



Appeal Decision

Site visit made on 23 September 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/W4515/W/25/3368636

45 Percy Gardens, Tynemouth, North Tyneside NE30 4HQ

- 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 Mark Holmes against the decision of North Tyneside Council.
 - The application Ref is 25/00223/FUL.
 - The development proposed is proposed replacement of 2no existing pitched roof dormer windows with flat inward falling roof dormer windows and roof terraces, and internal alterations.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development includes works that are not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to this element of the application. From the evidence before me and my site visit, I see no reason to disagree. Therefore, the focus of this appeal is the proposed dormers and terraces to the front and side of the property as referred to in the Council's decision notice.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the existing building, and whether the proposed development would preserve or enhance the character or appearance of the Tynemouth Village Conservation Area (the CA); and
 - the effect of the front dormer window and terrace on the living conditions of the occupants of the neighbouring property at 44 Percy Gardens, with regard to privacy.

Reasons

Character and appearance

4. The appeal property is situated to the northern end of the substantial crescent of terraced, three-storey residential properties on Percy Gardens, located within the CA. The site and surrounding area are predominantly characterised by residential development, including Percy Gardens and other terraced housing in the immediate vicinity. The terrace at Percy Gardens appears as a grand and landmark group of properties in this area, occupying a highly prominent position,

but set back from the sea front by its private road and garden area. Due to its corner location to the end of the terrace, the appeal property occupies an even more prominent position close to the public highway, footpaths and open space in the area, featuring a distinct hipped roof to the end of the terrace as it turns the corner with a dual aspect.

5. The significance of the CA derives from its considerable architectural and historic interest, the medieval village origins and significant buildings, including Tynemouth Castle and Priory, as well as the later terraced housing. The Tynemouth Village Conservation Area Character Appraisal (2010) identifies Percy Gardens as being within the 19th/early 20th Century Terraces character sub-area. Nos 1-47 Percy Gardens are also identified within the Council's register of buildings that are of special local architectural and historic interest. The value of the buildings at Percy Gardens on the Local Register in the streetscape is of high significance, particularly given their scale, the prominent location of the terrace and the corner position of the appeal site. The appeal site contributes to the significance of the CA through its prominent position within the Percy Gardens terrace, and its external appearance, which features dormer windows of modest scale and traditional design in comparison to less sympathetic developments.
6. There are a wide variety of roof alterations comprising dormer windows and terraces to the properties on Percy Gardens, including to their front elevations, which are notable features when viewed from the roads, footpaths and open spaces along the sea front. There are considerable variations in the scale and design of these additions, with some featuring smaller, pitched roof dormer windows and other larger, box dormers covering substantial areas of the roofs. Those closest to the appeal site are predominantly flat roof designs, which have diminished some of the original architectural character of the terrace and do not positively contribute to the area.
7. The proposed dormer window and terrace to the front elevation would replace an existing pitched roof dormer that is much smaller in scale and more traditional in appearance compared to the larger flat roof dormers of the adjacent 44 Percy Gardens and others elsewhere on the terrace. The existing dormer is also well proportioned to its roof, reflecting the more restrained extent of roof at this point due to the sloping hipped design, in comparison to the more expansive dual-pitched sections to other properties in the terrace. The new addition would have a similar depth to the existing dormer but would be taller given the cut into the roof for the new terrace and its lower position closer to the eaves.
8. The new dormer would reflect the narrower vertical emphasis with the openings to the floors below, and the proposed materials would reflect the colouring of the slate roof. However, due to its increased size and overall bulkier design in relation to this part of the roof, the replacement of the existing dormer with the larger development would appear more visually intrusive and would have a harmful impact on the architectural quality of the property and its highly prominent appearance in the streetscape. Despite being the smaller of the two proposed additions, and the fact it would be seen in the context of adjacent roof alterations, this aspect would still be out of scale and character with the original property, and it would adversely impact upon the character and appearance of the area.
9. The proposed dormer and terrace to the side elevation would introduce a much more substantial addition to this roof slope, which currently features a smaller and

sympathetically designed pitched roof dormer window, as well as what appeared to be a small rooflight, although this is not indicated on the submitted plans. The adjacent properties at Nos 46 and 47 Percy Gardens do not feature any roof extensions. Therefore, this group comprises a significantly less altered part of the terrace as it turns the corner on Percy Gardens. The remainder of the buildings on Percy Gardens beyond this group, which are not included on the Local Register, feature variations in the scale and design of roof additions, including more substantial flat roof dormers.

10. Due to its overall scale, bulk and appearance, and despite some attempts at subservience, the proposed dormer and terrace would be a poorly designed, unsympathetic and obtrusive feature to the original roof at this part of the property. Given its width, it would also not relate well to the existing fenestration below to this elevation. Despite the prevalence of roof alterations along the front elevations of Percy Gardens, the introduction of the proposal to the roof form in a considerably less altered part of the terrace would not relate well to the character or appearance of the property or this part of the group. It would appear as an incongruous addition in this prominent location that would detract from the architectural character of the building, as well as the character and appearance of the area. Whilst views would be more limited from the pavement to the same side of Percy Gardens as the appeal site, the development would be a notable feature of the roof in views from the footpaths and open spaces close by opposite the appeal site.
11. I have had regard to the appellant's examples of precedents for roof alterations within the immediate area of the appeal site and the wider CA. These demonstrate the variety of alterations that have been permitted and undertaken, including to other parts of Percy Gardens, which are part of the character of the area. Some of these are not directly comparable to the appeal proposal before me as they relate to properties with different roof forms, smaller and more sympathetic pitched roof designs, as well as development to the rear of properties and in much less prominent positions compared to the appeal site. Whilst noting the importance of consistency in decision making, I have assessed the development before me on its merits, and I do not consider that the examples justify the harm that I have found in this case. In terms of other examples of roof alterations in the area, allowing further harmful development would also cumulatively erode the character, appearance and significance of the CA.
12. For the reasons set out above, there would be harm to the setting and significance of the host property and the buildings on the Local Register through the scale and design of both of the proposed dormer windows and their terraces in this prominent location. The proposal would introduce discordant forms of development to the roof of this property with a detrimental impact on the character and appearance of the building and the area. This would not be adequately mitigated by existing features of the building, such as chimneys. The contribution that the building makes to the significance of the CA would be diminished, therefore, the development would fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
13. Based on the evidence before me and my observations on site, as the proposed change is localised in terms of the CA as a whole, the harm to the significance of the CA would be less than substantial, and this harm would be at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning

Policy Framework (the Framework) at paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

14. The appellant refers to a number of stated benefits in support of the proposal, including investment into the property with repairs and maintenance, an improved living environment, environmental sustainability, improved materials, and scaffold-free access and long-term maintenance of the property in this coastal location. Whilst the development would likely amount to some private benefits for the appellant and occupants of the property, it would be reasonable to treat these aims as being public benefits inasmuch that they would contribute to some degree to economic, social and environmental objectives set out in the Framework. Even so, these public benefits associated with the extension and alteration of a single dwelling are given modest weight and would not be sufficient to outweigh the great weight that I must give to the conservation of the CA and the considerable importance and weight to the less than substantial harm that I have identified to its significance. Furthermore, it has not been adequately demonstrated that the proposed development is the only way to achieve those objectives.
15. The appellant also suggests that the development is reversible. However, the appellant is applying for a permanent permission that would result in harm to the building and to the CA as set out above. I therefore give this argument limited weight in my decision.
16. I conclude that the proposed development would harm the character and appearance of the existing building, and it would also fail to preserve or enhance the character or appearance of the CA. It therefore conflicts with Policies DM6.1, DM6.2 and DM6.6 of the North Tyneside Local Plan (2017) (the LP). Amongst other things, these seek that new development demonstrates high design standards, complements the form and character of the original building, and would sustain and conserve the significance, appearance, character and setting of heritage assets.

Living conditions

17. The proposed dormer window and terrace to the front elevation of the appeal property would be constructed closer to the adjoining property at No 44 than the existing dormer. The section of dormer window to No 44 adjacent to the appeal property features glazing, including to the side elevation that faces directly onto the roof of the appeal property and to sea views beyond, although the main outlook is from a larger opening to the front. At the time of my site visit I observed that the larger section of glazing in the side elevation was openable.
18. The submitted plans indicate that the position of the front elevation of the proposed front dormer would be very similar to that of the existing dormer, in order to maintain the view and outlook to the sea from the side window of No 44. This would result in a similar situation in terms of oblique views from within the property, although the larger opening of the new dormer could increase the potential for overlooking between the two. However, the construction of the external terrace would allow for access onto this area, which would significantly

increase the likelihood of direct views and overlooking in close proximity between the occupants of both properties.

19. Given its proposed position, and despite its smaller scale relative to other terraces in the area, I find it likely that the terrace would be used to some degree to enjoy the impressive views that would be achieved towards the sea frontage and beyond, and this would not just be restricted to access for maintenance. Consequently, the development would result in an uncomfortable arrangement with direct views between the external terrace and the side window of the adjacent dormer, with a harmful loss of privacy for occupants of No 44. Although no objection has been raised by the current occupants of No 44, the lack of objection does not equate to a lack of harm. Therefore, I do not find that this justifies the harm I have found from the proposal.
20. I have also had regard to the precedent examples referred to by the appellant in their appeal submissions in respect of living conditions. However, I do not consider these to be directly comparable to the very close and unacceptable relationship that would arise from the scheme before me. I have assessed the proposal on its individual merits, and these do not justify the harm that I have found from the proposed development on this main issue.
21. I conclude that the development of the dormer and terrace to the front elevation would have a harmful effect on the living conditions of the occupants of the neighbouring property at No 44, with regard to privacy. It therefore conflicts with Policies S1.4 and DM6.1 of the LP, which amongst other things, aim for development to demonstrate a good standard of amenity for existing and future residents.

Other Matters

22. Whilst I acknowledge the representations submitted in support of the development, this does not justify the harm or alter my conclusions on the main issues.
23. I also note the appellant's concerns over the Council's handling of the application, including on matters of consultation with its heritage specialist and the method of determination. 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 proposed development.

Conclusion

24. The proposal conflicts with the development plan and the 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