



Appeal Decision

Site visit made on 15 July 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Appeal Ref: APP/M4510/W/25/3363741

77 Shields Road (upper flat), Byker, Newcastle Upon Tyne NE6 1DL

- 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 Anthony Lang against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/2018/01/DET.
 - The development proposed is change of use of first floor to a 2-bed residential flat (Class C3) (Retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is submitted retrospectively, and I have assessed the scheme on this basis.

Main Issue

3. The main issue is whether the flat provides acceptable living conditions for future residents of the development with particular reference to outlook, natural light, internal living space, noise and disturbance, odour, safety and wellbeing.

Reasons

4. The flat has three windows, one serving a bathroom and one serving each bedroom. No windows serve the main habitable rooms of the living room and kitchen area resulting in a poor level of natural light and outlook in the main living space.
5. This matter is exacerbated by the small size of the flat considering the number of bedrooms proposed. Policy DM7 of the Council's Development and Allocations Plan (DAP) says that the design of all new homes will be required to meet the Nationally Described Space Standards (NDSS). The two-bedroom flat, irrespective of the number of people in the bedrooms, falls significantly below the NDSS. This shortfall against the space standards reinforces my concerns regarding the distinctly small size of the flat for the number of bedrooms proposed, and the resulting constrained living space for occupiers.
6. The appeal premises lies on a busy high street, which includes a mix of commercial activities. The adjacent ground floor unit has, to the rear, a sizeable extraction flue associated with its cooking facilities. It is not immediately adjacent to the rear bedroom window but is still close by. The appellant indicates that it is fitted with a silencer, but no substantive details are before me of this or any

residual noise and odour from the operations. The absence of details on this matter adds to my concerns about the size and the design of the flat.

7. Overall, the design of the flat for the number of bedrooms sought, and the evidence before me, leads me to conclude that future occupiers would have unacceptable living conditions. There is no substantive evidence of a direct link between the design of the scheme, high crime rates in the locality and the creation of a safe environment within the flat. Nonetheless, the design of the scheme does not deliver good place making as it creates a poor-quality living space. In that regard it does not promote healthy living conditions, and this would adversely impact on the wellbeing of future occupiers.
8. To conclude, the development provides unacceptable living conditions for future residents of the flat with particular reference to outlook, natural light, internal living space, noise and disturbance, odour, and wellbeing. As such, I find conflict with the requirements of Policies CS14 and CS15 of the Council's Core Strategy and Urban Core Plan, and Policies DM7, DM20, DM23, and DM24 of the DAP, when taken together and in so far as they relate to this main issue. These say, amongst other things, that development which would have an unacceptable adverse impact on the residential amenity of existing or future occupants of land and dwellings will not be allowed.
9. There would be social and economic benefits from the flat and there is broad policy support for residential conversions above ground floor high street units, making an efficient use of space in sustainable locations. However, it will be seen from my decision that my concerns are not the principle of a residential flat but the design before me and the resulting impact this has on the living conditions of future residents of the flat. There is no substantive evidence that the design, even recognising the constraints of its overall dimensions, is the only means of securing similar social and economic benefits. The absence of harm in relation to other considerations, such as the impact on the occupiers of neighbouring properties, weighs neither for nor against the development.
10. Good design is a key aspect of sustainable development. This includes the desirability of new development to make a positive contribution by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being. In this regard, the harm to the living conditions of occupiers of the flat is such that the scheme does not represent sustainable development as sought by the National Planning Policy Framework (the Framework).
11. As such, although there would be benefits associated with the development, there are no material considerations, including the provisions of the Framework that outweigh my findings of harm. In this regard, the material considerations do not indicate that a decision should be made other than in accordance with the development plan.
12. For the reasons given above the appeal should be dismissed.

Mr R Walker

INSPECTOR