



Appeal Decision

Site visit made on 18 February 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2025

Appeal Ref: APP/W4515/D/24/3355429

7 Whitley Road, Whitley Bay, North Tyneside NE26 2EW

- 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 Paterson against the decision of North Tyneside Council.
 - The application Ref is 24/00971/FULH.
 - The development proposed is rear dormer, garage conversion with terrace and raised decking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposals include development that is not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to these aspects of the application. Following my site visit I see no reason to disagree. Therefore, the focus of this appeal is the proposed roof terrace referred to in the Council's decision notice.
3. On my site visit I observed that some development had commenced. This included works to alter and raise the height of the garage at the rear of the property, although the enclosed terrace had not been constructed. However, I have dealt with the appeal on the basis of the plans before me.
4. Amended plans were submitted during the course of the planning application showing a reduction in the extent of the raised terrace. The Council made its decision against the revised plans, and I have made my determination on the same basis.

Main Issue

5. The main issue is the effect of the proposed roof terrace on the character and appearance of the host property and the surrounding area.

Reasons

6. The appeal property is a two storey dwelling within a predominantly residential area of terraced housing. The front elevation faces onto Whitley Road and the rear is bound by an access lane with the rear elevations of properties on Lish Avenue opposite. The property is located towards the southern end of Whitley Road and close to Marden Crescent. There are views of the rear of the appeal site from the access lane as well as the road and footpaths on Marden Crescent. The development would also be seen from parts of the footpath and road at the junction of Whitley Road and Marden Crescent.

7. The rear elevations of the terraced properties on both sides of the rear lane typically feature two storey gabled projections, garages and boundary walls of varying heights enclosing the rear of the properties. Brick and render are the predominant materials used on the properties to the rear of Whitley Road and Lish Avenue. The boundary walls either side of the lane are predominantly brick, with timber used to some gates, garage doors, fencing and other structures along its length.
8. The proposed development would result in a terrace for outdoor space formed as part of the works to alter the garage. The roof terrace would be at first floor level, enclosed by timber fencing to act as a privacy screen. This would be higher to its sides with a lower section to the rear facing the access lane.
9. The development would appear as a prominent and incongruous addition to the property due to the proposed length of the privacy screens and their overall appearance. Such development is not a typical feature of the area, and the proposal would appear at odds with the design of the property and the appearance of the wider area. The visual harm to the site and surrounding area would be exacerbated by the elevated position at first floor level and the site's location in the terrace. Although timber is used at street level within the terrace for gates and fencing, it is not typically used in elevated positions. As a result, the development would be a discordant feature when viewed from public vantage points. The proposal would not be sympathetic to the character and appearance of the property and the area or add to its overall quality.
10. I observed fencing associated with what the appellant's statement suggests is a roof terrace to the rear of another property on Whitley Road. I do not know the circumstances under which this was constructed, although the evidence also suggests that the Council considers this to be immune from enforcement action. Notwithstanding this, I find that the appeal proposal would result in a harmful form of development that is in a much more prominent position within the terrace. I therefore cannot draw any direct comparison with the example provided by the appellant that would weigh in the proposal's favour. The presence of this does not justify the harm that I have identified.
11. I conclude that the development would be materially harmful to the character and appearance of the host property and the surrounding area. It therefore conflicts with Policy DM6.1 of the North Tyneside Local Plan (2017), which amongst other things seeks high and consistent design standards specific to the place, taking into account the characteristics of the site and surrounding area.

Other Matters

12. I note the discussions between the parties in respect of alternative designs and the revisions made as part of the planning application. This includes the reference to other materials, the size for the privacy screens and the appellant's reasons for proceeding with the scheme as proposed. However, my assessment is made on the basis of the plans before me.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR