



Appeal Decision

Site visit made on 6 June 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd June 2023

Appeal Ref: APP/M4510/D/22/3308227

19 Moorside South, Fenham, Newcastle Upon Tyne NE4 9BB

- 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 Mehmood Mohammed against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2022/0438/01/HOU, dated 12 March 2022, was refused by notice dated 21 July 2022.
 - The development proposed is described as, 'Proposed new front canopy, new rear single storey extension and two storey extensions on both sides of property. Extensions & improvements.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of existing occupiers of 21 Moorside South in relation to outlook and daylight/sunlight.

Reasons

3. The appeal site relates to a reasonably sized two-storey dwelling located within a residential setting. The dwelling fronts onto Moorside South and is set back from the road with hardstanding to the front and a private garden to the rear. Neighbouring property No 21 lies to the north of the appeal site and No 17 lies to the south.
4. The property already benefits from a single storey garage located on either side of the dwelling and the proposed development amongst other works would replace the existing garages with two storey extensions which would extend the full depth of the property with a set back at first floor level.
5. Neighbouring property No 21 also fronts onto Moorside South where its side elevation faces the side elevation of the appeal property. Although an attached garage and conservatory sit at ground floor level, the conservatory has a low-level glass roof which slopes down towards the appeal site providing direct outlook onto the first-floor side elevation of the appeal property. Behind this conservatory is a dining room with a ground floor window which also provides for views of the first-floor side elevation of the appeal property. Whilst more limited given the relationship with the conservatory, views are still had.
6. There are also several windows located within the side elevation of No 21 at first floor level and whilst the majority of these comprise frosted glass where

outlook is restricted, there is a window serving a bedroom which is large enough to provide for clear and open views of the side elevation of the appeal property.

7. The proposed two-storey side extension on the side elevation closest to No 21 would be located within very close proximity to the side elevation of the neighbouring property and would run the full depth of it. This close relationship coupled with the extent of the projection and overall height would appear imposing and overbearing to existing occupiers of No 21 and outlook from inside the property at both ground and first floor level would be severely restricted and visually oppressive. The overall design/architectural style, setback feature at first floor level, proposed hip, lower ridge height and containment within the boundary would not be sufficient to overcome this identified harm as the proposed development would still result in a two-storey addition located within very close proximity of the neighbouring property resulting in an uninviting outlook.
8. In terms of daylight/sunlight, the proposed development despite its first floor set back and ridge height would be located within close proximity to No 21 and would be two storeys in height. Given the positioning of the conservatory and windows within the existing elevation facing the appeal site, it is likely that the proposed extension would reduce the amount of light reaching these areas despite it being located to the north. There is also no clear evidence to suggest otherwise.
9. I note the appellant's comments regarding the configuration of the garage and conservatory at the neighbouring property and any 'non-original' features. However, my decision must be based upon the current context of the site, and I am not persuaded that the development would not reduce the amount of daylight/sunlight reaching the conservatory and windows of the neighbouring property.
10. The layout may exceed privacy distance minimums and I note the lack of proposed windows within the side elevation. However, this would not overcome the matter relating to outlook and daylight/sunlight.
11. For the reasons given above, I conclude that the proposed development would unacceptably harm the living conditions of the existing occupiers of 21 Moorside South in relation to outlook and daylight/sunlight. It would therefore be contrary to Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (2015) and Policy DM23 of the Newcastle Upon Tyne Development and Allocations Plan 2015-2030 (2020) which together, amongst other matters, requires development to contribute to good place making through the delivery of high quality and sustainable design requiring development to provide a high quality environment and a good standard of residential amenity for existing and future occupants of land and dwellings. The proposed development would also be contrary to the aspirations of the National Planning Policy Framework relating to achieving well-designed places.

Other Matters

12. I appreciate that the applicant wishes to invest and extend their property post lockdown to increase their amenity and enjoyment of their home including the provision of home working which is said to result in less commuting and

polluting and that jobs through construction would help sustain the wider economy. Such matters would not be sufficient to outweigh the harm identified and any wider benefits identified would be limited given the small-scale nature of the proposals.

13. I acknowledge that the site is not located in a Conservation Area or other designation and that there are no heritage assets nearby. I am also aware of the brownfield nature of the site, its accessible location within a settlement and the size of the plot. However, such matters would also not be sufficient to outweigh the harm identified or alter my findings on the main issue. Comments have been made regarding the relocation of the family, housing market issues and inflation, social capital from community connections etc. However, there is no compelling case that any such issues would arise from the outcome of my decision.
14. I am aware of the permitted development rights that exist. However, this is a theoretical position only and there is no substantive evidence put forward in order to decide whether reliance could be placed on such permitted development rights as a fallback and any reasonable likelihood for this to occur. In any event, I am considering the scheme that is in front of me and I have identified the harm that would arise. Other properties nearby may have been altered/extended over the years although I have limited detail of this. However, this does not justify the harmful effect of the proposed development on its neighbour at No 21 in this specific location. Any previous extensions at the site would also not change my findings on the main issue nor would the varying designs and developments in the wider area.
15. The Council do not raise any particular concern with regard to the visual amenity of the property and street scene, residential amenity in respect of No 17 Moorside South, highway safety/parking and this, together with the lack of adverse impacts including landscaping, ease of movement, ecology, security etc are neutral matters in my overall decision and would not be sufficient to outweigh the harm identified.
16. It is clear from the policies contained within the Councils Local Plan that development will be required to provide a good standard of residential amenity for existing and future occupants of land and dwellings. As such, I have no clear reason to consider the appeal proposals not in line with the Local Plan.

Conclusion

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

N Teasdale

INSPECTOR