

Appeal Decision

Site visit made on 7 November 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 15th November 2016

Appeal Ref: APP/X1355/D/16/3155234

11 Park View, South Pelaw, Chester-le-Street, Durham DH2 2JW

- 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 Patricia Luke against the decision of Durham County Council.
 - The application Ref DM/16/00449/FPA, dated 8 February 2016, was refused by notice dated 5 May 2016.
 - The development proposed is front entrance porch and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area; and
 - The effect of the proposal on the living conditions of numbers 10 and 12 Park View with specific reference to daylight.

Reasons

Character and appearance

3. The appeal property is a mid-terrace property situated on Park View, a traditional terrace composed of brick supporting slate roofs. Whilst there have been some alterations the architectural integrity and historic features are still clearly legible. The continuity of the terrace is reinforced by the small enclosed front gardens, regular fenestration pattern, segmented window and door heads and stone sills. This creates the local distinctiveness of the area.
 4. It is proposed to erect a porch to the front and a two storey extension to the rear. The Council consider that the proposed porch is acceptable and from everything which I have seen in submissions and on my site visit I have no reason to disagree.
 5. The northern part of Park View is the same design as the appeal property which has a longer roof slope resulting in a rear elevation of almost single storey. Some of the properties have been extended to the rear by way of a flat roof dormer flush with the rear elevation. There is only one property, no 1 Park View, which has a two-storey rear extension which is situated on the end of the
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terrace. Consequently, apart from no 1, there are no projections beyond the rear elevation on the northern part of the terrace.

6. The proposed two storey extension would protrude beyond the rear elevation by approximately 2.7m and would extend the full width of the appeal property. Due to its significant scale I consider that it would dominate the host property. It would alter the historic plan form of the property and result in the loss of the distinctive almost single storey rear elevation. Furthermore, it would disrupt the continuity of the traditional terrace. The flat roof design would exacerbate the incongruous appearance of the proposal. Moreover, due to the access lane which runs to the rear of the terraces, the proposal would be visible to the public.
7. Whilst no 1 has a two-storey rear extension this does not extend the full width of the appeal property and due to its location at the end of the terrace it does not disrupt the continuity of the terrace. Attention is also drawn to the properties which are situated on the southern part of Park View which have two-storey rear extensions. However, these properties are two-storey on the rear elevation and consequently the extensions are in scale and character with the host properties. None of these cases are, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
8. Taking these factors in combination, I conclude that the proposal would be an uncharacteristic and incongruous addition which would harm the character and appearance of the host property and the surrounding area. It would, therefore, be contrary to criterion i) of saved Policy HP11 of the Chester-le-Street District Local Plan (Local Plan) to 2006 (2003) which states that extensions to existing residential properties will not be acceptable where they would have an adverse effect on the scale, form and character of the existing building, any neighbouring property, or the locality in general.
9. Furthermore, conflict arises with paragraphs 17 and 56 of the National Planning Policy Framework (the Framework) which seek to secure a high quality design which contributes positively to making places better for people.

Living conditions

10. The two-storey extension would cover the full width of the appeal property and create a blank gable approximately 5.8m high to the rear yards of numbers 10 (no 10) and 12 (no 12) Park View. Although the proposed extension would only measure 2.7m from the rear elevation of the appeal property, due to the gently sloping nature of the roof, it would extend approximately 5.8m from the ridge of the roof to where it meets the rear roof plane. The significant gable extension would reduce the light available to the roof lights in the rear roof planes of no 10 and 12 which serve the bedrooms to the detriment of the living conditions of existing occupiers.
11. The Residential Estate Design Guidance (the Guidance) sets out the 45 degree right to light rule to habitable windows. The proposal would contravene the 45 degree rule and would significantly reduce the light available to adjacent ground floor windows which lie in close proximity to the boundary of no 11 to the detriment of existing occupiers. The appellant questions whether the 45 degree rule applies to older types of terraced properties referred to in paragraph 34 of the Guidance; however, there is nothing in the Guidance to

indicate that it would not apply to such properties. I note that the adjacent window of no 12 appears to serve a non-habitable room; however, the adjacent window of number 10 serves the kitchen and consequently the Guidance would apply.

12. Whilst the rear elevation of the terrace faces south-east the light available to the rear windows of no 10 would, nevertheless, be reduced in the mid-morning to mid-afternoon and the light available to the rear windows of number 12 would be reduced in the late afternoon/evening.
13. It is acknowledged that a single storey extension with a depth of 3m could be erected under permitted development rights; however, this would be less harmful than the proposed two-storey extension. This fall-back position does not, therefore, justify the harm which I have identified.
14. Whilst the proposal would have some benefit for the appellant in terms of provided increased living accommodation this benefit would not outweigh the significant harm which I have identified.
15. For the reasons stated above, I conclude that the proposal would have a harmful effect on the living conditions of existing occupiers of nos 10 and 12. It would, therefore, be contrary to criterion ii) of saved Policy HP11 of the Local Plan which states that extensions to existing residential properties will not be acceptable where they would cause an unacceptable loss of light or privacy to adjacent properties or significantly affect their amenities.

Conclusion

16. For the reasons stated above and taking into account all other considerations, the appeal should be dismissed.

Caroline Mulloy

Inspector