



Appeal Decision

Site visit made on 4 June 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/H4505/W/24/3340974

Land at Station Road/Reay Street, Bill Quay, Gateshead NE10 OUA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr David Marshall (Marshall Construction and Letting Ltd) against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref is DC/23/00790/FUL.
 - The development proposed is construction of 1 no. three storey house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site location in the above banner heading has been taken from the decision notice as this accurately describes the location of the appeal site.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of existing occupiers of No. 5 Reay Street with particular regard to outlook, daylight/sunlight and privacy.

Reasons

4. The appeal site relates to an area of grassed land located along Reay Street. It forms part of a larger grassed area which also wraps around Station Road and there are a number of residential properties located to the northeast of the site which sit at a lower level. The residential property of No. 5 Reay Street (No. 5) is located adjacent to the appeal site. It fronts onto Reay Street with its side elevation facing onto the appeal site. As a result, the side elevation of the property provides direct outlook onto the appeal site and there is a window located within the side elevation at first floor level which is large enough to provide for clear and open views. I observed such views at my site visit and noted that this room serves a bedroom space and there is a further window located on the rear elevation serving this room. Both windows allow for open views to be had of the appeal site and the property currently enjoys an open aspect.
5. The proposed dwelling would be located within very close proximity to No. 5 and would be set back from the rear building line, projecting a considerable distance beyond the rear of No. 5, standing at a much taller height even taking into account the site levels which are proposed to be reduced. This close relationship coupled with the extent of the projection and overall height would

- appear imposing and overbearing to existing occupiers of No. 5 and outlook from the property would be severely restricted and visually oppressive as a result of this.
6. The overall design and layout would replicate that of the other dwellings located to the south which are understood to have already been approved by the Council albeit not constructed. These properties have a greater separation distance where outlook is not so severely restricted for existing occupiers and cannot therefore be compared to the appeal site whereby the relationship between the existing and proposed properties would result in an uninviting outlook for existing occupiers.
 7. Given the proximity, projection, and height of the proposed dwelling, it is likely the building would significantly reduce the amount of light reaching the windows and garden area of No.5. This would therefore likely result in a level of overshadowing of the property and garden area. Consequently, it would result in poor living conditions for existing occupiers.
 8. The appellant refers to an extension at No.5 which was granted on appeal claiming that such an extension would cut out light to the rear of the property. However, an extension at this property would be completely different to the appeal I am considering in terms of location, siting, and nature of the proposals and thus not directly comparable. I am not therefore convinced that the dwelling proposed has less of an impact than an extension to No.5.
 9. In terms of privacy, there would be a door and window located on the side elevation of the proposed dwelling which would face onto No.5. However, these are located at ground floor level and the existing boundary treatment between the plots would ensure that existing occupiers would not be unduly harmed by loss of privacy. such a relationship is not considered uncommon within such a residential setting. There is a window proposed at third floor level on the side elevation which would serve an en-suite and thus would be obscure glazed and this could indeed be ensured via a planning condition were I minded to allow the appeal. Windows located within the rear elevation of the proposed dwelling would be a further distance away from No. 5 given the level of projection and the positioning of the dwelling would mean that it would have direct outlook over its own garden area where any views of the existing garden area of No.5 would be at an angle. Additionally, I note that the proposed balcony at second floor level has a screen wall to prevent any loss of privacy. The potential for loss of privacy is therefore limited and of lesser concern to me although this would not overcome the other harm identified.
 10. For the above reasons, I conclude that although the proposed development would not comprise the living conditions of No. 5 with particular regard to privacy, it would unacceptably harm the living conditions of No. 5 in relation to outlook and daylight/sunlight. As such, in respect of this issue, it would be contrary to Policy MSGP17 of the Site Allocations and Development Management Policies Making Spaces for Growing Places, 2021 which requires development to provide a high-quality environment and a good standard of amenity for existing and future occupants of land and buildings. For the same reasons, the proposed development would also be contrary to the guidance contained within the National Planning Policy Framework relating to achieving well-designed and beautiful places.

Other Matters

11. I am aware of the appellants' frustrations with the planning application process and communication including different case officers, procedural problems and change in direction of outcome. Such matters have not however affected my findings on the above main issue nor has previous inaccuracies relating to other development as I have determined the scheme before me on its own merits. There may be a lack of harm in relation to principle of development, impact on character of the area, noise, highway safety/parking, ecology, and ground conditions although these are neutral matters in my overall decision. The proposed development would provide family housing in the area although this would not be sufficient to weigh in favour of the appeal particularly given the modest scale of development whereby its overall contribution would be very limited. Homeworking opportunities and use of local suppliers would also not alter my findings or the outcome of this decision.
12. There may have been a lack of objection to the application although a lack of objection does not mean that the development would not be harmful.

Conclusion

13. For the above reasons, the proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that would outweigh the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR