



Appeal Decision

Site visit made on 21 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 08 October 2025

Appeal Ref: APP/P2935/D/25/3370450

16 Shaftoe Leazes, Hexham, Northumberland NE46 3DW

- 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 Andrew Hale against the decision of Northumberland County Council.
 - The application Ref is 25/01544/FUL
 - The proposed development was described as 'replacement garage and deck'.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Andrew Hale against Northumberland County Council and this is the subject of a separate Decision.

Preliminary Matters

3. The main issue in this appeal concerns the effect of the development on the living conditions of occupiers of neighbouring dwellings. The Council's reason for refusal refers to the impact of the proposed decking above the garage on the occupiers of properties to the north. The Council's Officer Report refers to considerable overlooking of the rear garden of No.15, to the south. For the avoidance of doubt, I have considered the potential impact on both Nos. 15 and 17.
4. The appellant submitted an alternative drawing¹ with the appeal evidence. I find the changes proposed to be substantially different from the drawings submitted with the original application in that the extent of decking area would be reduced to the north. The appeal process should not be used to evolve a scheme, particularly where it would deprive those who should have been consulted on the changed development the opportunity of such consultation. Therefore, in the interests of fairness and transparency to all parties, I have determined the appeal on the basis of the plans considered by the Council.

Main Issue

5. The main issue is the effect of the proposed deck above the garage on the living conditions of the occupiers of Nos. 15 and 17 Shaftoe Leazes with particular regard to privacy and outlook.

¹ Drawing No. 25-3-06 'Proposed Floor Plans Alternative Option'

Reasons

6. The appeal property is situated within a block of terraced dwellings known as Shaftoe Leazes, that front onto the B6531. The proposed development comprising a replacement garage and decking above would be to the rear of the property.
7. There is a drop in land levels from the B6531 to the rear of the terrace, and the dining room and kitchen to the rear of the appeal property are at first floor level. The back door is on the rear elevation at first floor level, and external concrete steps lead down the rear elevation towards the north between the house and the existing single storey garage. The existing garage is situated at the same lower level as the rear yard of No. 17 Shaftoe Leazes (No. 17), which is the adjoining property to the north. No. 17 has a rear yard enclosed by high stone walls. On site, I observed that the rear yard is already overlooked to some extent from the dining room window of the appeal property, which is on a side elevation at first floor level. I also observed that the rear yard to No. 17 is not overlooked from the top of the external first floor rear steps of the appeal property, due to its position.
8. I observed on site that when standing at the top of the external steps at the rear of the appeal property, the garden to No. 15 Shaftoe Leazes (No. 15) to the south can be directly overlooked. The land level of the garden to No. 15 is raised, so that it is only marginally different to the level of the top of the external steps to the appeal property. I observed that the view from the kitchen window of the appeal property does not directly overlook the garden of No. 15.
9. I find that the existing privacy levels within the external amenity areas of both Nos. 17 and 15 are therefore already compromised to some extent due to the existing relationship between the properties and the differing site levels.
10. The proposed development would remove the external rear steps and replace the garage with a larger single storey garage that would abut the rear elevation of the appeal property. To exit the appeal property from the kitchen back door it would be necessary to cross the roof of the garage and steps would lead east to the lower level of rear garden at the appeal property.
11. The plan submitted with the planning application² shows the extent of decking area would cover the whole garage roof. The decking area would enable further opportunity for overlooking of the external yard of No. 17 to the north. Notwithstanding the existing level of overlooking from within the dining room, I find the increased opportunity for overlooking when using the external decking area would reduce privacy within the rear yard at No. 17 to an unacceptable level. It would therefore have a significant adverse impact on the living conditions of the occupiers of No.17.
12. Notwithstanding the existing level of overlooking of the garden of No.15 to the south, I find that the increased opportunity for overlooking from what is likely to be more prolonged use of the proposed decking as an external amenity space would decrease the level of privacy within the garden of No. 15 to an unacceptable level. It would therefore have a significant adverse impact on the living conditions of the occupiers of No.15.

² Drawing No. 25-23-03 B 'Proposed Floor Plans'

13. The Council refers to an unacceptable impact on the neighbours by way of visual amenity in the reasons for refusal. I do not consider the design or materials to be unacceptable and consequently have not found the proposal would give rise to an unacceptable loss of outlook for the neighbours.
14. Consequently, I find that the appeal proposal would cause harm to the living conditions of occupiers of Nos. 15 and 17 due to an unacceptable loss of privacy. The proposed development would therefore conflict with Policies QOP2 and HOU9 of the Northumberland Local Plan (2022). Such policies seek development that achieves a high standard of amenity for existing and future users, and amongst other things, development that does not have a significant adverse impact on occupiers of adjoining properties in terms of an unacceptable loss of privacy.

Other Matters

15. I note that the occupiers of No. 17 do not object to the proposed development. However, it is necessary to ensure development provides an acceptable standard of amenity for existing and future users.
16. The appeal site lies within the Hexham Conservation Area (HCA). I am therefore mindful of the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. In this case, the Council finds that the proposed development would cause no harm to the HCA. From my observations on site, I have no reason to disagree.

Conclusion

17. For the reasons given above the proposal 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