



Appeal Decision

Site visit made on 7 November 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 05 December 2022

Appeal Ref: APP/H4505/W/22/3293487

29 Hartside Crescent, Winlaton, Blaydon NE21 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Nichola Lee against Gateshead Metropolitan Borough Council.
 - The application Ref DC/21/01150/HHA, is dated 16 September 2021.
 - The development proposed is described as two storey extension to side.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issue

2. As part of their submission, the appellant has put forward an alternative scheme that would reduce the size of the extension. However, I am mindful that it is not the purpose of the appeal process to evolve a scheme and it is therefore important that what is considered by the Inspector is essentially what was considered by the Council. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted. The merits of the reduced scale scheme would, if necessary, be a matter for the main parties to consider as part of a fresh proposal away from this appeal.
3. The Council failed to determine the application within the prescribed period. It has not provided an appeal statement. However, it did prepare a delegated decision report recommending one reason for refusal.
4. Having regard to the Council's putative reason for refusal, the main issue is the effect of the proposal on the living conditions of occupants at 33 and 35 Hartside Crescent (No 33 and No 35) with regard to light and outlook.

Reasons

5. The appeal property is a semi-detached corner plot which has a single storey front and side extension. The side extension is set back from the fenced boundary by approximately one metre. No 33 and No 35 are part of a row of bungalows which are directly opposite and face the side boundary of the property. These bungalows sit lower than the appeal property and are separated from the boundary by relatively small rear gardens and a narrow public footpath.
6. As I observed during my visit, the existing side elevation is already rather imposing on the outlook from No 35 and to a lesser extent No 33. Moving the

proposed extension towards the bungalows and up to the shared side boundary, in conjunction with increasing its height to two-storeys, would significantly increase the size and scale of the property on the boundary. This would create an overbearing and dominant feature which would significantly impact No 35 and No 33's outlook.

7. I have no reason to doubt the Council's estimated distance between the proposal and the bungalows, which indicates that it would not meet the distance recommended in the Gateshead Council's Household Alterations and Extensions Supplementary Planning Document (SPD). This supports my finding that the proximity of the extension to the bungalows would have an overbearing and oppressive effect.
8. While the proposal would reduce separation between the bungalows, it would still leave reasonable space around the gardens and rear rooms to maintain acceptable daylight levels. Furthermore, with the orientation of the proposal being to the north of the bungalows, there would be limited impact on sunlight. There would therefore not be significant periods of light loss or overshadowing.
9. While there would not be a harmful effect on the living conditions of neighbouring occupiers at No 33 and No 35 with respect to light, there would be a detrimental effect on outlook. This would be contrary to Policies CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and Policy MSGP17 of Making Space for Growing Places Local Plan Document for Gateshead 2021. These policies seek, amongst other matters, that development does not have a negative impact on existing residential amenity including outlook. These policies are supported by the SPD.
10. The proposal would also fail to accord with paragraph 130(f) of the National Planning Policy Framework (the Framework) which seeks to ensure developments create places with a high standard of amenity for existing users.

Other Matters

11. Whilst some neighbours have supported the proposal, this does not mean I should not find harm to the living conditions of neighbours now or in the future. Accordingly, I have given this matter little weight.
12. Reference is made to examples of similar extensions within the estate. However, I do not have the full details of these and cannot be certain that the neighbouring properties circumstances are the same. Consequently, I give little weight to the other extensions and each case should be considered on its individual merits anyway.
13. The proposal might improve privacy to the bungalows by removing the existing side window. It would also not overly dominate the host property and would create more family space and provide a more symmetrical extension. However, these benefits would not outweigh the significant impact on the outlook to the neighbouring bungalows that I have found.

Conclusion

14. The proposal would conflict with the development plan, when read as a 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 conclude that the appeal should be dismissed

J Symmons

INSPECTOR