



Appeal Decision

Site visit made on 29 November 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2022

Appeal Ref: APP/M4510/D/22/3308105

88 Weldon Crescent, Newcastle Upon Tyne NE7 7JB

- 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 Khurshed Alam Manjur against the decision of Newcastle City Council.
 - The application Ref 2022/0261/01/HOU, dated 14 February 2022, was refused by notice dated 30 September 2022.
 - The development proposed is single-storey front, side, and rear extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council has clarified that the reference to 90 Weldon Way in their second refusal reason was an error, and should instead be 90 Weldon Crescent. The appellant has referred to the latter in their grounds of appeal so no prejudice would arise from my consideration of the appeal on this basis.

Main Issues

3. The main issues in this appeal are the effect of the development on:
 - i) the character and appearance of the host building and surrounding area; and
 - ii) the living conditions of the occupiers of 90 Weldon Crescent, with particular regard to outlook and light.

Reasons

Character and appearance

4. The housing along Weldon Crescent primarily comprises of short terraces, which are set back from the road along generally consistent building lines. The consistency in appearance and building lines is maintained despite the presence of a small number of porches and bay windows, and is a positive feature of this street scene.
5. The appellant has provided examples of larger front extensions within the wider area, but I saw that these are firmly in the minority and are not viewed within the same context as the appeal site. As such, they have only a limited influence on the character and appearance of the area surrounding the appeal site. Furthermore, I am not aware of the circumstances which led to their existence, nor do I consider that they are necessarily good examples to be followed.

6. The appeal property lies at the end of a terrace of four. The existing lean-to porch at the front is a small feature and has minimal effect on the strong symmetrical and otherwise unaltered appearance of the terraced building. In contrast, the proposed full-width wrap-around extensions would represent an addition of considerable size relative to the existing property, and would fail to respect the original form and symmetry of the terraced building. The mismatch of roof pitches and a squat gable feature above the front door would add further to the unsympathetic appearance of the extensions. The result is a scale and design of development which would not integrate sensitively with the host building and would appear as a disruptive element in the street scene.
7. I therefore conclude that the proposed development would significantly harm the character and appearance of the host building and surrounding area. Thus, there is conflict with Policy C15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (the CS) and Policies DM20 and DM23 of Newcastle's Development and Allocations Plan 2015-2030 (the DAP), which amongst other things, seek high quality design that protects the character and quality of the existing building and the surrounding area.

Living conditions

8. The appeal property's front gable elevation already projects slightly forward of the front elevation of the adjoining property 90 Weldon Crescent. The proposed lean-to front extension would increase this to about 1.9 metres in total.
9. There is some dispute over whether a '45-degree line test' would be met in relation to this neighbour's front living room window, but no conclusive evidence has been provided by either party in this regard. I observed that the living room window is wide and set slightly in from the common boundary. It is also largely south facing and therefore benefits from good levels of light throughout the day. Although the proposed extension is likely to have greater prominence from the living room window, it is my judgement that this would not be to such an extent that it would appear overbearing, or lead to any significant overshadowing.
10. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of 90 Weldon Crescent, with particular regard to outlook and light. In this regard, the proposal complies with Policy DM23 where it requires development to maintain a good standard of daylight, sunlight and outlook for neighbouring occupiers.

Other Matters

11. Although it has not been advanced in the appellant's grounds of appeal, I note from email correspondence provided that the proposals would benefit a disabled relative. I have therefore had regard to the Public Sector Equality Duty (PSED) contained in s149 of the Equalities Act 2010. The duty includes having regard to the need to eliminate discrimination, harassment and advance equality of opportunity between those sharing relevant protected characteristics and those who do not.
12. Whilst I am mindful of the needs of the family member, it has not been demonstrated that the scale and design of the proposal is specific to their needs, or that they cannot be met by a more acceptable scheme. In addition, both personal circumstances and occupants can change, but the effect of the

development would be permanent. The PSED considerations do not outweigh the significant harm that I have identified, and following careful consideration of these particular matters I am satisfied that the impact of dismissing this appeal is proportionate and justified.

Conclusion

13. The proposal would be harmful to the character and appearance of the host building and surrounding area, and is therefore in conflict with the development plan taken as a whole. Material considerations do not indicate that the decision should be taken other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

A Caines

INSPECTOR