

Appeal Decision

Site visit made on 26 September 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 6TH October 2016

Appeal Ref: APP/W0734/D/16/3157217

1 Devonshire Road, Middlesbrough, Cleveland TS5 6DJ

- 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 S Hanif against the decision of Middlesbrough Borough Council.
 - The application Ref M/FP/0254/16/P, dated 25 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 3 Devonshire Road with particular regard to outlook, daylight and sunlight.

Reasons

3. The appeal property is a 2 storey, semi-detached house situated on a prominent corner plot at the junction of Devonshire Road and Westmorland Road. The surrounding area is predominantly residential. The property, which has a narrow back yard, has a single storey rear extension set away from the common boundary. The proposal encompasses the demolition of the single storey extension and the erection of a 2 storey, hipped roof extension approximately 6 metres in depth.
 4. The adjacent property at 3 Devonshire Road has habitable room windows on the rear elevation at both ground floor and first floor close to the common boundary. I am unable to conclude from the plans the exact distance from the adjacent windows to the proposed extension, but the Council suggests that it would be approximately 3 metres which appears to be consistent with what I saw on site. At this distance, by virtue of its depth and height, the extension would result in an unacceptable loss of outlook and daylight and lead to an undue sense of enclosure for the occupiers of No 3.
 5. Due to the orientation of the proposed extension from No 3 the proposal would result in some loss of sunlight to the adjacent habitable room windows during the morning. However the position of the existing appeal property would already have an impact on the available sunlight to the rear of No 3 from the
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morning onwards and from my observations on site, any additional loss of sunlight would not therefore be significant.

6. I therefore conclude that the proposal would materially harm the living conditions of the occupiers of No 3 with respect to outlook and daylight and conflicts therefore with Policy DC1 of the Middlesbrough Core Strategy (2008) which seeks to ensure, amongst other things, that development minimises the effect on the amenities of nearby properties.

Conclusion

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

Caroline Jones

INSPECTOR