



## Appeal Decision

Site visit made on 5 August 2019 by S Witherley BA, PGDiP, PGDiP, Cert CIH, Assoc RTPI

### Decision by **A U Ghafoor BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

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#### **Appeal Ref: APP/A4520/D/19/3230425**

#### **19 Beaufront Terrace, Jarrow, NE32 5EB**

- 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 & Mrs Keith and Kirsty Harden - Chaters against the decision of South Tyneside Council.
  - The application, Ref ST/0225/19/HFUL, dated 9 April 2019, was refused by notice 4 June 2019.
  - The development proposed as described on the application form is for a 2-storey rear extension – kitchen/utility/shower room/wc, bedroom, bathroom and cupboard.
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### **Decision**

1. The appeal is dismissed.

### **Appeal Procedure**

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### **Main Issue**

3. The effect of the proposed development on the living conditions of the occupiers of No. 17 Beaufront Terrace, with particular regard to outlook and overshadowing.

### **Reasons for the Recommendation**

3. No. 19 is a two-storey semi-detached dwelling located in a residential estate. The proposal seeks a two-storey rear extension that would be positioned just off the shared boundary with No. 17. As a result of the two-storey form and depth of the extension close to the boundary, its side elevation would, as a result of its scale, bulk, height and position, would have a significant impact in terms of overshadowing and outlook of the occupiers of the neighbouring property.
  4. Furthermore, the proposal when viewed from the neighbouring rear windows would result in an undue sense of enclosure and confinement to occupants whilst using the associated rooms, thus unacceptably harming their living conditions. The appellant notes that there would not be any excessive amounts of overshadowing as a result of the proposal, however, any degree of overshadowing, irrespective of what time of day or year it occurs, material harm would be experienced. The proposal would not meet with the aims of the
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South Tyneside, Local Development Framework, SPD 9: *Householder Developments* (2014).

5. The appellant states that planning permission for a similar proposal has been granted but has submitted no details to support this claim. In any event, each application is considered on its own merits. The claim is that under Permitted Development rights a single storey extension could be constructed with the same depth as the proposal without the need to obtain planning permission. Be that as it may, any such extension at ground floor would not be as substantial as the proposal subject to this appeal. Lack of objections from neighbours are also not considerations that outweigh the harm caused by the development.
6. I find that the proposal would harm the living conditions of the occupiers of No. 17 Beaufront Terrace given the potential effect on outlook and overshadowing. Accordingly, the proposal would not comply with Policy DM1 B of the South Tyneside Local Development Framework Development Management Policies (2011).

### **Conclusion**

7. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

*S Witherley*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

8. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

*A U Ghafoor*

INSPECTOR