The Planning Inspectorate

Appeal Decision

Site visit made on 1 August 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2023

Appeal Ref: APP/M4510/D/23/3322757
Dunsmoor House, 1 Rosebery Place, Newcastle upon Tyne NE2 1ES

- 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 Alexanda Bell against the decision of Newcastle Upon Tyne City Council.
- The application Ref 2022/1669/01/HOU, dated 29 September 2022, was refused by notice dated 10 March 2023.
- The development proposed is described as "a retrospective application for installing an air source heat pump on the first floor of a South Facing Wall that fronts a highway".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. From my site visit and based on the evidence before me, the Air Source Heat Pump (ASHP) has been installed and therefore the development is retrospective. I have considered the appeal on this basis.

3. Whilst permitted development rights exist for the installation of an ASHP under certain circumstances. In this case, due to the ASHP being located at first floor level of a side elevation of a dwelling which fronts onto a highway, planning permission is required as the development, as installed, is not permitted under Class G, Schedule 14 of the Town and Country Planning (General Permitted Development) Order 2015.

Main Issue

4. The main issues of the appeal are the effect of the development:

   - on the character and appearance of the host property and the area; and
   - the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and Appearance

5. The appeal site, Dunsmoor House, is a two-storey, end terrace property, which is situated on a corner plot. It faces onto Rosebery Place, with its side elevation facing onto Victoria Mews. Although the road to the side of the property has a similar character to that of a rear lane, in this case, the road is also the primary frontage of a row of more modern, detached dwellings known as

Victoria Mews, including Nos. 14 and 15 which face directly towards the appeal site.

6. The ASHP is highly visible, prominently located in an elevated position on the side of the host property. It is situated between two first floor windows and appears larger than both of these windows. The ASHP does not sit flush to the building. Therefore, this results in a conspicuous form of development, which by virtue of its bulky appearance and prominent position at first floor level, appears as an incongruous addition to the property.

7. The ASHP is light grey in colour and has an industrial, functional appearance which contrasts harshly with the brown coloured brick elevation on which it is located. In this respect, the ASHP does not assimilate with the host building and therefore appears at odds, with it more traditional character and simple appearance of the host property.

8. Consequently, I find that the ASHP causes harm to the character and appearance of the host property and the area. Therefore, the development conflicts with Policy CS15 of the Gateshead and Newcastle upon Tyne Core Strategy and Urban Core Plan 2010-2030 2015 (CS) and Policies DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan 2020 (DAP). These policies, amongst other things, require development to be high quality, including demonstrating a positive response to built landscapes and using materials, colours, and tones appropriate to the characteristics of the area.

Living Conditions

9. Nos. 14 and 15 Victoria Mews are detached properties with gardens and driveway parking located to the front. They are separated from the appeal site by an access road, but their front elevations face directly towards side and rear elevations of Rosebery Place, including the side elevation of the appeal site. The ASHP is highly visible from these properties. However, whilst the ASHP is visible, its position and its distance away from primary windows of these properties means that the ASHP does not result in an overbearing impact on views from these windows.

10. Accordingly, I find that that ASHP does not cause harm to the living conditions of the occupiers of neighbouring properties, with particular regard to outlook. The development is not therefore contrary to Policy DM23 of the DAP which requires, amongst other things, to ensure that development will maintain a good standard of outlook for existing and future occupants of buildings.

Other Matters

11. I have had regard to the third-party representations, and addressed their concerns in so far as they relate to the main issues above.

12. In relation to noise impacts, the appellant submitted a noise report, which found that the ASHP would comply with the permitted noise development limit. I see no reason to disagree with this assessment and in the event that I had allowed the appeal, this could have been controlled by the imposition of a suitable planning condition. The Council has raised no other concerns in relation to the effect of the development on living conditions, except for in relation to outlook which I have addressed above.

13. I have had regard to the environmental benefits of the ASHP, and the support for the incorporation of measures to address the impacts of climate change and adverse microclimatic conditions found within Policy DM20 of the DAP. I have also had regard to the appellant's statement in relation to the installation of the ASHP meaning that they are no longer reliant on gas. However, these benefits relate to a single property and therefore can only be attributed moderate weight. In this particular case, the benefits do not outweigh the harm which I have identified to the character and appearance of the area.

Conclusion

14. For the above reasons, whilst I have found that the development does not result in harm to the outlook of neighbouring occupiers, I have found that the development is harmful to the character and appearance of both the host property and the surrounding area. Therefore, this leads me to conclude that there is conflict with the development plan as a whole. There are no material considerations of sufficient weight which would outweigh that conflict. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR