open post structure and clear roof, the proposal would create a very large extension to the front of the property. I observed no examples of car ports in the area and there are limited examples of buildings projecting into the front areas. The proposal would therefore look incongruous and overly dominant in this location. The materials proposed would not be in keeping with the host or nearby properties and as such it would not relate well or respect the character and appearance of the area.
7. Accordingly, I conclude that the proposal would significantly harm the character and appearance of the area. It would conflict with Policies S1.4, DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 (Local Plan) and the Design Quality Supplementary Planning Document 2018 (SPD). These policies and guidance seek, amongst other matters, to ensure development would be to a high-quality design and complement the form and character of the original building and surrounding area.

Living Conditions

8. I observed on my site visit that the proposal would be positioned close to the common boundary with the garden at 9 Shrewsbury Drive (No 9) and its large front window. It would also be on the common boundary with the drive at 13 Shrewsbury Drive (No 13) and close to this property's small obscure glass window.
9. With respect to outlook, due to the size of the roof structure and proximity with No 9's garden and window, the proposal would be a dominating feature that would be overbearing and adversely affect the outlook of the occupants. Similarly, while the small window of No 13 does not have an outlook due to it being obscured glass, the proposal would still be a dominating and overbearing feature when viewed from this property's paved area and driveway. This would harm No 13's outlook from these areas.
10. While the proposal would be opposite the Eccles Grange apartments, due to the good separation distance that exists no harm with respect to outlook would occur.
11. In conclusion, the proposal would harm the living conditions of the occupiers of neighbouring dwellings by way of outlook. The proposal would therefore conflict with Policies S1.4, DM6.1 and DM6.2 of the Local Plan and the SPD. These policies and guidance seek, amongst other matters, to ensure development would be to a high quality and have a good standard of amenity which would not have implications for adjacent properties and land such as outlook.

Need

12. It has been confirmed that the appellant is the occupier of the property, and that the proposal is required to meet their personal circumstances. I have had due regard to the Public Sector Equality Duty (PSED) arising from section 149 of the Equality Act 2010. This requires me to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and

people who do not. It is clear from the details provided that the occupant of the property does have protected characteristics for the purposes of applying the PSED.

13. I have given careful consideration to the identified need for the occupant to be protected from inclement weather and I recognise the importance of having the appropriate access provision. I note mobility equipment adjustments have been assessed however, no substantive evidence has been presented showing that an alternative proposal could not deliver similar benefits for the occupant and result in less harm. While I have given significant weight to the need in my view it does not outweigh the harm that I have found to both the character and appearance of the area, and the living conditions of the neighbouring occupants. I return to this in the balance below.

Other Matters

14. While some support for the proposal is noted, I must have regard to the effect upon all existing and future neighbours. Accordingly, I have given this matter little weight.

Planning Balance and Conclusion

15. I have found the proposal would harm both character and appearance of the area, and the living conditions of the neighbouring occupants. I have had due regard to the PSED set out under section 149 of the Equality Act 2010 but the harm caused by the proposal outweighs its benefits in terms of eliminating discrimination against persons with protected characteristics, advancing equality of opportunity for those persons and fostering good relations between them and others. I conclude that in this particular case it is proportionate and necessary to dismiss the appeal.
16. In conclusion, the proposal would conflict with the development plan, when read as whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be dismissed.

J Symmons

INSPECTOR