



Appeal Decision

Site visit made on 18 August 2025

by **A Hartley, LLB (Hons), Solicitor, MBA**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Appeal Ref: APP/M4510/D/25/3367777

65 Linden Road, Gosforth, Newcastle upon Tyne NE3 4HA

- 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 Ms Kiran Ahmad against the decision of Newcastle City Council.
 - The application Ref is 2024/1845/01/HOU
 - The proposed development is for the partial demolition and rebuilding of a 0.6m boundary wall with 1.35m high piers and creation of a new driveway.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Ms Kiran Ahmad against Newcastle City Council and this is the subject of a separate Decision.

Preliminary Issues

3. The description in the planning application form was originally for "Boundary wall and window replacement with new access for a private driveway". A revised description of the application removing reference to window replacement and reducing the height of proposed pillars was agreed by the Council and the appellant. The application was determined by the Council on that revised basis. I have therefore used the revised description in the banner heading and formal decision as it more clearly describes the proposed development that was before the Council and is now before me.
4. At the appeal stage it was confirmed the correct spelling of the appellant's surname is "Ahmad" not "Ahmed". The banner heading reflects this.
5. On site I observed that the tall section of the boundary wall that is proposed to be demolished was no longer in situ.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area, with particular regard to the Gosforth Conservation Area (GCA).

Reasons

Character and Appearance

7. The appeal site is within the GCA. I am therefore mindful of the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) that requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
8. The appeal property lies in that part of the GCA identified as Sub Area C in the Gosforth Conservation Area Management Plan Supplementary Planning Document (2009) (revised 2011) (SPD). The special significance of this area lies, at least partially, in its fine examples of Victorian and Edwardian terraced residential developments. Street trees, boundary walls and gardens play an important role in the character of this part of the GCA.
9. The appeal property is situated at the corner of Linden Road and Woodbine Road set back from the road with gardens to the front and side. A cobbled alleyway runs the length of the Woodbine houses to the rear. Although the main front elevation of the appeal property is to Linden Road, in terms of design, the appeal property relates as an end terrace to the block of terraced properties on Woodbine Road. The rear boundary treatment to the Woodbine Road terraced houses mainly comprises tall brick walls with interspersed garage doors.
10. My attention has been drawn to photographs showing the tall boundary wall at the side boundary to the Linden Road front garden, adjacent to the back alleyway of the appeal property, before it was removed. This demonstrates that the tall brick wall had the effect of continuing the rear boundary enclosure of the Woodbine Terrace along the rear alleyway. The wall joined the lower boundary wall, enclosing the front garden of the appeal property.
11. I observed that Victorian/Edwardian terraced residential blocks with tall rear boundary walls adjacent to back alleyways and enclosed front gardens with lower boundary walls, are a regular feature of the area. I find that this pattern of enclosure contributes positively to the character and appearance of the GCA. Even if the demolished part of the wall had been subject to previous alterations, the appeal scheme would lead to the permanent loss of this tall section of boundary wall, and part of the garden would no longer be fully enclosed. As a result, the attractive pattern of enclosure would be harmfully disrupted. Moreover, the parking of a vehicle within a part of the garden adjacent to Woodbine and Linden Roads would appear stark and incongruous within the street scene.
12. On site I noted there are some examples of different styles of boundary treatments within the GCA. However, within the immediate area of the appeal site, boundary treatments predominantly accord with the SPD guidance in terms of the style and materials considered to preserve or enhance the character and appearance of the GCA. These include stone or brick plinths with stone coping and iron railings and shorter walls with hedging above to provide height.
13. The materials and height of the main part of the proposed walls would comply with the guidance in the SPD. However, due to their significant number and frequency, the interspersed pillars would have a fortifying effect, which would be incongruous with the design and appearance of other nearby boundary features. The harm that

would be caused by this would be exacerbated by the prominent street corner location of the site.

14. My attention has been drawn to a planning permission granted in 2010 for a similar proposal at 26 West Avenue, Gosforth. This site is also within Sub Area C of the GCA. Whether or not there have been substantive changes to the planning policy context since that time, from my observations on site and within the surrounding area, parking in residential front gardens is uncharacteristic and at odds with the SPD, which seeks to retain enclosed gardens. Further, the boundary treatment in that case differed from the appeal proposal, as it has fewer pillars, and it includes railings and a hedge. The boundary treatment at 15 Linden Road has pillars and hedging, encloses the front gardens and does not feature a driveway or parking within the garden. These schemes are not therefore directly comparable with the development subject of this appeal and therefore carry very limited weight in my deliberations.
15. Consequently, I find the harm that would be caused to the significance of the GCA would be at the lower end of the scale of less than substantial. In accordance with paragraph 212 of the Framework, great weight is given to the asset's conservation.
16. Paragraph 215 of the Framework requires that where such a level of harm to the heritage asset is identified, it should be weighed against the public benefits of the proposal. In this case, even if the provision of a single parking space on site would reduce demand for on-street parking, any associated public benefit would be very small. Although environmental benefits would result from the provision of an electric vehicle charger, such provision does not form part of the appeal scheme and cannot therefore be relied upon to be delivered. Reducing flood risk locally would constitute a public benefit. However, the extent of benefit is not quantified and is likely to be very limited.
17. Even when affording the limited potential benefits to energy efficiency significant weight, (in accordance with paragraph 167 of the Framework), I find that when taken together, the level of public benefit in this case would be very small and would not outweigh the previously identified harms. I therefore conclude that the appeal proposal would cause unjustified harm to the GCA.
18. For these reasons, the development would cause harm to the character and appearance of the area, with particular regard to the GCA. Consequently, it would conflict with policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015), and policies DM15, DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan (2020).

Personal Circumstances

19. Since there is a potential for my decision to affect persons with protected characteristics, which in this case are age and disability, I have had due regard to the three objectives of the equality duty as set out in Section 149 (1) of the Equality Act 2010. These include giving due regard to the need to eliminate discrimination, and to advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not share it.
20. Notwithstanding the benefits that an off-street parking space would provide to the appellant and their family, the demand for such spaces can be expected to change over time, whereas the appeal development would remain in perpetuity and

continue to cause harm to the character and appearance of the host dwelling and surrounding area including the GCA. Furthermore, there is no compelling evidence that an alternative solution could not be provided to meet the needs of the appellant and their family. In this case the harm that would be caused to the character and appearance of the host dwelling and surrounding area including the GCA outweighs these personal benefits, and any other benefits that weigh in favour of the scheme, and this provides a proportionate and justifiable reason to dismiss the appeal.

Other Matter

21. The maintenance and structural stability of the wall is the responsibility of the owner of the wall. Its repair does not equate to a public benefit arising from the proposed development.

Conclusion

22. For the reasons given above I find that the development conflicts with the development plan when read as a whole. There are no material considerations that have been shown to carry sufficient weight to indicate a decision otherwise than in accordance with it. I therefore conclude that the appeal should be dismissed.

A Hartley

INSPECTOR