



Appeal Decision

Site visit made on 22 August 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 August 2019

Appeal Ref: APP/H0724/D/19/3230675
458 West View Road, Hartlepool TS24 9LP

- 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 Mrs Claire Griffin against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0132, dated 16 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is a 2 storey full width rear extension with pitched roof and 4m projection.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 storey full width rear extension with pitched roof and 4m projection at 458 West View Road, Hartlepool TS24 9LP in accordance with the terms of the application Ref H/2019/0132 dated 16 March 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan at 1:1250; Existing Site Plan at 1:500; Proposed Site Plan at 1:500; Proposed 2 Storey Rear Extension at 458 West View Road Hartlepool (existing and proposed ground and first floor plans) at 1:100 @ A3portrait; and Proposed Rear Extension at 459 (*sic*) West View Road Hartlepool Rev A brick finish changed to coloured render externally to extension (existing and proposed elevations) at 1:100 @A3landscape.
 - 3) Save for the external walls of the development hereby permitted, which shall be completed with a rendered finish as shown on the elevations plan Rev A, 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.
 - 4) The development hereby permitted shall not be occupied until the first floor bathroom window on the western side elevation of the development hereby permitted has been fitted with obscured glazing and once installed the obscured glazing shall be retained thereafter.

Preliminary Matter

2. The description of the proposed development was summarised in the Council's decision notice as 'erection of a two storey extension at the rear'. This accurately describes the proposed development, but I have considered the more particularised description as set out in the original application.

Main Issue

3. The main issue arising in the appeal is the effect of the proposed development on the living conditions of the adjoining neighbour at No 456 by reason of outlook and light. The adjoining neighbour to the other side, at No 460, raises concerns of overlooking and I also consider the effect of the proposed development in this regard.

Reasons

4. 458 West View Road is a detached family house facing south, with its rear garden lying to the north. To the east lies No 456 and No 460 lies to the west. The appeal proposal is to extend the dwelling to the rear, adding a dining room and utility room to the ground floor, and two additional bedrooms above as well as an extended bathroom. The extension would project around 4m northwards from the existing house, although inset to the western side by around 1.5m to retain space to enter the rear garden from the side. No 458 is separated from No 460 by the width of the existing driveway, and there is an appreciable but smaller gap from No 456.
5. From my inspection of the site and surroundings there is a mix of dwelling types and styles in the area, with no real uniformity of the rear building line along West View Road. The Council do not raise any objection to the appeal proposal on the grounds of its impact on the character or appearance of the area. They do however consider that it will adversely impact on the living conditions of the neighbouring property at No 456.
6. No 456 has itself been extended to the ground floor, and the proposed extension to No 458 would be built out to approximately the same depth. As a result, No 458 would project beyond No 456 to the first floor, and the western first floor bedroom at No 456 would thus look on to the side elevation of the proposed extension.
7. Policy HSG11 of the Hartlepool Local Plan, adopted in May 2018, is supportive of opportunities for homeowners to improve their homes, subject to a number of criteria being met. One such criterion is that house extensions should not significantly affect the amenities of adjoining occupiers through overlooking, overshadowing or by creating a poor outlook. As the properties are north facing to the rear, with eastern morning sun, I do not consider that there would be any unacceptable loss of light to the occupiers of No 456. Additionally I consider that the dwellings are sufficiently distant from each other to avoid the proposed extension appearing unduly overbearing. As a result I do not find that the proposed development would result in any significant effects on the living conditions of the occupiers of No 456 to the extent that a conflict with policy HSG11 would arise. The proposal is acceptable in this respect.
8. As to the relationship with No 460, there is presently some opportunity for overlooking from a first floor window in the side gable elevation of No 458 from the top of the stairs. A new window at first floor would be inserted but this

would serve the extended bathroom, and the appellant states that it would be screened with opaque glazing. A further ground floor window below would serve the utility room, so not a primary habitable room, and overlooking is presently prevented at the ground floor level by the existing high fence between the two properties. As a result I do not find that there would be any unacceptable impacts on the living conditions of the occupiers of No 460.

9. For the above reasons I do not consider that any conflict with Policy HSG11 would arise, and the appeal proposal is supported by the development plan for the area.

Conditions

10. The Council have suggested that 3 planning conditions are necessary. The first is to require the permission to be implemented (if at all) within the standard statutory timescale of 3 years, and I agree that this is necessary. The second is to require compliance with the application plans, which is necessary to achieve certainty about what has been permitted. The third is to require the materials used in the proposed development to match those in the existing building. Revision A to the elevations plan shows that the facing walls of the extension are to be rendered, rather than completed in a brick finish, and so I have reflected this in the condition imposed. The condition is necessary in order to achieve a satisfactory finished appearance.
11. Additionally, I consider that a condition requiring the opaque glazing to the bathroom window to be installed and subsequently retained to be necessary in order to avoid the overlooking concerns that have been raised by the adjoining neighbour at No 460.

Conclusion

12. Having regard to all matters raised, and subject to the conditions I have imposed, I consider that the appeal proposal complies with the development plan for the area and permission is accordingly granted.

Laura Renaudon

INSPECTOR