
Appeal Decision

Site visit made on 14 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/M4510/W/25/3368624

28 Fairspring, Westerhope, Newcastle Upon Tyne NE5 2PQ

- 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 Lucy Brown against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2025/0309/01/DET.
 - The development proposed is erection of garden room to be used as hair salon (Class E).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed at the site visit that a detached building had been constructed in the garden area of the appeal property, which appeared to accord with the plans before me. However, the building did not appear to be in use as a hair salon at the time of my visit. I have therefore dealt with the appeal on the basis of the proposal as set out in the original application.
3. The appellant states they have operated a hair salon from within the dwelling. The lawfulness of this use is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990 (the Act). It is open to the appellant to apply to have the matter determined under Sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of occupants of the host dwelling and neighbouring properties, with particular reference to noise, disturbance and outlook.

Reasons

Character and appearance

5. The appeal site is a two-storey, semi-detached property that adjoins No 26 Fairspring. It is a modestly sized home located in the middle of a quiet residential area some distance from commercial uses. The surrounding area's character and appearance is therefore overwhelmingly residential. The site occupies a very prominent corner plot within the estate and the dwelling's garden

area is adjacent to the street so is highly visible from the public realm and nearby homes. For this reason, the garden is intrinsic to both the appearance of the host dwelling and the residential character of the surrounding area.

6. Due to its overall scale, particularly the length along the side boundary that is clearly apparent above the boundary fence, the new building appears to occupy a relatively large proportion of the garden. The building is therefore a very visually intrusive and incongruous addition in this location, dominating the overall appearance of the host property and detracting from the character of the area. Whilst staining the cladding may reduce its visual impact to a degree, I do not find that this would adequately overcome the harm arising from its position and scale.
7. The proposed use would generate additional comings and goings, as well as activity during appointments. Alongside its visual impact, even if the overall level of activity would be relatively modest, it would introduce a commercial use into a residential setting. The resulting detrimental effect would be further exacerbated by operating from a detached building within this prominent location that would be over and above what may reasonably be expected for a residential dwelling. Therefore, both the building's appearance and use would be incongruous and would conflict with the residential character of the site and surrounding area.
8. For the above reasons, I conclude that the development would be harmful to the character and appearance of the host property and the area. It therefore conflicts with Policies DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 (the DAP). Amongst other matters, these policies aim to ensure that development will deliver high quality and sustainable design, secure opportunities to improve the character and quality of an area, accommodate an appropriate mix of uses, provide a high quality environment, and protect the character of the surrounding area. The proposal would also conflict with the National Planning Policy Framework (the Framework), which aims to ensure development is sympathetic to local character.
9. The Council's decision notice also refers to Policy CS13 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (the CS), which relates to transport matters and is therefore not directly relevant to this main issue.

Living conditions

10. As noted above, the proposed use would generate additional activity for longer periods during hours of operation in comparison to use of the site as a residential garden. This would result in some additional noise and disturbance for neighbours. However, the window and door openings of the new building face away from No 26, with the road and car park situated beyond, rather than towards any other adjacent neighbouring properties. In addition, operating hours and restrictions on numbers of customers could be secured by condition were I to allow the appeal. These factors mean the level of additional noise and disturbance would not be so great as to cause an unacceptable adverse impact.
11. No 26 is set at a lower level compared to the appeal property and has a glazed opening with double doors close to the boundary fence between the two. The outlook from this opening faces onto No 26's garden area, which features a timber fence in close proximity to the elevation of the dwelling. The outlook from this window is therefore already constrained to a large degree by the existing fencing.

Whilst the upper part of the new building is visible above the boundary fence, the siting of the building away from the shared boundary mitigates its impact upon the direct outlook from the neighbouring property. For these reasons, the building does not have a significantly adverse impact upon outlook for the occupants of the neighbouring property, over and above the effect of the existing fences.

12. The new building is sited relatively close to a bay window in the elevation of the host property. The boundary fence and porch of the dwelling are also close to this bay window. Whilst the new building has an impact on the outlook from this window, and it is not an entirely desirable relationship, the room it serves benefits from a dual aspect. Overall, therefore, I find the impact upon the living conditions of the occupants of the host property is acceptable.
13. For the reasons set out above, I conclude that the development would have an acceptable effect on the living conditions of the occupants of the host dwelling and neighbouring properties, with particular reference to noise, disturbance and outlook. Therefore, it accords with Policy CS14 of the CS and Policy DM23 of the DAP, which aim to prevent negative impacts on residential amenity, provide a high quality environment, and ensure that noise and disturbance will not have an unacceptable adverse impact on residential amenity. It also accords with the Framework, which aims to ensure a high standard of amenity for existing and future users.

Other Matters

14. There is no dispute between the parties that an outbuilding at a maximum of 2.5m in height could be constructed under permitted development rights. However, such a building would have to be for a purpose incidental to the enjoyment of the dwellinghouse. Despite some inconsistencies within the appellant's evidence with regard to the height of the building, and acknowledgement that this would need to be reduced to be permitted development, they do not dispute that planning permission is required for the development as proposed.
15. Given a structure is already on site, there is a greater than theoretical possibility that this fallback position might take place. However, as the current proposal is put forward on the basis of a commercial use rather than being incidental to the enjoyment of the dwellinghouse, I give this fallback position only moderate weight. This is insufficient to outweigh the harm to character and appearance I have identified.
16. My attention has been drawn to a planning permission for a similar form of development in another local planning authority area. On the limited evidence before me, it appears to occupy a smaller overall proportion of a less prominent position to the rear of its site. Consequently, I am not persuaded the circumstances in that case are directly comparable to those before me and I give it minimal weight. I have assessed the development before me on its merits in this specific location.
17. The development has been found to be acceptable by the Council on highway safety grounds. However, an absence of harm in this respect is a neutral factor.
18. The proposed use would contribute to the local economy through delivering a service, but given the modest scale of the business this adds only limited weight in favour of the proposal. Whilst working from home would reduce the need for

travel for the appellant, this would not be the case for customers visiting the site, even if some would not use vehicles, therefore I afford this little weight in favour. Although I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general, planning is concerned with land use in the public interest. Given the harm that I have found, neither this factor, the absence of objection, nor the benefits and other considerations noted above are sufficient to justify the development.

Conclusion

19. The harm I have found to character and appearance means the proposal conflicts with the development plan read as a whole. 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