

Appeal Decision

Site visit made on 23 November 2016

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 2nd December 2016

Appeal Ref: APP/W4515/D/16/3160839

69 Elmsford Grove, Longbenton, Newcastle Upon Tyne NE12 8HU

- 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 Mr James Slesser against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref: 16/01283/FULH, dated 3 August 2016, was refused by notice dated 10 October 2016.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of the development given on the application form is 'To construct second storey to existing extension at rear of house to accommodate larger bedroom and bathroom keeping the same window configuration' whilst the decision notice issued by the Council describes it as 'First floor rear extension'. The description used by the Council is succinct and accurately describes development proposed. I have therefore used that for the purposes of the appeal.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of number 67 Elmsford Grove, with particular regard to overbearing, outlook and light.

Reasons

4. When read together, Saved Policy H11 and Development Control Policy Statement No.9 (DCPS No.9) of the North Tyneside Unitary Development Plan 2002, seek to ensure that extensions to houses are of a high standard of design that takes into account the local context and which protects the living conditions of neighbouring occupiers. DCPS No.9 specifically identifies that two storey rear extensions can lead to considerable loss of daylight, sunlight, outlook and privacy for adjoining occupants and as such are generally discouraged.
 5. The appeal building is one half of a pair of two storey semi-detached houses. It has previously been extended to the north side with the addition of a large garage with a pitched roof. It has been extended to the rear with a single storey extension crossing the whole width of the house and projecting approximately 2.4 metres. The rear extension has a pitched roof running back
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to the main house and is constructed up to the party boundary with the adjoining house at number 67 Elmsford Grove.

6. The rear elevation of number 67 Elmsford Grove has a patio door and a window at ground floor level and two windows at first floor level, one of which serves a bathroom, the other a bedroom. The ground floor patio door and first floor bedroom window are located approximately 0.8 metres from the party boundary with the appeal building. The appeal proposal would result in a two storey extension built hard up against the party boundary and located to the south of the bedroom window and patio door at the rear of number 67. I saw on my site visit that the existing ground floor extension cast a shadow across the patio doors to the rear of number 67 and that the roof of the garage extension, which projects above that of the ground floor extension, was casting a shadow across the rear of the appeal building.
7. From this it is evident that the proposed extension would cast a significant shadow across the first floor bedroom window to the rear of number 67 and further reduce the amount of light received by the patio doors at the rear of this property.
8. Due to the projection of the proposed first floor extension and its proximity to the first floor bedroom window, it would be very noticeable in views from this window and would adversely affect the outlook from it. In combination with the overshadowing that would occur as a result of the orientation of the properties, the extension would have a noticeable, and significant, harmful effect on the living conditions of the occupiers of number 67 and would appear as an overbearing feature at the rear of the house.
9. I therefore find that the proposed extension would cause harm to the living conditions of the occupiers of number 67 Elmsford Grove with particular regard to overbearing, outlook and light. It would be contrary to the relevant requirements of Saved policy H11 and Development Control Policy Statement No.9 of the North Tyneside Unitary Development Plan 2002 which seek to ensure that new development does not adversely affect the living conditions of the occupiers of neighbouring residential properties.

Other matters

10. I have noted that the Council do not consider that the proposed extension would cause harm to the character and appearance of the area and have not raised issues of overlooking or loss of privacy to neighbouring properties. I have also noted that there have been no objections raised by neighbouring occupiers. Whilst the proposed development may be a more cost effective and structurally less complicated solution to extending the property, this fact, neither of itself, nor in combination with the other points noted above does not outweigh the significant harm that I have found.

Conclusion

11. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR