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## Appeal Decision

Site visit made on 25 February 2020

by **M L Milliken BA(Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

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**Appeal Ref: APP/H4505/D/19/3241949**

**22 Killowen Street, Low Fell, Gateshead NE9 6EX**

- 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 Stephen Brown-King against the decision of Gateshead Council.
  - The application Ref DC/19/00791/HHA, dated 30 July 2019, was refused by notice dated 26 September 2019.
  - The development proposed is a single storey rear extension. New driveway to front. New drop curb required. Timber garage to side elevation.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I note that a plan showing revised elevations has been submitted by the appellant as part of his evidence. As this has not been formally publicised as part of the proposal, I am determining the appeal on the basis of the plans upon which the Council made its decision.

### Main Issues

3. The main issues are:
  - (i) Whether or not the proposed front boundary wall, driveway and timber side extension would preserve or enhance the character or appearance of the Low Fell Conservation Area (the CA); and
  - (ii) The effect of the proposed boundary walls and driveway on highway and pedestrian safety.

### Reasons

#### *Character and Appearance*

4. The appeal property is a prominent, end of terrace dwelling located within the CA. From the evidence before me, the significance of CA appears to relate to distinct residential areas, including Victorian style development. The side of Killowen Street to which the appeal site relates contains properties that appear to have been constructed of white brick, unusual for the area, with decorative stone dressings. The appeal property also has a decorative gable end, unusual for terraced properties within the area, and attractive vegetation to the front and side elevation. For these reasons, including its distinctive appearance and

- end of terrace location, the appeal property makes a significant, positive contribution to the CA.
5. The proposed partial demolition of the front boundary wall and installation of a driveway would require the creation of new off-street boundary walls. This aspect of the development would not be sympathetic or in keeping with the host property and would diminish its decorative and distinct appearance. It would therefore result in an adverse effect on the character and appearance of the host property. I have been supplied with an extract from a Council Conservation Area Appraisal, which indicates that proposed extensions and alterations to buildings should not dominate the original building in scale or alter the composition of principal elevations. Whilst I have regard to that submission, the current status of the document is unclear.
  6. The proposed timber garage to the side of the property would replace an existing timber fence and shed. Although it would be slightly set back from the front façade, the scale of the structure proposed, combined with the loss of the existing hedge to accommodate the proposed driveway, would also significantly alter the character and appearance of the host property and detract from the balance of the existing main façade. I also note that the extract from the Council's Conservation Area Appraisal includes a general presumption against development that would directly or indirectly lead to the loss of trees or hedges which contribute to, or which in the future might contribute to, the character of the Conservation Area.
  7. The appellant has drawn my attention to the existence of modern properties in the vicinity and references an example of similar development to that proposed on the opposite side of the street. I note that this property is not directly comparable with regards to its form and immediate surroundings. It is also located outside the CA. In any event, I have considered the proposal before me on its merits and I therefore attribute limited weight to the example provided.
  8. By virtue of its scale, design and position, the proposed front boundary wall, driveway and timber side extension would result in less than substantial harm to the significance of the CA. Paragraph 196 of the National Planning Policy Framework (the Framework) requires that, where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
  9. The appellant asserts that the existing hedge, which would be removed to enable the development, is pushing the boundary wall outwards and has provided a photograph to illustrate the situation. Whilst I understand the concern, I am not satisfied there are not other methods available which the appellant could employ to ensure the stability of the wall in question and ensure public safety. Nevertheless, I accept there would be some improvement to public safety as a consequence of the proposed works.
  10. The appellant's desire to install an electric charging point is noted, however I have not been provided with evidence that alternative locations cannot be identified which may also be suitable for such an installation, such as to the rear of the property. I acknowledge the appellant's comment that the proposed development would create more opportunities for on-street parking, however as there is little evidence before me to indicate that a significant parking problem exists, I give this limited weight in the consideration of this appeal.

Although I have had regard to all the benefits put forward by the appellant, I do not consider that, in overall terms, the public benefits proposed outweigh the scale of the harm to the CA that I have identified.

11. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposed front boundary wall, driveway and timber side extension would fail to preserve the character and appearance of the CA and would have an adverse effect on the significance of a designated heritage asset.
12. The proposed development would be contrary to saved Policy ENV7 of the Gateshead Unitary Development Plan, which states that development must preserve or enhance the character and appearance of Conservation Areas. It would be contrary to adopted Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (March 2015) (CSUCP), which seeks to ensure that development conserves and enhances the historic environment, by promoting high quality design that responds positively to local distinctiveness and character. It would also be contrary to the Council's Householder Alterations and Extensions SPD, which seeks to ensure that heritage assets are conserved in a manner acceptable to their significance and that their positive contribution to local character and sense of place is both recognised and valued.

#### *Highway Safety*

13. The appeal property lies at the end of an existing terrace of houses that do not have off-street parking. The limited depth of the proposed driveway could feasibly result in a parked vehicle overhanging the footpath, causing a physical obstruction. This would impede and endanger passing users of the footpath. These concerns are also underlined by the proposal's failure to not meet the Council's minimum standards for driveways in terms of its length and width, as set out in the Council's Householder Alterations and Extensions SPD.
14. The height of the proposed boundary walls either side of the driveway would restrict visibility for vehicle users manoeuvring to and from the driveway, presenting an increased risk to users of the drive, pedestrians and other users of the footpath.
15. For these reasons, the proposed development would result in unacceptable harm to highway safety, contrary to adopted Policy CS13 of the CSUCP which seeks to, amongst other things, protect and enhance pedestrian routes.

#### **Other Matters**

16. Whilst I note the procedural concerns raised by the appellant in relation to his previous communications with the Council, this appeal addresses the planning merits of the scheme before me and, in any case, the harm I have identified is not outweighed by such other matters.

#### **Conclusion**

17. For the reasons given, the appeal should be dismissed.

*M L Milliken*

INSPECTOR