
Appeal Decision

Site visit made on 28 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/H0724/D/16/3165158
8 Hutton Avenue, Hartlepool, TS26 9PN

- 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 Begum against the decision of Hartlepool Borough Council.
 - The application Ref H/2016/0400, dated 14 September 2016, was refused by notice dated 1 November 2016.
 - The development proposed is the erection of a first floor extension at the side and bay window to front.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor extension at the side and bay window to front at 8 Hutton Avenue, Hartlepool, TS26 9PN in accordance with the terms of the application, Ref H/2016/0400, dated 14 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1880/5 Rev A; 1880/3 Rev A and 1880/4 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. Planning permission was previously approved¹ for a two storey and single storey extension including rooms in roofspace and installation of a dormer window at the appeal property. Although those works had not, at the time of my site visit, been commenced, the proposal now before me is nonetheless referred to as a first floor extension. However, I have adopted the description of development as set out on the Council's decision notice as it is usefully more comprehensive, and I have determined the appeal accordingly.
3. The appellant's agent has confirmed that there is a spelling error in the appellant's name as set out on the application and appeal forms. I have therefore adopted the corrected spelling of the appellant's name, as subsequently confirmed by the appellant's agent.

¹ Application Ref: H/2016/0058

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of occupiers of 6 Hutton Avenue, with particular regard to outlook.

Reasons

5. The proposed first floor side extension would not extend to the whole depth of the existing main house; instead, it would project approximately two thirds of the way back, stopping short of the rear corner of the existing house. As a consequence, its hipped roof would incorporate a receding roof plane that would reflect that of the existing dwelling, whilst also terminating at a lower ridge level than that of the main house.
6. There are a number of windows on the west facing (side) elevation of the property adjacent to 8 Hutton Avenue that look out towards the side of the appeal property. Of these, the Council are concerned about a centrally located window at first floor level which, I am advised, serves an existing bedroom at the neighbouring property.
7. Although the proposed first floor side extension would reduce the degree of separation between the appeal property and the adjacent property at No 6, it would be inset from the boundary between the two, where paths provide access to the rears of both properties. More pertinently, by limiting the rearward projection of the first floor extension and stopping short of the rear face of the appeal property, the Council accept that the extension would not extend back beyond this particular first floor window.
8. The outlook from this window is already towards the side elevation of the appeal property, which itself is of a much more modest scale and size than No 6. Although the eaves level of the extension would carry through from that of the existing main house, the receding side-facing roof plane of the extension, its lower ridge line and truncated rearward projection would sufficiently limit the extent to which the extension would directly impinge upon the outlook from the side facing window in question. Further, because of the truncated rearward projection of the proposed extension, a more open aspect remains from the side of No 6 towards, and across, the rear of the appeal property.
9. I have been referred to paragraph 19 (Guideline 7) of the Supplementary Note 4 (SN4) to the Local Plan, which sets out principles in relation to separation distances. Whilst specific separation distances are stated in relation to new dwellings, SN4 does not apply these distances to extensions to existing properties, instead stating that extensions that would significantly reduce the separation distances between properties will not normally be permitted. Whilst the degree of separation between the two would be reduced, I conclude that the proposed extension would not, for the reasons set out above, result in a significant or harmful reduction in the separation distance between the appeal property and that at No. 6. Nor, for the same reasons, do I consider that the proposed extension would have an overbearing impact upon that neighbouring property.
10. Thus, I conclude that the proposed extension would not be in conflict with policy GEP1 of the Hartlepool Local Plan 2006 (LP) which seeks to ensure, amongst other matters, that the effects of proposals upon the amenities of

occupiers of adjoining or nearby properties in terms of, inter alia, visual intrusion, are taken into account. As the provisions of LP policy GEP1 align with one of the core planning principles set out in the National Planning Policy Framework (the Framework) in seeking to ensure a good standard of amenity for all existing and future occupants of land and buildings², it follows that I am satisfied that the proposal would not be in conflict with the Framework in that respect.

Other Matters

11. The appeal site is located within the Grange Conservation Area and the adjacent property is recognised as a locally listed building. I note that the Council consider that the proposed development would not result in a detrimental impact on the character of the Conservation Area, or the setting of the adjacent locally listed building. From my observation of the site and its surroundings, I concur with this assessment and see no reason to disagree. In reaching this conclusion, I have applied the statutory test set out at section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area, and also to the relevant provisions of the Framework³ in this respect.

Conditions

12. I have considered the Council's list of suggested conditions in light of the Framework and Planning Practice Guidance. I agree that in addition to the time limit condition, conditions setting out the list of approved plans and to ensure that external materials match those of the existing house, are necessary in order to provide certainty and in the interests of the character and appearance of the host property and the surrounding area, respectively.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

² Paragraph 17

³ Paragraph 131