
Appeal Decision

Site visit made on 20 May 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2025

Appeal Ref: APP/A4520/D/25/3365162

35 Kingsway, South Shields, South Tyneside NE33 3NN

- 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 Ivan Higgs against the decision of South Tyneside Council.
 - The application Ref is ST/0068/24/HFUL.
 - The development proposed is described as the “Removal of the existing roof and replacement with new roof with ridge height raised by 350mm. Dormer addition to the rear and new Velux windows to the front. Chimneys stacks raised by 350mm”.
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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 following amendments to the submitted plans to read “Removal of the existing roof and replacement with new roof with ridge height raised by 350mm. Dormer addition and roof extension to the rear and new Velux windows to the front. Chimneys stacks raised by 350mm.”. This is a more precise description of the proposal noting the amended plans and application details.
3. 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 dormer addition to the rear referred to in the Council's decision notice.
4. The Council has advised that its Publication Draft South Tyneside Local Plan (2023 to 2040) (the LP) was submitted for independent examination on 11 March 2025. Whilst this is now at a more advanced stage of preparation, the weight that can be given to individual policies in the emerging LP varies dependent upon the extent and nature of objections to those policies. In this regard, the Council advises that identified policies relevant to the proposal can only be afforded very limited or limited weight, and I have therefore dealt with the appeal on that basis.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the property and the street scene, with particular reference to the proposed rear dormer.

Reasons

6. The appeal property is a detached two storey dwelling located on the corner of Kingsway and Dartford Road. The first floor level of the side and rear elevations, as well as the roof, of the property are clearly visible and are prominent in views from Kingsway. The surrounding area is predominantly characterised by two storey semi-detached properties, whilst the appeal site and the adjacent property to the rear are detached dwellings. There are variations in the appearance of properties in the area, including the extent and design of extensions. From what I was able to observe, flat roof dormer windows are not a feature of the properties on Kingsway or Dartford Road.
7. I have had regard to the South Tyneside Local Development Framework SPD 9: Householder Developments (revised January 2014) (the SPD). This states that alterations to the roof should be designed to complement the property and street scene, and it is important to avoid 'top heavy' appearance and spoiling the character of the dwelling. It also states that if an area is not characterised by dormers of any kind, introducing an undesirable precedent should be avoided.
8. Due to its scale, design and prominence, and despite some attempts at subservience and noting the proposed materials, the flat roof dormer would be a discordant feature to the roof of the property. The pitched roof of the rear roof extension would partially obscure the dormer in some views from Kingsway, which would mitigate the visual impact to some degree. However, it would still be a prominent addition in views of the rear elevation of the property and a notable feature of the roof within the street scene that would not relate well to the character or appearance of the property and its surroundings. The proposal would introduce a flat roof dormer into an area that is not characterised by such development, and it would therefore have a harmful visual impact.
9. I observed examples of other roof alterations at Nos 21 and 36 Kingsway that the appellant has directed me to. Whilst noting the alterations to the original roof form in those cases, due to their design these are not directly comparable to the proposed flat roof dormer. I also do not know the circumstances under which these were constructed or their status with regard to planning permission. I therefore cannot draw any direct comparison with the proposal that would weigh in its favour. The presence of these and other alterations to properties does not justify the harm that I have otherwise found.
10. I conclude that the development would be materially harmful to the character and appearance of the property and the street scene. This conflicts with Policy DM1 of the South Tyneside Local Development Framework, Development Management Policies (2011). Amongst other things, this looks to ensure that development is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing. The proposal would also be contrary to the advice within the SPD.

Other Matters

11. I note the appellant's correspondence with the Council and the aims for the dormer of providing headroom for a staircase alongside the additional living space. However, from the evidence before me, it has not been adequately demonstrated that this development is the only way to achieve those objectives. In any event, the

reasons provided do not justify the harm I have identified or alter my conclusion on the main issue.

12. Where the proposal has been found to be acceptable in other respects, for example in terms of the effects on the living conditions of neighbouring residents and highway safety, these are neutral matters and do not weigh in favour of the development.
13. The appellant has referred to “Policy 13 of the emerging South Tyneside Local Plan” in their appeal statement. I have not been provided with a copy of this, although I note from the documents available on the Council’s website that Policy 13 relates to windfall sites and backland sites. Therefore, I do not consider that this is determinative to the appeal.
14. I note the appellant’s concerns over elements of the Council’s handling of the application and discussions on the proposal. However, this is not a matter that I can consider under this planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the development as proposed.

Conclusion

15. The proposal conflicts with the development plan and 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