



Appeal Decision

Site visit made on 6 November 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 16th November 2017

Appeal Ref: APP/J4525/D/17/3181170

18 Ludlow Road, Tunstall, Sunderland, Tyne and Wear SR2 9HH

- 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 Syed Ruhul Amin against the decision of Sunderland City Council.
 - The application Ref 17/00579/FUL, dated 24 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. A wall on either side boundary at the front of the appeal property had already been erected at the time of my site visit. This element of the proposal is, therefore, retrospective and I have dealt with the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of existing occupiers at number 14 Ludlow Road with specific reference to outlook and light.

Reasons

4. The appeal property is a two storey semi-detached property which has a wrap-around extension to the side and rear which adjoins an attached garage to the side. The rear garden of number 14 Ludlow Road (No 14) backs onto the flank elevation and garden of the appeal property. The ground levels rise to the south and east of the appeal property and consequently it sits at a higher level than No. 14.
5. It is proposed to erect a small kitchen extension across part of the rear elevation projecting around 1.5m beyond the existing extension resulting in a total projection of approximately 4.2m. It would have a mono-pitch roof following the slope of the existing extension. The Council has not raised concerns regarding the boundary wall with brick pillars and from everything which I have seen in submissions and on my site visit I have no reason to disagree.
6. No 14 has a small rear garden and so the windows in the rear elevation are only around 7m from the boundary with the appeal property. The rear

elevation has a bay window and a smaller window on the ground floor and a window to the first floor. Occupiers of No 14 currently have views from their ground floor windows of their rear garden. Those views are terminated by the boundary fence of the appeal property and the flank elevation of the existing extension which is seen above the fence.

7. Occupiers of No 14 currently have views from the upper floor window over the common boundary fence to the flank elevation of the existing side extension and sloping roof of the appeal property. However, views are also available from this window over the fence towards the garden of the appeal property. The proposal would involve the existing extension protruding a further 1.5m resulting in a total projection of approximately 4.2m in very close proximity to the common boundary with No 14. Views of the garden of the appeal property from the first floor window of No 14 would be replaced by a blank brick elevation and long sloping roof. Furthermore, the proposal would result in significant enclosure of the rear garden of No 14. Whilst the proposal would be single storey it would be situated on higher ground. Consequently, I consider that it would result in a loss of outlook and appear dominant and overbearing when viewed from the rear windows and garden of No 14.
8. Moreover, as the existing extension is situated in an elevated position to the south it would already result in a loss of light to the rear windows and garden area of No 14 and the proposal would extend the duration of this impact.
9. For the reasons stated, I consider that the proposal would harm the living conditions of the occupiers of No 14 with specific reference to outlook and light. The proposal would, therefore, be contrary to saved Policy B2 of the Council's Unitary Development Plan (1998) and section 7 of the Council's Household Alterations and Extensions Supplementary Planning Document which together require that extensions to existing buildings retain acceptable levels of privacy, outlook and relate harmoniously to adjoining areas.
10. Furthermore, the proposal would conflict with paragraph 17 of the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Conclusion

11. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector