



Appeal Decision

Site visit made on 28 March 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/M4510/D/22/3309782

39 Lindisfarne Close, Jesmond, Newcastle Upon Tyne NE2 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Alec Hern and Mrs Jacqueline Fogg against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2021/2428/01/HOU, dated 20 December 2021, was refused by notice dated 15 September 2022.
 - The development proposed is Proposed side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development on the decision notice includes for a balcony and glass balustrade to side and rear and I have determined the appeal accordingly.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the host property, including whether it would preserve or enhance the character or appearance of the Jesmond Dene Conservation Area (CA); and
 - The effect of the proposed development on the living conditions of existing occupiers of No. 37 Lindisfarne Close in relation to outlook and privacy.

Reasons

Character and appearance

4. The appeal site relates to a detached dwelling with a single storey attached garage located within a residential setting. The appeal site fronts onto Lindisfarne Close and is readily visible from the footpath and main road as well as from the flatted development to the rear as a result of the topography of the land which rises up from the road. The host property therefore sits at a raised level making it even more prominent within the street scene.
5. The site lies within the CA and as such, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special

attention to the desirability of preserving or enhancing the character or appearance of the CA. I have had regard to paragraph 199 of the National Planning Policy Framework (the Framework) in terms of giving great weight to the CA's conservation.

6. The CA is noted for its historic character of low density late Victorian and Edwardian housing set in the mature landscape of the Dene. The appeal site falls within sub area 4 and The Jesmond Dene Conservation Area Character Statement (JDCACS) explains that Lindisfarne Close is characterised by the planned development of 3 and 4 storey flats and a series of detached houses. It was constructed as a single scheme so there is cohesion in the design, scale and mass of the buildings and in their wider setting. The JDCACS specifically states that the character and appearance of this street and its contribution to the overall character and appearance of the CA could be easily harmed by incremental development between the flats and/or the alteration of the existing buildings. The site's significance is therefore derived from its role and collective contribution to the street scene along with other similar properties.
7. I observed the properties located along Lindisfarne Close and note that the properties largely comprise two-storey detached dwellings of reasonable scale with an overall similar appearance comprising a red-brown brick with a hipped tiled roof and landscaping to the front and sides. All these aspects combine to give a clear and consistent pattern of development in the area.
8. I accept that there are variations in terms of the size, general configuration and fenestration of properties. However, there is still an overall cohesive layout and appearance despite any extension/alterations that have taken place.
9. There is an existing single storey element located to the rearmost part of the site to the side of the property which given the topography of the land is located between the ground and the first floor of the main dwelling house. The proposed development would introduce a first-floor extension onto the side addition which would have a significantly greater floor height and eaves height than that of the main dwelling. Whilst its total height to the flat roof would be marginally below the height of the main dwelling, the increase in eaves height would result in the first-floor extension appearing disproportionate and dominant in comparison to the height of the existing property despite its set back form.
10. The proposed development would also introduce extensive glazing at high level together with a glazed balcony which would front onto Lindisfarne Close. Given the site's location adjacent the road and the prominent and raised position of the site, it would unacceptably draw the eye upwards which would further exacerbate the prominence and height of the extension. I have had regard to the appellant's images of other properties and although there is some variation as referred to above including the use of glazing at high level, for the reasons given above, the extensive use of glazing together with the glazed balcony in this instance despite it being an integral part of the proposals to the client, would further exacerbate the prominence and height of the extension. Collectively, this would be visually obtrusive and would therefore be at odds with/jar with the main dwelling and neighbouring properties. I acknowledge that an existing balcony forms part of the host property although this is not visible from the street scene and that materials selected would be of high quality and would match those used in the main dwelling including roof tiles,

bricks and fenestration. However, such factors have not affected my findings in this regard nor has the appellants' assertion that the appeal site cannot be seen from any other parts of the CA as the proposed development would still be obtrusive when viewed in comparison to the host property and immediate street scene. I appreciate the challenges in relation to a reduced eaves height such as achieving the floor to ceiling heights and taking into account the topography of the site although this would again not be sufficient to outweigh the harm I have identified.

11. I note concerns regarding overdevelopment and that most of the plot would be filled by the house as well as concerns over the visual separation between plots and glimpse views through properties. The host property whilst of a reasonable scale, appears smaller than its neighbours in terms of overall width given the single storey element of the garage and the overall proposed depth and width of the extension would not be significantly greater than the existing side element. It would not extend significantly further than the existing garage nor exceed the height of the host property and consequently, there would still be an element of space between plots including amenity areas in accordance with the Jesmond Dene Conservation Area Management Plan which amongst other things, requires development to maintain the spaciousness of the built form. Whilst I accept that the increase in height would result in some loss of first floor visual separation, its overall scale and massing would merely reflect the size and massing of its neighbours and would not be particularly harmful in this regard. Additionally, views into and out of Lindisfarne Close are already limited as acknowledged in the JDCACS given their position within the landscape and the host property is seen against the backdrop of flatted development to the rear and would not therefore result in the loss of any key vistas. This would not however overcome the other harm identified.
12. Concern has also been raised in relation to the roof design. However, given that there are quadrangle roof forms nearby, the flat roof form would in itself not necessarily look out of place particularly as there would still be a small semi-pitch pantile roof element when viewed from the footpath and main road.
13. For the reasons given above, the proposed development would not harm the visual separation between plots and glimpse views through properties and its roof form would not be particularly harmful. However, for the reasons also set out above, the site would unacceptably harm the character and appearance of the host property and would fail to preserve the character or appearance of the CA, causing less than substantial harm to its significance as a designated heritage asset.
14. Paragraph 202 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The benefits associated with the scheme are entirely to the benefit of the occupiers by increasing living accommodation at their property. Accordingly, I find that there are no wider public benefits to offset the identified harm to the CA to which I have attached great weight given the CA's conservation advised by the Framework. The proposed development would therefore be contrary to Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, 2015 (CSUCP) and Policies DM15, DM23 and DM20 of the Newcastle upon Tyne Development and Allocations Plan, 2020 (DAP) which

together, amongst other matters, requires development to contribute to good place-making through the delivery of high quality and sustainable design, and the conservation and enhancement of the historic environment. The proposed development would not conserve the heritage asset in a manner appropriate to its significance, or positively contribute to local character or distinctiveness in line with the aims of Section 16 of the Framework relating to Conserving and Enhancing the Historic Environment.

Living conditions

15. No. 37 Lindisfarne Close (No.37) including its side garden area is located within close proximity of the site and there are several windows located within the side elevation at both ground and first floor level of the property which provides outlook onto the appeal site.
16. The proposed extension would feature a first-floor balcony to the front elevation which would also wrap around part of the side elevation. I appreciate that there are no windows located within the first-floor side elevation. However, given the setback positioning of the extension to the rearmost part of the site and its height at first floor level, it would allow for direct views from the balcony into the side windows and garden area of No.37 which would result in an undue loss of privacy for the occupiers of No.37. A privacy screen along the outer edge of the balcony would be insufficient to overcome this harm as overlooking would still occur when utilising the balcony area particularly when stood up.
17. I note the appellants' frustrations regarding the communication with the Council where the sole focus was on the design of the extension. However, my decision must be based upon the Council's reasons for refusal and current context of the site, and I have identified the harm that would arise.
18. Whilst the appeal site would be visible from No. 37, this would largely be at an angle given the setback position of the proposed extension and the window positioning within the side elevation of No. 37 where outlook would still be largely retained. The only windows that would directly face onto the proposed extension would be those located to the rearmost part of the side elevation of No. 37 at first floor level. However, I noted on my site visit that a timber screen is in situ preventing direct outlook from these windows onto the single storey side extension of the host property. Even if this were removed, outlook would not be so severely restricted over and above the existing situation. Additionally, the separation distance from the boundary is not significantly different to the existing and although the height would be increased, the overall relationship would not be largely different from the relationship of other properties located along Lindisfarne Close and any impact would not be significantly adverse in this regard.
19. I conclude that although the proposed development would not unacceptably harm the living conditions of existing occupiers of No. 37 in relation to outlook, it would unacceptably harm the living condition of existing occupiers of No. 37 in terms of privacy. As such, it would be contrary to Policy DM23 of the DAP which requires development to provide a good standard of residential amenity for existing and future occupants of land and dwellings.

Other Matters

20. I appreciate that the proposed development would significantly improve the family's living space and that the appellants have considerably revised the design scheme and has engaged in dialog with the Council. However, the proposed development still lacks cohesiveness with the general form of the host property and surrounding area, and this would not be sufficient to outweigh the harm identified having regard to the effect of the proposed development on the character and appearance of the host property, CA and on the living conditions of existing occupiers of No. 37 in relation to privacy.

Conclusion

21. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination including the provisions of the Framework, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR