



Appeal Decision

Site visit made on 8 May 2025

by **H Jones BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2025

Appeal Ref: APP/M4510/D/24/3354925

26 Western Avenue, Grainger Park, Newcastle upon Tyne NE4 8SP

- 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 Dr S Khan against the decision of Newcastle City Council.
- The application Ref is 2024/0563/01/HOU.
- The development proposed is a staggered two storey rear extension connected to two storey side extension with rooms in the roof created with the addition of a full width rear flat roof dormer (with glazed balcony) and smaller pitched roof dormers to the front elevation. Front elevation treatments including double traditional bay windows, canopy, double leaf entrance door, arched glazed window & rendering throughout.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effects of the proposed development upon the character and appearance of the host property and the area; and
 - The effects of the proposed development upon the living conditions of the occupiers of 24 and 28 Western Avenue (Nos 24 and 28) with specific regard to the effects of the proposed rear extension and balcony upon privacy, light and outlook.

Reasons

Character and appearance

3. No 26 Western Avenue (No 26) is a semi-detached house situated within a predominately residential area. There are a mix of house types and styles in the area, but the pair of semi-detached houses the host property forms a part of exhibit much design cohesion. Each of the properties are quite simply and traditionally designed and feature a balanced fenestration apportionment with single bay windows to their fronts and modest single-storey outriggers projecting from their rear elevations. The external walls of the pair of properties are constructed of red brick with red tiles to their roofs.
4. Upon completion of the proposed development, and amongst other features, a double-height bay window would be introduced to the host property's front elevation together with a further bay, a set of French doors, an arched window and a portico. These features would introduce a visual complexity to the front elevation

which would be at odds with the simpler appearance of the host property and the adjoining semi.

5. At first-floor level, the proposed rear extension would have a projection depth of approximately 4 metres (m) and, at ground-floor level, 6m, and it would extend across the full width of the host property. Consequently, the rear extension would represent a significant enlargement of No 26.
6. The 3 box-like dormer windows to the front elevation would, together, form a considerable addition to the roofscape facing Western Avenue. At the rear, the proposed box-like dormer would be of such scale that it would largely conceal the entirety of the rear roof slope of the property and dominate the roofscape on this side. As a result of the proposal, in contrast with its existing red bricks and tiles, No 26's elevations and roofscape would exhibit off-white render and blue roof tiles.
7. Owing to this scale of enlargement, the complexity of some of the design details introduced to it and the overhaul of its main material finishes, the character and appearance of No 26 would be unsympathetically transformed by the proposed development. This would also result in an erosion of the design cohesion displayed by the pair of semi-detached houses No 26 forms a part of. The effects of this upon the character and appearance of the host property and the area would be harmful.
8. In coming to these views, I acknowledge that the rear extension and rear dormer would be screened from Western Avenue itself. Nevertheless, they would still be visible from neighbouring gardens and property and, moreover, they would form a part of the unbecoming additions proposed to the host property overall and amount to poor design.
9. I have also had regard to the various extensions, alterations and design features established in the area and note that examples of the likes of double-height bay windows, box-shaped dormers and rendered finishes can already be found. However, it is the combined effects of the particular array of extensions and alterations proposed by the appeal scheme which I find to be objectionable, and which would transform the host property in an unacceptable manner. Therefore, even though various design features and additions on properties prevail in the area, they are not akin to the specifics of the appeal proposal and, consequently, they do not weigh in favour of the appeal scheme to any meaningful extent.
10. For these reasons, the effects of the proposed development upon the character and appearance of the host property and the area would be unacceptably harmful. As a result, the proposed development conflicts with Policies DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 (the Development and Allocations Plan) and Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030. Altogether, and amongst other matters, Policies DM20, DM23 and CS15 require development proposals to deliver a high quality of design and protect, and respond positively to, local distinctiveness and character.

Living conditions

11. Although No 28's nearest adjacent ground and first-floor rear elevation windows are inset from the common boundary with the host property, they are, nevertheless, close to it. Orientated towards the south and opposite garden land,

the occupiers of these rooms will benefit from significant outlook and receipt of skylight and sunlight.

12. A side elevation of the proposed staggered two-storey rear extension would be sited on the common boundary with No 28. With its first-floor level projection depth of approximately 4m, and 6m at ground-floor level, the proposed rear extension would, overall, form an extension of significant size.
13. Owing to its depth and positioning, the proposed rear extension would extend significantly beyond No 28's nearest adjacent ground and first-floor rear elevation windows, and it would run alongside a considerable proportion of No 28's rear garden. In combination with the proposed extension's overall size, these factors would mean that, in views from the rooms served by the aforementioned windows, the proposed two-storey extension would form a harmfully imposing feature. It would have a dominating effect and unduly restrict outlook.
14. Due to its size, scale and proximity to the aforementioned windows, and its position on the southern side of the host property, the proposed rear extension would also result in these rooms being affected by reductions in skylight and sunlight. Furthermore, the proposed rear extension would create a strong sense of enclosure upon, and appear overbearing when within, sections of No 28's rear garden.
15. On the opposite side, upon completion of the proposed development, the first-floor element of the proposed rear extension would project rearward of that at No 24 by approximately 4m. The proposed rear extension would also be built up to, or very close to, the shared boundary of the two properties. The Council has set out that, when applied to the nearest of No 24's first-floor bedroom windows, the proposed rear extension would breach the 45-degree outlook test as set out within its supplementary planning guidance: Extending Your Home A Design Guide Series, and I have been provided with no substantive evidence to the contrary.
16. Therefore, due to the scale, projection and proximity of the first-floor element of the proposed rear extension, the proposal would also harmfully infringe upon outlook from the nearest of No 24's first-floor bedroom windows and, again, reduce light levels.
17. No 24 benefits from a single-storey rear extension which meets the common boundary with No 26. As such, the proposed rear extension would not project beyond the ground-floor rear building line of No 24 to the same extent as No 28. In turn, the overall effects of the proposed two-storey rear extension upon the occupiers of No 24 in respect of light and outlook reduction would not be as severe as would be the case for No 28. Even so, harm would still arise due to the effects upon the first-floor bedroom.
18. The proposed rear balcony would be set atop of the proposed two-storey extension and therefore be at a high and commanding level. The proposed balcony would be large, and it would essentially span the full width of the appeal site. Consequently, it would permit for extensive views across much of the rear gardens of Nos 24 and 28 and the viewing angles would not be acute. The privacy screens positioned would be at the very sides of the balcony only and, as such, the effect which they would have on restricting overlooking of the garden areas would be limited.

19. I accept that there will already be some overlooking of the gardens serving Nos 24 and 28 from existing first-floor windows. However, the balcony would be set higher still, it would provide a dedicated external amenity space, it would be of considerable size, and it would project farther rearwards than the existing first-floor rear elevation. Therefore, for these reasons, I find that the proposed balcony would afford particularly invasive views of the rear gardens of Nos 24 and 28.
20. For the reasons I have given, the proposed development, with specific regard to the proposed rear extension and balcony, would result in unacceptably harmful effects upon the living conditions of the occupiers of 24 and 28 Western Avenue by reason of an infringement upon their privacy, light and outlook. Therefore, the proposed development conflicts with Policy DM23 of the Development and Allocations Plan. In summary, and amongst other matters, this Policy requires development to provide a high-quality environment with a good standard of daylight, sunlight, outlook and privacy for all existing and future building occupiers.

Other Matters

21. The proposed development may have been subject to amendments, exhibiting a commitment to address the Council's objections, nevertheless, and for the reasons given above, the appeal scheme would result in unacceptable harms.

Conclusion

22. The proposal conflicts with the development plan as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

H Jones

INSPECTOR