

TITLE OF REPORT: Planning Appeals

REPORT OF: Paul Dowling, Strategic Director, Communities and Environment

Purpose of the Report

1. To advise the Committee of new appeals received and to report the decisions of the Secretary of State received during the report period.

New Appeals

2. There have been **no** new appeals lodged since the last committee.

Appeal Decisions

3. There has been one new appeal decision received since the last Committee:

DC/16/01316/HHA - 14 Leam Gardens, Wardley

Two storey side extension

This was a delegated decision refused on 8 February 2017

Appeal Dismissed on 9 May 2017

Details of the decision can be found in **Appendix 2**

Appeal Costs

4. There have been no appeal cost decisions.

Outstanding Appeals

5. Details of outstanding appeals can be found in **Appendix 3**.

Recommendation

6. It is recommended that the Committee note the report

Contact: Emma Lucas Ext: 3747

FINANCIAL IMPLICATIONS

Nil

RISK MANAGEMENT IMPLICATIONS

Nil

HUMAN RESOURCES IMPLICATIONS

Nil

EQUALITY AND DIVERSITY IMPLICATIONS

Nil

CRIME AND DISORDER IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Nil

HUMAN RIGHTS IMPLICATIONS

The subject matter of the report touches upon two human rights issues:

The right of an individual to a fair trial; and
The right to peaceful enjoyment of property

As far as the first issue is concerned the planning appeal regime is outside of the Council's control being administered by the First Secretary of State. The Committee will have addressed the second issue as part of the development control process.

WARD IMPLICATIONS

Various wards have decisions affecting them in Appendix 3

BACKGROUND INFORMATION

Start letters and decision letters from the Planning Inspectorate



Appeal Decision

Site visit made on 2 May 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9th May 2017

Appeal Ref: APP/H4505/D/17/3169225
14 Leam Gardens, Wardley, Felling NE10 8SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Salvage against the decision of Gateshead Council.
 - The application Ref DC/16/01316/HHA, dated 12 December 2016, was refused by notice dated 8 February 2017.
 - The development proposed is double storey side extension to form kitchen and bedroom over.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 16 Leam Gardens with particular regard to outlook.

Reasons

3. The appeal relates to a two-storey, semi-detached dwelling. The property has a side garden which adjoins the side garden of the neighbouring dwelling, 16 Leam Gardens. No 16 contains a kitchen window in its flank wall which faces the appeal site.
 4. It is proposed to construct a two-storey extension to the side of the appeal property. The extension would be around 2.2m in width at the front, stepping in to around 1.8m towards the rear due to the angled nature of the plot. It would have a total depth of around 5.7m and would project close to the shared boundary with No 16. It would also have a height of around 7m and the flank wall would contain no windows.
 5. Whilst the kitchen window of No 16 faces the appeal property at an angle, the extension would nevertheless appear as a significant mass of unrelieved built form in particularly close proximity to the kitchen window of No 16. As a result, I find the proposal would appear as an unduly overbearing and dominant feature in the outlook of the kitchen window of No 16.
 6. I conclude, therefore, that the proposal would have a harmful effect on the living conditions of the occupiers of 16 Leam Gardens with particular regard to outlook. Consequently, the proposal would conflict with Policies CS14 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 which states that development should
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prevent negative impacts on residential amenity. It would also conflict with Saved Policy DC2 of the Gateshead Unitary Development Plan 2007 which states that planning permission will be granted for development which ensures a high quality of amenity for existing residents and National Planning Policy Framework which seeks to secure a good standard of amenity for the occupiers of land and buildings. Finally, it would fail to accord with the guidance set out in the Gateshead Household Alterations and Extensions Supplementary Planning Document (SPD) which states that any extension to the side of the property should have minimal impact on the residential amenity of neighbours.

Other Matters

7. I note that the extension would utilise a hipped roof and that the distances between the properties would not result in a terracing effect. However, the lack of harm in respect of the character and appearance of the area would not outweigh the harm I have identified in respect of the living conditions of the occupiers of No 16.
8. I recognise the appellants' concerns relating to the Council's handling of the planning application and that they were willing to amend and adjust the scheme. However, such concerns would not outweigh the harm I have identified.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR

APPENDIX 3

OUTSTANDING APPEALS

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/16/00914/COU	Land At Soka Wine Centre Devon House Durham Road Birtley	Change of use of part of existing car park for staff and part of existing side garden for residential flat to hand car-wash and car valet operation with new dropped-kerb exit point, erection and re-alignment of 1.8m high metal and timber fencing and 4x metal 1.5m high storage boxes	Written	Appeal In Progress
DC/16/01316/HHA	14 Leam Gardens Wardley Felling NE10 8SX	Two storey side extension	Written	Appeal Dismissed
DC/17/00001/COU	3/5 Beaconsfield Avenue Gateshead NE9 5XT	Change of use of ground floor from residential to Use Class A1 (as expansion of existing adjoining shop); relocation of dwelling entrance to rear; and residential loft conversion with hip to gable extension and new velux windows	Written	Appeal in Progress