

TITLE OF REPORT: Planning Appeals

REPORT OF: Anneliese Hutchinson, Service Director, Development,
Transport and Public Protection

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 has been **one** new appeal lodged since the last committee:

DC/18/00290/HHA - 59A Derwent Water Drive, Blaydon On Tyne NE21 4FJ
Creating a driveway for vehicular access, off road parking.
This was a delegated decision refused on 19 June 2018.

Appeal Decisions

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

DC/19/00145/HHA - 1 Comma Court, Gateshead, NE11 9UF
Two storey side extension and new 1.8m tall boundary wall to front of property
This application was a delegated decision refused on 3 May 2019
Appeal dismissed 16 September 2019

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



The Planning Inspectorate

Appeal Decision

Site visit made on 10 September 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 16 September 2019

Appeal Ref: APP/H4505/D/19/3229130

1 Comma Court, Festival Park, Gateshead, Tyne and Wear NE11 9UF

- 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 Mrs Charlotte Dixon against the decision of Gateshead Council.
 - The application Ref DC/19/00145/HHA, dated 18 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is a two storey side extension, internal reconfigurations and new brickwork/timber boundary treatments.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposals upon:
 - the character and appearance of the area, and
 - the living conditions of occupiers of adjacent properties with respect to access to light and outlook.

Reasons

Character and appearance

3. The two storey semi-detached property appeal property sits a within relatively modern estate. There are various different house styles and designs both within the area and Comma Court. In common with the general character of the estate the front garden is open plan.
4. The Household Alterations and Extensions Supplementary Planning Document (SPD) recommends that side extensions should not exceed 50% of the width of the original house and are subordinate to the host building to retain the original character of the dwelling and semi-detached pair. Subordination can be achieved by setting the proposed front elevation back at first floor level by one metre. This proposal would substantially increase the width of the host property by more than 50% and would not be set back on its front elevation. This would unbalance the pair of properties and result in loss of the original design concept.
5. The appellant has drawn my attention to 5 Comma Court which has an extension of a similar scale to that proposed. I also acknowledge the variety of other house styles within the vicinity. I am not aware of the planning history of

No 5 and am unable to make a direct comparison. I have assessed the proposal on its own merits and find that similar development in the locality does not provide justification for harmful development. Due to the design, resultant mass and lack of subordination to the host property the two storey side extension would harm the character and appearance of the area.

6. The proposal includes construction of a front wall which, other than a three metre gap to allow access to the drive, would span the width of the garden. This would consist of 1.8m high brick pillars with one metre high brick infill panels topped with timber boarding between these pillars. Guidance within the SPD states that front boundary treatments should relate to the character of the area. Due to the predominantly open plan nature of the front gardens within the estate and Comma Court, the wall enclosure would appear incongruous. It would form an oppressive feature adjacent to the highway which would harm the character and appearance of the area.
7. The proposed extension and front wall would conflict with Policy CS15 of the Core Strategy and Urban Core Plan 2010-2030¹ (Core Strategy) and Saved Policy ENV3 of the Unitary Development Plan (UDP). These policies, together and amongst other matters, seek that development makes a positive contribution to local distinctiveness and character.

Living conditions

8. The gable wall of the proposed extension would sit directly opposite the rear elevations of 19 and 21 Festival Park Drive. It would sit at the bottom of these property's rear gardens along the shared boundary. This would result in a two-storey blank gable wall which would be between 10.5 metres and 11 metres from the rear wall of these properties. The SPD recommends that gable walls should be at least 13 metres from habitable rooms of neighbouring properties to retain privacy. Although privacy would not be affected due to the lack of proposed windows on the gable wall, the proximity of the proposal would have an overbearing effect upon their rear gardens and habitable rooms. Additionally, as the host property sits to the west and south west of these properties, a two-storey extension would shade the rear gardens and potentially the rear habitable rooms.
9. The proposal would harm the living conditions of occupiers at neighbouring properties with respect to both outlook and light which would conflict with policies CS14 of the Core Strategy and DC2 of the UDP. These policies, together and amongst other matters, seek that development does not have an adverse impact upon neighbouring properties.

Conclusion

10. For the reasons detailed above, the appeal is dismissed.

E Symmons

INSPECTOR

¹ Planning for the Future. Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne. 2010-2030. Adopted March 2015.

APPENDIX 3**OUTSTANDING APPEALS**

Planning Application No	Appeal Site (Ward)	Subject	Appeal Type	Appeal Status
DC/18/00290/HHA	59A Derwent Water Drive Blaydon On Tyne NE21 4FJ	Creating a driveway for vehicular access, off road parking.	Written	Appeal in Progress
DC/18/00807/FUL	Team Valley Retail World Gateshead	Erection of food and drink unit (Use Class A3/A5) (additional information received 20/08/18).	Written	Appeal in Progress
DC/19/00145/HHA	1 Comma Court Gateshead	Two storey side extension and new 1.8m tall boundary wall to front of property	Written	Appeal Dismissed
DC/19/00150/COU	Storage Land Forge Road Gateshead	Proposed change of use from amenity land to car wash, erection of canopy, portakabins, screen fencing and underground oil interceptor tank (amended 15/04/17).	Written	Appeal in Progress