
Appeal Decision

Site visit made on 4 April 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 20th April 2017

Appeal Ref: APP/X1355/D/17/3168238

17 The Maltings, Wingate TS28 5PH

- 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 Graham Box against the decision of Durham County Council.
 - The application Ref DM/16/02903/FPA, dated 6 September 2016, was refused by notice dated 9 January 2017.
 - The development proposed is a two storey rear extension with small associated dwarf retaining wall to side path.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the living conditions of the occupants of neighbouring properties with particular regard to outlook.
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living conditions

3. The appeal property is a detached dwelling located on a cul-de-sac position of an estate comprising predominantly of detached dwellings of relatively bespoke design. To the rear is a north facing garden leading to an embankment up to the A181 which has mature planting that restricts public views of the property from the road. The existing rear elevation of the appeal property projects slightly beyond the rear elevations of the adjacent properties at Nos 16 and 18 The Maltings.
 4. The proposed development would involve the construction of part single and part two storey rear extension that would occupy the full width of the rear elevation and project approximately 5m at the ground floor level and 3m at the first floor level. Both of the extended elements would be provided with a hipped roof, which in the case of the first floor part of the extension, would have a ridge and eaves height commensurate with that of the existing dwelling.
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5. The adjacent property at No 16 is set in a substantial garden occupies a plot that is at a higher level than the appeal property. There is an existing gap between the respective side elevations in excess of approximately 2.5 m with a close boarded timber fence along the boundary approximately 1.8m high. Owing to the ground level difference between these two properties the proposed eaves height of the ground floor extension would be similar to the height of the existing boundary fence.
6. The proposed extension would have some impact on the outlook from No 16. However, owing to the level difference, the fact the existing gap between the properties is maintained and that the primary outlook from No 16 is over a large garden area, the loss of outlook from this property would not be of an extent to warrant the dismissal of this appeal. In addition, I concur with the Council that the proposed development would not cause a tunnelling effect due to the separation width between the two properties.
7. The property at No 18 is set at a lower level to the appeal property and is separated from it by a gap of approximately 2m with a close boarded timber fence between. No 18 has a small rear conservatory style bay window positioned close to the side elevation with the appeal property that provides light and outlook to a habitable room.
8. The proposed extension would introduce a considerable mass of blank gable wall positioned in close proximity to the rear bay window at No 18. Owing to the extent of the projection, the difference in height between the two properties and the scale and mass of the extension proposed, the development would appear unacceptably overbearing and cause a loss of outlook to the occupants of No 18.
9. Due to the north facing nature of the rear windows of No 18, with views towards the road embankment, the outlook from, and light received at, these windows is already slightly compromised. The proposed development, due to the extent of the ground floor rear projection, would further reduce light and outlook from No 18 to an unacceptable extent.
10. Taking the above factors into account, the proposed extension would cause a loss of outlook and appear overbearing to an extent that would cause demonstrable harm to the living conditions of the occupants of No 18. As such, it would conflict with Saved Policies 1, 35 and 73 of the Easington Local Plan 2001(ELP). These policies, amongst other things, require that development should safeguard the amenity of people living within the vicinity of the site in terms of overshadowing, loss of light and visual intrusion.

Character and appearance

11. The proposed extension being entirely at the rear of the property would have no impact on the character or appearance of the streetscene around the cul-de-sac. Although it would be a relatively large addition to the property, owing to the hipped nature of the roof design and the stepped nature of the rear projections, it has been designed with some consideration of the need to maintain a subservient relationship with the host dwelling.
12. Taking these factors into account, and the enclosed nature of the rear garden that limits public views, the proposed development would not cause any demonstrable harm to the character and appearance of the surrounding area.

As such there would be no conflict with Saved Policies 1, 35 and 73 of the ELP. These policies, amongst other things, require development to be in keeping with the scale and character of the host building itself and the area generally in terms of site coverage, height, roof style, detailed design and materials.

Conclusion

13. Although I have found that the proposed development would not cause any demonstrable harm to the character and appearance of the area this does not outweigh the harm that I have identified that would be caused to the living conditions of the occupants of No 18. For the above reasons, taking into account the development plan as a whole based on the evidence before me, and all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR