



Appeal Decisions

Site visit made on 26 May 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2020

Appeal A Ref: APP/W4515/D/20/3248442

2 West Lane, Killingworth NE12 7BD

- 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 Vaseen Mukhtar against the decision of North Tyneside Council.
 - The application Ref 19/01634/FULH, dated 5 December 2019, was refused by notice dated 27 February 2020.
 - The development proposed is described as Front and side extensions, front porch extension, new dormer windows at roof level to the front elevation with new side window to north gable side at roof level, replacement single storey rear extension (projection retained at 4.6 metres) with new roof and new 1 metre canopy overhang projection, 2x velux rooflights to rear main roof slope, with ground raising of part of rear garden area to enable level access and replacement boundary treatments (a revised submission regularising works undertaken as part of commencement of NTMBC planning permission reference 17/00629/FULH).
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Appeal B Ref: APP/W4515/D/20/3248443

2 West Lane, Killingworth NE12 7BD

- 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 Vaseen Mukhtar against the decision of North Tyneside Council.
 - The application Ref 19/01636/FULH, dated 5 December 2019, was refused by notice dated 27 February 2020.
 - The appeal is described as Demolition of rear garden shed structure, with extension and remodelling of existing rear garage to form sunroom, with ground raising of part of rear garden area to enable level access and replacement boundary treatments (a revised submission regularising works undertaken as part of commencement of NTMBC planning permission reference 17/00629/FULH)
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Decision

1. Appeals A and B are dismissed.

Procedural Matters and Background

2. A previous application associated with the appeal site, application 17/00629/FULH has been approved by the Council and works commenced to implement this permission. Works to part of the approved permission have been commenced although they do not reflect the approved plans. Two subsequent applications have been submitted to the Council and are the subject of this linked appeal.

3. These appeals relate specifically to developments to the rear of the appeal site only and concerns more specifically, the single storey rear extension, the garden outbuilding, boundary enclosure and land raising.
4. The rear single storey extension and the outbuilding, to be used as sunroom/gym, has been erected on site although they are incomplete. The land levels have also been altered with part of the land raised around the rear single storey extension and the outbuilding by approximately 42.5cm with a sunken garden space remaining as the original garden land level. These are the areas that are in contention between the two parties.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and
 - The living conditions of neighbouring occupiers with regards to outlook and privacy.

Reasons

Character and appearance

6. The appeal site is a two-storey detached dwelling located on the east side of West Lane. The adjacent dwellings are either bungalows or detached and semi-detached houses and backs onto Leybourne Avenue. The appeal site also shares a boundary with the bungalow of Ashcroft and 42 Great Lime Road.
7. There is evidence of small-scale extensions to the rear elevations of some dwellings along West Lane and Leybourne Avenue as well as detached single storey buildings. However, these are all small in scale and appear subordinate to the host dwellings.
8. Both the rear single storey extension and the outbuilding are visible from a number of vantages from the surrounding area given the visually exposed nature of the rear of the appeal site.
9. The extension to the rear of the dwelling has a projection of approximately 4720mm with a 1000mm canopy overhang. Together with this projection, the width and height, the extension is large in scale, massing and form and the addition of the canopy overhang further increases its bulk. Although the canopy could be chamfered as demonstrated on the submitted plans, the canopy design and the finished material that wraps around, does not harmonise with the host dwelling. Nor does the extension appear subordinate to the dwelling, but rather its substantial proportions and poor design results in development that appears as a dominant and incongruous feature to the host dwelling, harmful to its character and appearance, and the area. The fact that the land levels have been raised around this part of the site, further emphasises its prominence.
10. The rear outbuilding is detached and located within a corner of the garden. It's position within the plot, and largescale size and massing, creates a highly visible building when viewed from other residential gardens and rear elevations of neighbouring dwellings. The finished height with projecting canopy roof feature and its finished material, does not complement the building or represent good design in this location. It furthermore exaggerates the

building's bulk. Its visual presence is also emphasised by the raised height of the land levels here. It therefore appears visually intrusive and harmful to the character and appearance of the site and the area.

11. The existing boundary treatment is of a uniform style and height. There are differing boundary treatments to adjacent domestic curtilages, however, a new timber close boarded boundary fence with a consistent height of approximately 2200mm in the location proposed, would appear as a dominant and incongruous feature that would be out of context in this environment, appearing harmful to the character and appearance of the area.
12. Bringing the areas of the development together, they do not relate well to the host dwelling or the site, and therefore have a detrimental effect on the character and appearance of the area. The developments are contrary to the North Tyneside Local Plan 2017 (LP) Policy S1.4 with regard to its acceptability in terms of impact on local amenity and land uses, Policy DM6.1 that aims, amongst other things, to demonstrate high design standards and a positive relationship to neighbouring buildings, and Policy DM6.2 that in the main, seeks extensions to complement the form and character of the original building together with scale, height and mass that should emphasise subservience to the main building. The proposal is also contrary to the Design Quality Supplementary Planning Document 2018 (SPD) for all new development to be of the highest standards of design.

Living Conditions

13. The dwelling is surrounded on all sides by residential dwellings. The rear extension is located adjacent to the party boundary with No. 4 West Lane, adjacent to their garage with rear utility room. The overall scale and massing together with canopy projection, which is further emphasised by the raised land levels, appears visually prominent and over-bearing when viewed from the garden, detrimental to their outlook from the garden.
14. The large rear windows within this extension, with the raised land levels surrounding, create clear overlooking and loss of privacy to the garden and into their rear lean-to extension above the existing boundary treatment.
15. The outbuilding is also located on raised land levels and is clearly visible to the adjoining occupiers and from other dwellings along West Lane. Its windows face north towards the rear of No. 4, and as it stands, the occupiers experience a heightened sense of overlooking and loss of privacy to both garden and rear extension.
16. The erection of the proposed 2200m high close boarded timber fencing along part of the boundary with No. 5 Leybourne Avenue would be positioned in very close proximity to its rear elevation. This, and together with the small outdoor space here, the proposed boundary treatment would result in an oppressive feature that would be harmful to the living conditions of the occupiers.
17. The proposal is therefore contrary to the general development principles of LP Policy S1.4 with particular regard to its impact upon local amenity for new or existing residents. The proposal is also contrary to LP Policies DM6.1 and DM6.2 in their aims to provide a good standard of amenity for existing and future residents and to protect, specifically, outlook or privacy, amongst other considerations.

Other Matters

18. The land levels have been increased to allow a level access from the host building to the outbuilding. As identified before, the harm that arises to the character and appearance of the area and the living conditions of local occupiers, does not outweigh the convenience of this level access.
19. There may be the opportunity for the appellant to exercise permitted development rights at the site, however this is for the appellant to pursue. I have assessed the proposal against the requirements of the development plan in the first instance, as is my duty.
20. Whilst evidence of extensions and other buildings on site have been presented, I apply limited weight to this as I have determined the proposal on its own merits. Furthermore, there is an extant approval at the site, however, this is materially different to the development presented, and I am required to consider this specific appeal before me.
21. Although I have considered the appellant's comments that the proposal is sustainable development as it accords with the broad aims and objectives of the National Planning Policy Framework, I have considered the proposal in accordance with the development plan and do not find in favour.
22. Objections raised by neighbours are duly noted, and matters not addressed within this decision letter require no further comment as I am dismissing the appeal.
23. Any complaints regarding the Council officer's planning report should be in the first instance referred to the Local Planning Authority for reply, and is not within my domain to comment upon.

Conclusion

24. The appeals are dismissed.

Alison Scott

INSPECTOR