



Appeal Decision

Site visit made on 18 March 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/M4510/W/24/3356245

4 Lewis Drive, Newcastle upon Tyne NE4 9HE

- 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 Ahmed against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/0398/01/DET.
 - The development proposed is described as “Subdivision of 1no. Property into 4no. Flats - Please see planning statement for further information”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. The Council altered the description of the development during the course of the application to read “Erection of 2 storey extension to side, single storey extension and dormer extension to rear, erection of garage to rear garden, installation of access door, removal of wall and erection of fence (max height 1.8m) to side to facilitate subdivision of 1no. dwellinghouse into 4no. flats (Class C3). Retrospective”. I note the correspondence with the appellant’s agent to this effect. This is a more concise description that accurately summarises what is proposed, and I have dealt with the appeal on this basis.
3. I observed at the site visit that a two storey side extension, single storey rear extension, rear dormer, detached garage and boundary fencing have already been constructed and subdivision of the property and occupation as flats has taken place. Although the two storey side extension has similarities in appearance to the extension shown on the proposed plans, there are some apparent differences relating to the height and pitch of the roof as constructed, and a roof light has been inserted to the front elevation. A rooflight has also been added to the main roof of the front elevation of the original property above the bay windows.
4. The garage does not reflect that shown in the submitted plan as this has been constructed with a sloping mono-pitch roof rather than a flat roof. The fence that has been constructed to the side boundary of the property also differs from the plan as it features double gates rather than a single pedestrian gate opening. I have therefore dealt with the appeal on the basis that planning permission is being sought for the development as set out in the application plans.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area, with particular reference to the rear dormer extension and the garage.

Reasons

6. The appeal site is a two storey semi-detached property located within an area featuring a mix of residential and commercial development. It is located to the southern end of the residential properties on Lewis Drive, with access taken from Lewis Drive and a road to the side of the property.
7. The rear boundary of the appeal site is bound by a substantial building described in the officer report as 'tram sheds'. A grassed area with some mature trees is located adjacent to the property, which provides a pleasant open space that contributes to the character and appearance of the area, and there are some views across this towards the appeal property and the garage. There are variations in the scale and appearance of the buildings and commercial development fronting onto Westgate Road. The residential development on Lewis Drive and in the immediate surrounding area is predominantly characterised by two storey semi-detached properties of similar age and appearance.
8. The garage, as constructed and as shown in the plans, is a substantial building in relation to the size of the appeal property and the extent of the rear garden area that it occupies. It has been constructed with blockwork walls and the evidence before me does not refer to any other finished wall material to be used. The application and evidence are therefore not clear on the final appearance, although there are varied materials in the area and a planning condition could secure details of a suitable finish to be used if I were to allow the appeal.
9. I have had regard to the Development Management Extending Your Home, A Design Guide Series (2011) (the DGS) and the consultation draft Design Guide for Household Extensions and Alteration in Newcastle upon Tyne (2023) (the DGHEA). The DGS states that in most instances it is only appropriate to install a pitched roof dormer on the rear elevation to reflect the character of the property. The DGHEA is consistent in this approach, stating that large box dormers can result in a top-heavy appearance that harms the character of the host dwelling and so are not generally acceptable. It also sets out other guidance on the position of dormers to ensure they are visually subservient.
10. With regard to detached garages, the DGHEA states that detached buildings within the curtilage of a dwelling should complement the original building. I am mindful that these design guides relate to householder proposals and the appeal proposal is not such a development. However, I note the objectives for securing good design, the nature of the property and that both parties have made reference to these in their evidence.
11. The Council refers to a negative impact on the "rear street scene" for both the dormer and the garage. I agree with the appellant that there is no discernible rear street scene due to the layout of development and the substantial building to the rear boundaries of the properties on Lewis Drive. However, the dormer and garage are visible in the public domain from the access road to the side of the property and from Westgate Road, whilst the garage can also be viewed from Lewis Drive.

12. Due to its scale and materials, and despite some attempts at subservience, the dormer is a poorly designed and discordant feature that dominates the original roof of the property. The roof of the two storey side extension partially obscures the dormer in views from the adjacent access road and Westgate Road, which mitigates the impact to some degree. However, it is a notable feature of the roof that does not relate well to the character or appearance of the property and the residential area, it does not respond positively to local distinctiveness and character, and therefore has a harmful visual impact.
13. Both parties have directed me to examples of other dormer extensions that have been permitted by the Council, as well as being allowed and dismissed on appeal. I noted the larger dormer and roof extension that has been constructed at 8 Lewis Drive, which I understand has been undertaken under a lawful development certificate application, and that is visible from the public domain. I also noted a rear dormer extension on Auden Grove, although I do not know the circumstances under which this was constructed or its status with regard to planning permission.
14. Whilst I have taken these into account, I have assessed the appeal proposal on its own merits having regard to its location and impact. Flat roof dormer windows are not a common feature of the properties on Lewis Drive, and they are not prevalent in the surrounding area. I cannot draw any direct comparison from these with the proposal that weighs in its favour, and the approval or presence of other development does not justify the harm that I have otherwise found in this instance.
15. As a result of its considerable scale in relation to the appeal property and its poor design, the garage is out of scale and character with the host property, the residential use of the site and the immediate residential area. The wider visual impact is mitigated to some degree by its location to the rear of the property, as well as being viewed in the context of the 'tram sheds' and an adjacent car wash. However, the visual impact is notable from Lewis Drive and the access road to the side, and for the above reasons it has a detrimental effect on the character and appearance of the area.
16. The appellant suggests that similar works for a dormer and garage within the curtilage of a dwelling would be permitted development if the building was a house rather than flats, but also acknowledges that they do not apply in this case. As such, the use of permitted development rights does not represent a genuine fallback position in this instance that weighs in favour of the development, and therefore I give this limited weight. Consistent with the appeal decision that is cited in the officer report, it also does not indicate that development that needs planning permission should be permitted irrespective of its design quality. The use of or the potential for permitted development rights to be used on other dwellings therefore does not justify the identified harm in this instance.
17. I conclude that the development is harmful to the character and appearance of the host property and the surrounding area, with particular reference to the rear dormer extension and the garage. It therefore conflicts with Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and Policy DM20 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030. These policies seek, amongst other matters, that development will contribute to good place-making through the delivery of high quality and sustainable design, respond positively to local

character and distinctiveness, and secure opportunities to improve the character and quality of an area.

Other Matters

18. I have taken account of the appellant's statement, which highlights benefits of the development including adding to the supply and choice of housing, using the space above existing residential premises, as well as the need for the garage. However, it has not been adequately demonstrated that the development as proposed is the only way to achieve those objectives. In any event, the stated benefits do not outweigh the harm I have identified or alter my conclusion on the main issue.

Conclusion

19. The proposal conflicts with the development plan read as a whole, 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 is dismissed.

N Armstrong

INSPECTOR