



Appeal Decision

Site visit made on 1 November 2025

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

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/M4510/D/25/3373802

97a Osborne Avenue, Jesmond, Newcastle upon Tyne NE2 1JT

- 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 Pellegrino of Pellegrino Lets against the decision of Newcastle City Council.
 - The application Ref is 2025/0835/01/HOU
 - The proposed development is for the erection of dormer extension and insertion of window to ground floor east elevation and extend existing dormer window to west elevation.
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Decision

1. The appeal is dismissed.

Preliminary Issue

2. In the interests of conciseness, I have omitted detail and narrative from the description of the development that does not relate to the operative part of the development.

Main Issues

3. The main issues are the effect of the proposed development:
 - on the character and appearance of the area and the host property; and,
 - the living conditions of the occupiers of the host property and No. 97 Osborne Avenue, with particular regard to privacy.

Reasons

Character and Appearance

4. The host property is situated to the rear of 97 Osborne Avenue (No. 97). It previously formed part of No. 97 but is now subdivided as a separate single storey dwelling. The host property is at the end of a terrace with the east elevation, sited hard up against the pavement. The host property is brick built with a hipped slate roof. It has a dormer window on one roof slope.
5. The character of the area is predominantly residential, typically comprising two storey terraces constructed of red brick, which are typically set back from the highway behind small front gardens and low boundary walls. I observed on site that many properties have two-storey rear outriggers and some also have single storey

offshoots. There are some rear dormers on two storey projections, but these are not a dominant characteristic of the terrace.

6. The host property's irregular angles of roof and lower-level dormer mean its appearance is at odds with the existing pattern of development along the rear lane, which are generally two-storey outriggers and flat roofed single storey offshoots. Even though it is located to the rear of the terrace, given its corner location and position at the back edge of the pavement, it is highly prominent from the public realm.
7. The appeal proposal would introduce a ground floor window and a dormer window with opaque glazing in the elevation which encompasses the front door, and extend the existing dormer.
8. The provision of dormer windows on both sides of the roof would result in a bulky roof form that would appear incongruous in this location. As the host property already appears prominent due to its irregular appearance in the street scene, the proposed development would draw further attention to it as an incongruous development that would cause harm to the existing, more uniform character of the surrounding terraces.
9. While it is suggested that a larger dormer could be constructed under permitted development rights, there is no lawful development certificate before me for such a proposal. Furthermore, there is no compelling evidence before me that the proposal in its entirety would be permitted development. I therefore give this argument limited weight in my decision.
10. For these reasons, the development would cause harm to the character and appearance of the area. Consequently, it would conflict with policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne, March 2015 (CS), and policies DM20 and DM23 of the Newcastle upon Tyne Development and Allocations Plan, June 2020 (DAP).

Residential Amenity

11. The dormer window proposed on the roof slope of the east elevation would be opaque glazed. This would avoid any unacceptable impact on the privacy of any neighbouring occupiers. However, the dormer on the western roof slope would directly overlook the external amenity area of No. 97 and into a rear first floor window. This first floor window at No. 97 would be very close to the proposed dormer and provide direct views into the bedroom of the host property. There is already a degree of overlooking from and into the existing rear dormer. However, the larger dormer proposed would increase this further so that it would have an unacceptable impact on the level of privacy for the occupiers of both No. 97 and the host property.
12. For these reasons, the development would cause harm to the living conditions of the occupiers of No. 97 and the host property, due to an unacceptable impact on their privacy. Consequently, it would conflict with Policy DM23 of the DAP.

Other Matters

13. My attention is drawn to the fact that there are no objections from the existing student/professional tenant occupiers of No. 97. However, this does not overcome the harm caused by the proposal to levels of privacy. The lifetime of the

development must be considered and the impact on the level of amenity for both existing and future users.

14. My attention is also drawn to the benefits of additional living space. However, the proposal would provide very limited additional space. While the proposal would make efficient use of land, there is no compelling evidence before me that the appeal scheme would lower prices or lessen demand in the locality. In any event, such benefits would not justify the harm caused by the proposal.
15. It is acknowledged that the property is not listed or in a Conservation Area, nevertheless, development plan policies relating to character and appearance and living conditions remain applicable.

Conclusion

16. 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