
Appeal Decision

Site visit made on 19 February 2025

by **K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/M4510/D/24/3352310

50 Lanercost Drive, Newcastle Upon Tyne NE5 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Ms Zarah Hussain against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/0962/01/NPA.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Subject to limitations and conditions, Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) grants planning permission for the enlargement of a dwellinghouse. If a proposed enlargement would exceed the limits in Paragraph A.1(f) but fall within those in Paragraph A.1(g) to Part 1, Paragraph A.4(5) provides that the local planning authority should notify each adjoining owner or occupier. Where any objections are received, Paragraph A.4(7) stipulates that the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of all adjoining premises. An objection from an adjoining premises has been received.
3. The Council therefore proceeded to consider the impact of the proposal on the amenity of any adjoining premises, as required. It subsequently refused the application on grounds relating to the effects of the proposal on the occupiers at 52 Lanercost Drive (No.52).
4. In refusing the application, the Council cited Policy DM23 of the Newcastle Upon Tyne Development and Allocations Plan 2015-2030, adopted June 2020 (the DAP) and Paragraph 135 of the National Planning Policy Framework (the Framework). However, since the principle of the development is already established by the GPDO, I can have regard to the policies of the development plan and the Framework only insofar as they are material to the matters for which prior approval is sought.
5. Therefore, the main issue is the effect of the proposed development on the amenity of the occupiers of 52 Lanercost Drive (No.52) with particular regard to outlook and light.

Reasons

6. The appeal site, No.50 Lanercost Drive is a semi-detached, two storey dwelling. It shares a common boundary with No.52 and the two properties are currently separated by a low boundary fence and some planting. Both properties benefit from good sized rear gardens.
7. The proposed development would involve the construction of a rear extension to the appeal property which would extend the full width of the property and by approximately 4 metres from the rear wall. It would have a lean-to roof that would measure approximately 2.4 metres to the eaves, with a maximum height of approximately 3.7 metres.
8. The development would be taller and more solid than the current fence. It would be built up to the shared boundary with the neighbouring property meaning that the 4-metre brick side facing wall would be clearly visible from the rear windows of No.52, which include a small rear projecting bay window. As a result, it would dominate views from the window closest to the appeal property.
9. This assessment is supported by the fact that the extension would infringe the 45-degree line taken from nearest ground floor rear window at No. 52 which the Council uses to assess the impact of a proposal on outlook and light¹. Therefore, as a result of its proximity, the height and depth the proposed extension would appear overbearing and cause unacceptable harm to the outlook currently enjoyed from the rear window of the neighbouring property.
10. In terms of sunlight, the rear elevations and gardens are northeast facing, meaning that they get direct sunlight primarily in the morning. The appellant has submitted with the appeal a diagram which indicates that direct sunlight is most likely to occur between 6am and 10am each day. Nonetheless, the proposed extension would be likely to further reduce the amount of sunlight entering the windows on the ground floor of the property.
11. I accept that the proposed extension would only extend one metre further from the rear wall than an extension that would be permitted by Paragraph A.1(f) of the GPDO without the need for prior approval. However, such an extension would be more limited than the appeal proposal in terms of its effect on daylight and outlook for the neighbour. As such, the fallback is not directly comparable.
12. The appellant also states that the eaves height of proposed extension would only exceed the height of a fence which would be permitted in the GDPO by between approximately 0.7 to 0.4 metres. Nonetheless, at its highest point it would be 3.7 metres high and therefore the presence of an extension of this scale would be much more imposing than that of a fence. I therefore attribute this limited weight.
13. Whilst I note that the Council concluded that the proposed development would not cause harm to the character and appearance of the host property and surrounding area and that there would be no reduction in privacy, this does not alter my above findings.
14. For the reasons above, the proposal would have a materially harmful impact on the amenity of the occupiers of No.52 by virtue of loss of outlook and light.

¹ Extending Your Home – A Design Guide, adopted 2001 and updated 2011

15. Insofar as they are relevant to the prior approval matters, the scheme would conflict with Policy DM23 of the DAP, which seeks amongst other things to ensure that development will maintain a good standard of daylight, sunlight, outlook and privacy for all existing and future occupiers. It would also conflict with Paragraph 135 of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Conclusion

16. For the reasons given above, I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR