



Appeal Decision

Site visit made on 18 June 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/W4515/D/24/3339769

22 Percy Avenue, Whitley Bay, North Tyneside NE26 3PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Jeremy Noble against the decision of North Tyneside Council.
 - The application Ref is 23/01137/FULH.
 - The development proposed is removal of existing front elevation velux window and fitting a velux GEL M08 SEOL 227, 2380mm x 2450mm balcony window with a glass balustrade.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the host building and surrounding area; and ii) the privacy of neighbouring occupants.

Reasons

Character and appearance

3. Percy Avenue is a pedestrianised street lined by a row of traditional two-storey terraced houses. The terrace forms a highly distinctive and cohesive group due to repetitive architectural features and a front roofslope which has retained its original form, save for the insertion of a few small rooflights with a low profile to the roof.
4. The proposal would replace one of the three existing rooflights at the appeal property with a triple window/balcony system. Each individual window would have an upper and lower section and once fully opened would allow access onto an inset balcony area containing glass balustrades at the front and sides.
5. At my site visit I saw that the roof of the terrace can be easily appreciated from Percy Avenue. The proposed window system would be considerably and noticeably larger than any of the other rooflights on the front of the terrace, and with a more distinct projection above the roof slope due to the presence of the balcony balustrades. It would therefore stand out as a distinct departure from the more modest and discreet roof features currently found on the terrace, creating a substantial disruption to the roofscape. This would detract from the original form and traditional character of the appeal property and terraced building as a whole.

6. The appellant has highlighted other roof alterations in the local area, including some which have similarities to the proposal. However, these are not seen in the same context as the appeal site and are not so numerous that they should be regarded as a defining characteristic of the area. Furthermore, the planning status of these examples is not known to me. In any event, the presence of other apparently similar development is not a reason, on its own, to allow harmful development at the appeal site. I have necessarily assessed the appeal on its own merits.
7. I therefore conclude that the development would unacceptably harm the character and appearance of the host building and its immediate surroundings. In this regard, there is conflict with Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 (the LP), as well as the Council's Design Quality Supplementary Planning Document 2018 (SPD), which amongst other things, seek high quality design which complements the form and character of the original building and area.

Privacy of neighbours

8. The proposal would allow a person to stand in the balcony area, beyond the roof plane, where they would have a more open view over the front gardens of the terrace than at present from the existing sky-facing rooflights.
9. Nevertheless, these gardens are already open to public view from Percy Avenue, a well-used pedestrian route. They are also closely overlooked by other front windows within the terrace. As such, the level of privacy within these gardens is already very low. The proposed balcony would not change this in any meaningful way, notwithstanding the views it would offer.
10. The neighbouring properties to the northwest are more distant and their rear gardens are well screened by a dense belt of mature trees. I note that the Council did not raise any privacy concerns in relation to these properties.
11. I therefore conclude that the development would not cause a harmful loss of privacy to neighbouring occupants from overlooking. Thus, the proposal complies with the neighbour amenity protection requirements of the SPD and LP Policy DM6.2. However, the absence of harm in this regard is a neutral matter.

Other Matters

12. The development would benefit the occupants of the appeal property with improved living space, and I have noted the absence of objections from the public. However, these are not matters which outweigh the harm I have identified and the resultant conflict with the development plan as a whole.

Conclusion

13. I have found that the development would be harmful in character and appearance terms. For this reason, the appeal should be dismissed.

A Caines

INSPECTOR