



Appeal Decision

Site visit made on 4 December 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 January 2024

Appeal Ref: APP/M4510/D/23/3330923

3 Hawthorn Avenue, Brunswick Village NE13 7DL

- 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 & Mrs Louis Forster against the decision of Newcastle Upon Tyne City Council.
- The application Ref 2023/0353/01/HOU, dated 1 March 2023, was refused by notice dated 21 July 2023.
- The development proposed is a single storey front extension and two storey side extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.
3. The appeal was submitted with an alternative layout plan which would result in a small porch on the front elevation close to the boundary with 1 Hawthorn Avenue (No. 1). I am mindful that the appeal process should not be used to evolve a scheme to overcome the Local Planning Authority's reason for refusal and instead a fresh planning application should be made¹. I have had regard to the 'Wheatcroft Principles'² and the interests of fairness. For the avoidance of doubt, I have determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the appeal property and the surrounding area.

Reasons

5. The appeal property is a two-storey semi-detached dwelling by the junction of Hawthorn Avenue and Wallington Avenue. It is prominently located at the entrance to the road. The property, along with its attached neighbour at No. 1, have their main entrance doors on their side elevations, with four

¹ Annex M of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

² *Bernard Wheatcroft Ltd vs Secretary of State for the Environment* [JPL, 1982, P37] **Y**

symmetrically positioned windows on the front elevation. This is a common arrangement in the locality and contributes to a sense of uniformity and cohesiveness along the avenue where properties are set back from the highway by short front gardens with low boundary walls and fences.

6. The proposed side extension would fill the gap between the existing flank elevation of the appeal property and the rear elevation of the adjacent garage block and would incorporate a single storey pitched roofed extension across its entire frontage. The front door would be relocated to the front elevation adjacent to the boundary with No. 1.
7. Whilst the extension to the side would not cause undue harm to the appearance of the dwelling or the street scene, the single storey element across the entire width of the front elevation would fail to respect the original form and symmetry of the pair of dwellings and the street scene as a whole. The result would appear as a disruptive element in the street scene.
8. Furthermore, I was unable to identify similar extensions in the immediately surrounding area. In my view, given the location of the appeal property and proximity to the junction of Hawthorn Avenue with the entrance road to Brunswick Park Industrial Estate and Greenside Avenue, the proposal would be highly visible from public vantage points. It would erode the characteristic relationship of properties to their plots that prevails here.
9. Therefore, for the reasons set out, the proposed extension would be a prominent and unsympathetic feature causing harm to the character and appearance of the host dwelling which would also adversely affect the character and appearance of the surrounding area. As such it would be contrary to Policy CS15 of the Gateshead Newcastle upon Tyne Core Strategy and Urban Core Plan (2015) and Policies DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan (2020) which, amongst other things, seek to ensure that development is of a high quality which responds positively to local distinctiveness and protects the character and quality of existing buildings and the surrounding area.

Other Matters

10. Reference has been made to a front extension at Greenside Avenue. I note that this scheme pre-dates the current development plan and the Framework. My attention has also been drawn to other examples of front extensions elsewhere; however, these are in the minority and appear to differ in context to the proposal before me. I do not have the full details of these and how they came into being. I therefore am unable to draw direct parallels with the scheme before me. Nevertheless, their presence does not persuade me to reach an alternative conclusion on the appeal and does not overcome the harm that I have otherwise found, which I have determined on its own merits and on basis of the evidence before me.
11. I accept properties can evolve over time and the proposal may contribute towards the social and economic objectives of sustainable development, albeit to a very limited degree. However, this should not be at the expense of delivering high quality development. For the reasons outlined above, I find that when considered as whole the proposal constitutes poor design and would cause material harm to the character and appearance of the appeal property

and the surrounding area. Consequently, these benefits would not outweigh the harm identified.

12. I note that the appellant states he received some positive pre-application advice. However, pre-application discussions are not binding on any future decision the Local Planning Authority may make once a proposal has been subject to the formal planning process. This does not lead me to a different conclusion on the main issue.

Conclusion

13. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

K L Robbie

INSPECTOR