

Appeal Decision

Site visit made on 5 November 2024 by J Reed MPlan

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal Ref: APP/H4505/D/24/3350290

6 Fountains Close, Lobley Hill, Gateshead, Tyne and Wear NE11 9PX

- 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 Liam Plewes against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/24/00240/HHA.
 - The development proposed is two storey extension to side of property and single storey extension to rear of property.
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Decision

1. The appeal is allowed, and planning permission is granted for two storey extension to side of property and single storey extension to rear of property at 6 Fountains Close, Gateshead, Tyne and Wear NE11 9PX in accordance with the terms of the application, Ref DC/24/00240/HHA, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Roof Plan, Proposed Site Plan, Proposed Section, Proposed Plans and Elevations, Proposed Floor Plans and Location Plan.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The description of development on the application form includes the abbreviation 'ext'. Therefore, I have amended the description to include the full word 'extension' where applicable as well as 'and' between the respective elements of the proposed development in the interests of clarity.
4. I have defined the main issue on the basis of the Council's decision notice which identifies the specific neighbouring properties and its particular concerns in terms of effects on living conditions in each case.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers with specific regard to outlook and light for occupiers of 7 Fountains Close and privacy for occupiers of 8 Fountains Close.

Reasons for the Recommendation

6. The appeal building is a two-storey detached dwelling situated on an estate of similar properties. The properties closest to the proposed development are 7 and 8 Fountains Close (Nos 7 and 8) which face the appeal dwelling's side gable wall and the side boundary with the rear garden at the appeal site respectively. Both are separated from the appeal site by a timber fence.
7. The 'Gateshead Council Householder Alterations and Extensions Supplementary Planning Document' (SPD) provides guidance for house extensions. It advises that as a general rule, blank walls of two-storey extensions should be at least 13m from the habitable room windows of facing dwellings. The separation distance between the rear windows serving No 7 and the proposed extension's blank gable wall would be below this distance.
8. However, No 7 already faces the existing side gable of the appeal dwelling. While the proposal would bring built form closer to the shared boundary, the depth of the appeal dwelling is not excessive and would not increase in depth. Consequently, the aspect from the rear windows and garden at No 7 would continue to have an appreciation of the space either side of the dwelling at No 6. In addition, the nearest windows serving No 7 are to a conservatory which also has side windows. These factors would ensure that a suitably spacious outlook would be retained for occupiers of No.7.
9. The appellant's evidence indicates that a vertical sky component measurement of 35% would be achieved from the window serving the kitchen at No 7 and so good levels of light would be retained to this neighbouring window. There is no detailed contrary evidence before me to suggest that this would not be the case. Given the extent of glazing to the conservatory to its sides and rear elevation and the higher position of first-floor windows to the rear of No 7 when compared with its kitchen window, there is also nothing to suggest that those windows would not also be provided with adequate levels of daylight.
10. Due to the orientation of the proposal relative to No 7 and taking into account the sun's path from sunrise to sunset, any overshadowing from the proposal would not be until late in the day. Even then, there is nothing to suggest that there would be a material loss of sunlight for occupiers of No 7 when compared with the existing situation. Moreover, given the extension would not impact on the availability of sunlight received by No 7 for the vast majority of the day, this further indicates that a high standard of amenity with regards to light would be retained for occupiers of this neighbouring property.
11. The proposed extension would sit adjacent to the rear boundary fence of No.8 and would include a first-floor rear bedroom window. This would only afford very oblique views of the dwelling at No 8 and the parts of its garden which are more likely used for sitting out. The more peripheral parts of this neighbouring garden that would be most appreciable from this window already experience a

degree of overlooking which is typical within this close-knit residential environment.

12. Overall, in the particular circumstances of this case, even though the proposal would not meet the SPD guidance on recommended separation distances it would not conflict with the residential amenity requirements of the development plan in this particular instance.
13. I conclude, the development would have an acceptable effect on the living conditions of neighbouring occupiers with specific regard to outlook and light for occupiers of 7 Fountains Close and privacy for occupiers of 8 Fountains Close. As such, the proposal complies with the residential amenity requirements of Policy CS14 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (2015) and Policy MSGP17 of the Site Allocations and Development Management Policies Local Plan Document for Gateshead (2021) which seek to prevent negative impacts on residential amenity including in terms of light, outlook and privacy.

Other Matters

14. I have had regard to other concerns raised by third-parties not covered under the main issue. I am satisfied that the domestic scale and detailed design of the development would not result in an adverse effect on the character or appearance of the area, and this is consistent with the Council's own findings in that particular regard. For similar reasons as set out in respect of the relationship with No 7, I am also satisfied that the proposal would not have any material effect on light for occupiers of No 8. Any requirements to access neighbouring land to facilitate construction of the proposed development would be a private matter between property owners.

Conditions

15. In addition to conditions related to the time period for implementation of the development and the identification of the approved plans, a condition requiring the use of matching materials is also necessary to ensure the character and appearance of the area is not harmed by the proposed development.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

M Russell

INSPECTOR