

Appeal Decision

Site visit made on 24 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 8th May 2017

Appeal Ref: APP/A4520/D/17/3167864
79 Lambley Crescent, Hebburn NE31 2ND

- 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 and Mrs Steven and Jayne Douglass against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/0610/16/HFUL, dated 27 June 2016, was refused by notice dated 20 December 2016.
 - The development proposed is a two storey side extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with single storey front porch and playroom extension at 79 Lambley Crescent, Hebburn NE31 2ND in accordance with the terms of the application, Ref ST/0610/16/HFUL, dated 27 June 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 058-001 Rev B, 058-002 Rev B and 058-003.

Procedural Matter

2. The description in the heading above is taken from the application form. A different description has been entered into Section E of the appeal form to reflect the fact that the proposal includes single storey elements. Although Section E indicates that the revised description was not agreed with the Council, the description given on the decision notice makes clear that the Council considered the proposed single storey elements as part of the application. I have therefore determined the appeal on the basis of the more accurate description used on the Council's decision notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.
-

Reasons

4. The appeal property is two-storey, semi-detached dwelling located in a predominately residential area. The property has a hipped roof with a driveway to the side which adjoins the driveway to the side of 77 Lambley Crescent. The street scene along this part of Lambley Crescent is characterised by a prevailing pattern of two-storey, semi-detached housing with large gaps between.
5. It is proposed to construct a two-storey extension to the side to provide a play room, utility room and kitchen/diner at ground floor with a bedroom and bathroom above. The 'South Tyneside Local Development Framework SPD 9: Householder Developments December 2010 (Revised July 2014)' (SPD) states at paragraph 3.14 that a key objective in the case of side extensions is to achieve subordination and avoid a visual terracing effect which is when the space between semi-detached houses is lost.
6. The Council considers that the extension would appear subordinate to the main dwelling due to the lower ridgeline and its width which would be less than half that of the original property. I see no reason to disagree.
7. Nevertheless, the Council takes the view that the extension would result in a potential terracing effect as the first floor element would not provide sufficient set back from the original front wall of the dwelling. In raising such concerns, the Council refers to the guidance in paragraph 7.5 of the SPD. However, that relates to situations where the whole width of the plot is already built up by a garage or extension at ground floor level. In such circumstances, paragraph 7.5 allows for two-storey extensions up to the shared boundaries provided that, inter alia, they do not extend more than two-thirds depth of the original dwelling. Such circumstances are not present in this case however, and the guidance in paragraph 7.5 is not therefore relevant.
8. Further guidance is set out in paragraph 7.2 of the SPD which states that to minimise any terracing effect, two-storey side extensions on semi-detached properties should retain a minimum 1m gap between the extension and the side boundary of the site, and should also provide a minimum 1m set back between the front wall of the first floor extension and main front wall of the house. Paragraph 7.2 goes on to state that in situations where terracing would not arise because there is no development immediately adjoining the location of the proposed extension, it may still be necessary to provide a set-back between the front wall of the upper extension and the main front wall of the house, and a lower ridge line. No guidelines are given for the measurements in those circumstances.
9. Whilst I note there would be the potential for No 77 to be extended up to the common boundary, the adjacent property has previously been extended to the side at first floor with a hipped roof that pitches away from the common boundary. I was able to see from my site visit that the property is a different design to the appeal property, with a gable front and bay windows at ground and first floor level. The property is also slightly higher than the appeal property, so if it were to be extended to the side further, there would be clear distinction between the two.
10. Moreover, the extension in this instance would be set off the common boundary by 0.3m and the first floor would be set back around 0.45m from the front of

the house. Although this would not achieve the figures set out in the first part of paragraph 7.2 of the SPD, there is no development immediately adjoining the location of the proposed extension. No 77 has a driveway between its side wall and the common boundary. The circumstances referred to in the second part of paragraph 7.2 would therefore apply here. As a result, taking all of the above into account, I am satisfied that the proposal would not result in a harmful, terracing effect.

11. The Council has raised no concerns with the single storey elements of the proposal. On the evidence before me, I have no reason to disagree. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. It would accord, as a consequence, with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies December 2011 which states that extensions should be designed to convey sensitive consideration of its surroundings with particular regard to scale and proportions.

Conditions

12. In addition to the standard time limit condition, it is necessary to impose a condition relating to the approved plans to provide certainty. A condition is also necessary for matching materials to be used to protect the character and appearance of the area.

Conclusion

13. For the reasons give above, I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR