



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: 24 June 2025

Appeal Ref: APP/M4510/W/25/3361603

178-180 Newton Road, Newcastle upon Tyne NE7 7HP

- 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 Miss Sheree Ibbetson against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/1501/01/DET.
 - The development proposed is installing a pergola, creating an open seating area with top mounted roller shutters to secure the area when closed.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission, the appellant has put forward an alternative scheme that alters the design of the development, including the removal of the proposed roller shutters from the pergola. However, it is not the purpose of the appeal process to evolve a scheme.
3. In this case, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and which have been subject to consultation. To do otherwise would prejudice the interests of the Council, interested third parties and consultees, who have not been consulted on the revised scheme and who may have observations to make. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted and those determined by the Council¹.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is a commercial property situated in one of three separate blocks of buildings that have a similar building line to the north side of, and facing onto, Newton Road. These are single storey in height finished with a mix of brick and render and featuring pitched and hipped roofs with tiles. Whilst there are variations

¹ PL-01 – Location Plan

PL-01-1 – Existing & Proposed Site Plan

PL-02 – Existing & Proposed Plans and Elevations, Pergola

PL-03 – Existing & Proposed Elevations (Including Security Shutters), Pergola

PL-04 – Proposed Plan and Elevation, Internal Layout

in the design of the frontages, there are no other additions extending forward of the front elevations. The area to the front of the units features hardstanding and a footpath adjacent to the main highway, which has some designated on-street parking. I also observed some informal parking to the front of the commercial units. I visited the site at mid-afternoon on a pleasant weekday when the appeal premises were open, and customers were sitting at tables outside to the front. Two retractable awnings are attached at fascia level to the front of the property, and one of these was extended at the time of my visit.

6. The proposal would result in a timber-framed structure extending largely across the full width of the appeal premises and projecting considerably from its front elevation over the area used for external seating. It would not be fully enclosed when in use, although the plans show it would feature a polycarbonate roof, lower wall panels and top mounted roller security shutters. Whilst the area is currently used for external seating, the proposal would introduce a new permanent structure to the frontage where there is no similar development to this or the other blocks fronting Newton Road. Due to its scale, appearance and use of materials, it would result in a discordant addition to the building and the street scene.
7. Despite variations in the appearance of commercial buildings and the presence of roller security shutters to the frontage of some other premises, the visual impact would be exacerbated at times when the roller shutters are closed given the siting, scale and projection of the structure. The proposal would be a prominent feature in the street scene that would not relate well to the character or appearance of the property and the area. Furthermore, it would not respond positively to local distinctiveness and character and would therefore have a harmful visual impact.
8. I conclude that the development would harm the character and appearance of the area and would conflict with Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015) and Policy DM20 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 (2020). These policies seek, amongst other things, that development will contribute to good place-making through the delivery of high quality and sustainable design, respond positively to local character and distinctiveness, secure opportunities to improve the character and quality of an area, and use materials appropriate to the character of the area.

Other Matters

9. I have had regard to the appellant's comments and those from interested parties, which highlight the aims of creating a more enclosed space for the appellant's own customers and softening the frontage of the site, as well as noting the premises to be a popular and well established business. It has not been adequately demonstrated that the development as proposed is the only way to achieve the appellant's objectives. In any event, the suggested benefits of the development would not justify the harm I have identified or alter my conclusion on the main issue.
10. I note objections and comments from interested parties that raise concerns in respect of other matters, including loss of privacy, noise, disturbance, odours and antisocial behaviour, as well as issues arising from car parking. However, from the information before me and my observations on site, I have no substantive

evidence to show that there would be conflict with the development plan on these matters.

11. Where the proposal has been found to be acceptable by the Council in other respects, for example in terms of the principle of development, living conditions of residents and highway safety, and noting that the premises is licensed, these are neutral matters and do not weigh in favour of the development.

Conclusion

12. 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 should be dismissed.

N Armstrong

INSPECTOR