
Appeal Decision

Site visit made on 3 September 2019

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2019

Appeal Ref: APP/H0724/D/19/3229981

34 Rillston Close, Hartlepool TS26 0PS

- 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 Tim Martin against the decision of Hartlepool Borough Council.
 - The application Ref H/2019/0024, dated 17 January 2019, was refused by notice dated 14 March 2019.
 - The development proposed is a two-storey side extension and single storey side and rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and single storey side and rear extension at 34 Rillston Close, Hartlepool TS26 0PS in accordance with the terms of the application, Ref H/2019/0024, dated 17 January 2019, 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 development hereby permitted shall be carried out in accordance with the following approved plans; Existing Plan Sheet 1, Existing Plan Sheet 2, Proposed Plan Sheet 3, Proposed Plan Sheet 4, Existing Block Plan Sheet 5, Proposed Block Plan Sheet 6.
 - 3) 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 windows to be installed in the first and second floor of the side (gable) elevation shall at all times be fitted with obscure glazing.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a two-storey detached dwelling. The appeal site is located on Rillston Close which is a residential street made up of a series of cul-de-sacs of detached properties of various styles. Many of the properties in the surrounding area have been extended or altered in some form.

4. The proposed development comprises a first-floor side extension to be built over the existing garage, and a single storey side and rear extension. The first-floor extension projects forward of the main building line of the property to be in line with the existing garage and ground floor study. It includes a pitched roof over the section that projects forward.
5. The single storey element of the extension, being contained to the side and the rear of the property, would not be prominent in the street-scene. Given the siting of this element of the extension, the position of the property turning away from the street and the existing solid boundary treatments that would screen a large proportion of the extension, it would not cause harm to the character and appearance of the property or the street scene.
6. Due to the existing appearance of the appeal property, which is not symmetrical in the first instance, the proposed extension above the garage incorporating a forward projection, would not unbalance the property. In the context of the siting of the surrounding properties and the gaps between them, it would not result in a terracing effect, and whilst it is not faithfully subordinate to the main dwelling, it would not dominate the property to any unreasonable extent.
7. Given the variation in property styles and the number of extensions to properties in the area, including a similar extension at 8 Rillston Close to that currently proposed, the proposal would not appear out of character with the area.
8. I conclude that the proposed development would not harm the character and appearance of the host dwelling and the surrounding area. The proposed development therefore complies with Policies QP4 and HSG11 of the Hartlepool Local Plan (May 2018). These policies seek to ensure all developments are designed to a high quality and positively enhance their location and setting, and that residential extensions are of a size and design that are sympathetic to the existing dwelling and do not adversely affect the character of the surrounding residential area.
9. The proposal would also comply with guidance contained in the National Planning Policy Framework (2019) which requires, amongst other things, that developments should be of a high-quality design.

Other Matters

10. Objection was received to the proposal from the residents of 33 Rillston Close due to the effect of the proposal on the living conditions of that property in relation to light and increase in noise levels.
11. The neighbour has referred to the impact on light levels to the kitchen, which has a side window overlooking the appeal property, and to the first-floor bathroom. The window to the side of the kitchen is a secondary window to this room with the main window being in the rear elevation. This, combined with the southerly orientation of the properties at the rear, and the siting and scale of the extension, is not considered to result in an unreasonable impact on levels of light to the kitchen. Whilst there may be an impact on the light levels to the bathroom window, which is located in the side elevation, this is not classed as a habitable room where a lot of time is spent. Therefore, I consider

the slight loss of light to the bathroom would not unduly harm the living conditions of the occupiers of that dwelling.

12. There is no evidence to suggest that the proposal, representing an extension to an existing residential property, would result in an increase in noise to an unacceptable level. Some noise during construction is inevitable, however this would be temporary.
13. I have had due regard to the personal circumstances in relation to disability put forward by the resident of the neighbouring property. These have been considered in accordance with the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
14. As I have found that there would be no harm to the neighbour's living conditions, I have found that the proposal would not compromise their human rights or those contained in the Equality Act.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.
16. The Council have requested a condition be imposed requiring that windows in the side elevation shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent and its opening limited to 30 degrees, details of which shall be first submitted to and agreed in writing with the Local Planning Authority. This is in the interests of protecting the privacy of adjacent dwellings. I consider that a condition of this nature is necessary to protect the living conditions of surrounding residential properties and is therefore imposed, however I find the Council's wording to be overly prescriptive and unnecessary and have simplified the wording accordingly. It is not necessary to impose a condition restricting the opening of the windows.

Conclusion

17. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR