
Appeal Decision

Site visit made on 11 April 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 7 June 2017

Appeal Ref: APP/J4525/W/17/3167662
2 King Edward Road, Sunderland SR4 0RD

- 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 Gavin Bennett against the decision of Sunderland City Council.
 - The application Ref 16/00910/FUL, dated 24 May 2016, was refused by notice dated 24 August 2016.
 - The development proposed is 2 new semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An extant planning permission exists on the appeal site (Ref 15/00917/FUL) which proposes a single dwelling of similar dimensions and footprint to the two dwellings proposed under the appeal scheme. I have no evidence before me to doubt that there would be a reasonable prospect of the extant permission being implemented if the appeal is dismissed. I have therefore given this fallback position considerable weight in determining this appeal.

Main Issues

3. The main issues are the effect of the proposal on highway safety, and whether the proposal would provide adequate living conditions for future occupants, with particular regard to outdoor space.

Reasons

Highway safety

4. The appeal site comprises land associated with the property at 2 King Edward Road. The proposal would divide the plot, and create a pair of semi-detached dwellings. The site is located close to the junction between King Edward Road and Ford Avenue.
 5. The Council's Network Management Section states that one space should be provided for each of the new dwellings and for the existing dwelling, requiring a total of three spaces. The development, however, would provide one parking space for each of the new dwellings, but there would be no provision for parking for the occupants of No 2.
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6. Nonetheless, the existing situation is that, as a result of ground works on the appeal site, there is currently no parking provision for No 2 within the site. On the evidence before me, this situation would remain the same, were I to grant the appeal.
7. The new development would result in the same number and a similar configuration of parking spaces as the permitted scheme, which the Council previously found to be acceptable. The difference in the effect on highway safety between the two schemes would be negligible, and so I conclude that the appeal proposal would not be materially more harmful than the fallback position. I thus find no conflict with Policy T14 of the City of Sunderland Unitary Development Plan (UDP, 1998), which sets out highway and safety requirements for new development.

Living conditions

8. Outdoor space would be provided to the rear of each of the two new dwellings. The submitted plans show that two patio areas would be created, which would be bounded by a retaining wall to the south-east.
9. I note that the submitted location plan shows the red line boundary as including the higher level garden area to the rear of the appeal site. The appellant states that this higher area would also be allocated as amenity space for the new houses. However, the proposed site plan shows no physical separation between No 2 and this garden area. It is therefore unclear how this would be achieved. Given the significant difference in height levels, the continued use of this upper area by the occupants of No 2 would give rise to an unacceptable degree of overlooking of the of the new dwellings. It has therefore not been satisfactorily demonstrated that the proposal would provide an adequate degree of privacy for the future occupants of the development.
10. Furthermore, there is no indication on the plans of how the upper garden area would be divided between the new properties, or how it would be accessed from the patio level. This is in contrast to the proposed site plan for permission 15/00917/FUL, which clearly shows a division between No 2 and the appeal site, and indicates a stepped access to the upper area.
11. It appears likely that the land within the red line boundary could be apportioned and designed so as to provide acceptable outdoor amenity space for the development. However, I am bound to consider the appeal based on the proposal as shown on the submitted plans. On this basis, and for the reasons I have outlined, I am unable to conclude that the development would provide adequate living conditions for future occupants. The development would thus conflict with UDP Policy B2, which, amongst other things, seeks to retain acceptable levels of privacy, and UDP Policy H22, insofar as it resists developments which would be detrimental to general amenity.

Conclusion

12. Despite my finding that the development would not harm highway safety, it has not been demonstrated that it would provide satisfactory living conditions for future occupants. Taking all other matters into consideration, I therefore conclude that the appeal should be dismissed.

Elaine Gray INSPECTOR