



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/W/24/3355598

24 Holystone Avenue, Gosforth, Newcastle upon Tyne NE3 3HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Christian Barron against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2024/1007/01/HOU was approved on 29 August 2024 and planning permission was granted subject to conditions.
 - The development permitted is the erection of single storey extension with flat roof to front.
 - The condition in dispute is No.2 which states that:
*"The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced:
Amended proposed site plan, drwg no. 001 Rev 3 received on 29.08.2024
Amended proposed plans and elevations, drwg no. 003 Rev 3 received on 29.08.2024"*
 - The reason given for the condition is:
"For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework, Policies CS1 of the Core Strategy and Urban Core Plan and DM20 of the Development and Allocations Plan".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Background and Main Issue

3. Planning permission was granted for the erection of single storey extension with flat roof to front (as amended by plans received 29.08.2024). It was subject to a number of conditions including Condition No.2 which specified the approved plans. This appeal is made directly against the imposition of this condition. The appellant seeks to replace the approved drawings¹ with the scheme that was originally submitted with the planning application. Whilst the two schemes are visually different, they do not involve a fundamental amendment in terms of what is being sought and so the overall nature of the development would not change.

¹ Drawing Refs: 001 Rev 3 and 003 Rev 3

4. The original drawing² was not technically before the Council when it made its decision. However, in this case the Council has clearly previously seen the original proposal. Furthermore, the Council had an opportunity to submit a statement and comment on the matter through the appeal process. There were no interested party representations received on either scheme. I am therefore satisfied that as part of this appeal and having regard to the Holborn³ Principles, I can consider the design of the extension as originally proposed.
5. The original scheme was amended due to concerns raised by the Council in relation to highway safety. However, the appellant considers that there is sufficient space in front of the proposed extension to park a car without causing an obstruction to pedestrians. Conversely, the Council states that by virtue of its position and scale, the proposed single storey extension, would result in the loss of sufficient parking provision to the detriment of pedestrian safety.
6. Therefore, the main issue is the effect that varying the condition would have on highway safety.

Reasons

7. The appeal site, No.24 Hollystone Avenue comprises a two-storey, semi-detached dwelling. It has previously been extended to the side with a flat roofed first floor extension. The surrounding area is typically characterised by semi-detached dwellings of a similar design and layout, most of the properties on Hollystone Avenue have some off-street parking to the front, although I also observed during my site visit cars parked within the road.
8. The proposal seeks planning permission for the erection of single storey extension with flat roof to front. The proposal also involves converting the existing garage into a living room. The revised proposal seeks to revert to the originally submitted scheme which would involve extending the garage by an additional 775mm so that it would sit flush with the proposed extended porch.
9. The Council's Extending Your Home – A Design Guide, adopted 2001 and updated 2011 states that front extensions should not reduce the length of the driveway to less than is necessary to provide an off-street parking space. The Transport Assessments, Travel Plans and Parking – Developer Guidance, adopted October 2015 (the TDG) provides guidance on residential parking, including dimensions for driveways. It states that for driveways with no gates or garage door considerations, the minimum length should be 5 metres.
10. It is not disputed that the length of the existing driveway would be reduced as a result of the proposed development, the length of the retained driveway would be approximately 4.3 metres. This is substantially below the minimum required length set out in the TDG. The reduction in driveway length could lead to parked cars overhanging into the adjacent footpath, thereby harming pedestrian safety. The presence of an overhanging car may also lead to reduced visibility of neighbouring properties, further harming highway safety.
11. In support of the appeal, the appellant provided a series of images which sought to demonstrate that there would be sufficient space in front of the proposed extension to park a car safely and without encroaching onto the adjacent footpath. However,

² Drawing Ref: 003 Rev 2

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

whilst the images appear to show that a car can be parked, this is only one type of car and based on the reduced length of the driveway it is likely that a larger car parked here would overhang into the adjoining footpath. Furthermore, it would not be possible to impose a restriction which would ensure that only a small car could be parked on the driveway to avoid encroachment.

12. My attention has also been drawn to a range of different porch or garage extensions to a number of properties in the surrounding area, some of which I was able to observe during my site visit. However, I have not been provided with any further details of these schemes, nor whether they are comparable in terms of driveway length to the appeal site. In any case, I have determined this appeal based on the evidence before me and the facts of the case.
13. Consequently, for the reasons set out above, I therefore conclude that the proposed variation would cause harm to highway safety. Thus, it would be contrary to Policy CS13 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, adopted March 2015 and Policy DM14 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030, adopted June 2020. Together, these policies seek amongst other things, to ensure that development connects safely to and mitigates the effects if development on existing transport networks and that development will be required to adequately mitigate against its impact on the highway network in the interests of safety, efficiency and accessibility.

Other Matters

14. The Council has raised concerns that there is no revised Site Plan submitted with the appeal, and therefore the appellant is only seeking to amend one of the approved drawings. However, as I am dismissing the appeal for other reasons, I have not considered this matter further.

Conclusion

15. For the reasons given above, I conclude that the development conflicts with the development plan as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR