



---

# Appeal Decision

Site visit made on 23 January 2024

**by A Caines BSc(Hons) MSc TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8 February 2024**

---

## **Appeal Ref: APP/H4505/D/23/3332391**

### **21 Church Rise, Whickham, Gateshead NE16 4BU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Seyyed esmail seyed pour against the decision of Gateshead Council.
- The application Ref DC/23/00687/HHA73, dated 26 July 2023, was refused by notice dated 6 October 2023.
- The application sought planning permission for extension and new roof to existing outbuilding and conversion to home office/temporary accommodation without complying with conditions attached to planning permission Ref DC/22/01371/HHA, dated 9 February 2023.
- The conditions in dispute are Nos 2 and 3, which state that:
  - (2) Development shall be carried out in complete accordance with the approved plans as detailed below: Site Location Plans (1:1250); Existing and Proposed Site Plans (1:200); Existing and Proposed Elevations (1:100); Existing and Proposed Floor Plans (1:200); Existing Roof Plan (1:50); proposed 3D View. Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.
  - (3) The development hereby permitted shall be constructed entirely of the materials detailed and shown on plans submitted 20/12/22.
- The reasons given for the conditions are:
  - (2) In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.
  - (3) To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS14, CS15 and MSGP24 of the Local Plan for Gateshead.

---

## **Decision**

1. The appeal is allowed and planning permission is granted for extension and new roof to existing outbuilding and conversion to home office/temporary accommodation at 21 Church Rise, Gateshead NE16 4BU in accordance with the terms of the application, Ref DC/23/00687/HHA73, dated 26 July 2023, without compliance with conditions 2 and 3 previously imposed on planning permission Ref DC/22/01371/HHA dated 9 February 2023, but subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Existing and Proposed Site Plan SCRPP01 Rev02; Proposed 01 SCRPP04 Rev 02; Proposed 02 SCRPP05 Rev02; Proposed 03 SCRPP06 Rev02.

- 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 21 Church Rise.

### **Preliminary Matters**

2. Planning permission was granted at the site in February 2023 for the conversion of a garage to a home office/temporary accommodation, including a 3.5m front extension. The application subject to this appeal effectively sought to replace the previously approved plans with different plans that increase the front extension to 5m in length (1.5m additional) and add a 2m rear extension.
3. At my site visit I saw that development had already begun, but it was apparent that there were some discrepancies with the revised plans that I am being asked to consider. These include a tall wall running from the front of the building to the highway and some changes to window openings. Thus, to avoid prejudicing the Council and any interested parties who may not be aware of these changes, I have determined the appeal on the basis of the submitted plans and not what is currently on site.

### **Main Issues**

4. The main issues are the effect on the character and appearance of the area, and upon the living conditions of the occupiers of 2 Coalway Lane in terms of outlook, light, and privacy.

### **Reasons**

#### *Character and appearance*

5. The appeal property occupies a large corner site within an established residential area containing a mix of bungalows and two-storey, semi-detached houses of different designs and materials.
6. The outbuilding in question is located at the rear of the property, facing towards Coalway Lane. Although the proposals would increase the length of the building, its full extent would not be readily apparent from the street. Further, as it would not project beyond the front wall of 2 Coalway Lane, it would not interrupt any important building line considerations in the street.
7. In addition, its scale would remain clearly subordinate to the host dwelling, and due to the size of the garden and the separation from the road, side, and rear boundaries, it would not appear cramped within the plot. Nor would it deprive the property of adequate garden space.
8. Matching materials are proposed, and as this is already specified on the plans, a separate condition to this effect is unnecessary. I note that the Council did not raise any specific objection to the building materials.
9. Overall, the development would not be excessive or unduly conspicuous and would have no significant impact on the street scene. Accordingly, there would be no harm caused to the character and appearance of the area. The proposal therefore complies with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2015) (the CS), and Policy MSGP24 of the Making Spaces for Growing Places Local Plan Document for Gateshead (2021) (the LPD), which together seek design that is compatible with local character and distinctiveness including in terms of scale, height, massing and

layout. It also complies with advice in the Council's Household Alterations and Extensions Supplementary Planning Document (SPD) in these regards.

### *Living conditions*

10. The proposal would increase the length of the development along the boundary with 2 Coalway Lane (No 2), which lies to the south and at a lower level to the appeal site.
11. Nevertheless, No 2 has a driveway at the side and does not contain any habitable room windows in its side elevation. The canopy over the driveway would also help to obscure the full height of the building when using the driveway. There appears to be a habitable room window in the front elevation of No 2, but the proposed front extension would not project beyond this window. As such, I do not consider that the additional forward projection would have a significantly greater impact on the light and outlook of No 2 compared to what has already been approved.
12. A more notable change is that the proposal would now project beyond the rear wall of No 2 by around 2m. However, I saw that No 2's nearest window is obscurely glazed. This, together with the separation from the boundary and sloping roof form, would ensure that the rearward extension of the building would not appear unduly dominant or cause any significant shading effects for the rear outlook and garden of No 2, notwithstanding the difference in ground levels.
13. The reasons for refusal also refer to a loss of privacy to No 2. However, no further explanation is given in the planning officer's report and I cannot identify any reason why the proposal would cause a loss of privacy to No 2.
14. I therefore find that the development would not materially harm the living conditions of the occupiers of 2 Coalway Lane in terms of outlook, light, and privacy. As such, the proposal complies with the residential amenity requirements of CS Policy CS14, LPD Policy MSGP17, and the SPD.

### **Conditions**

15. The approved plans condition has been amended to reflect the latest approved plans and I have reimposed the condition relating to the use of the building as this is uncontested and appears still to be relevant. However, I have not reimposed the standard time limit condition because works have already begun, while a condition relating to building materials is unnecessary as these are indicated on the approved plans.

### **Conclusion**

16. For the reasons given, I conclude that the appeal should succeed and a further planning permission should be granted.

*A Caines*

INSPECTOR