



Appeal Decision

Site visit made on 19 May 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/A4520/D/20/3250082

44 Kingswood Close, Boldon Colliery NE35 9LG

- 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 Dr and Mrs Wheatley against the decision of South Tyneside Council.
 - The application Ref ST/0920/19/HFUL, dated 26 November 2019, was refused by notice dated 30 January 2020.
 - The development proposed is first floor side extension.
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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 proposal upon the character and appearance of the host dwelling and street scene.

Reasons for the Recommendation

4. No. 44 is a two-storey detached dwelling with gable roof. The property has a two-storey extension on the right-side elevation, a ground floor rear extension and a partial first floor element on the left elevation above the double garage. It is located at a cul-de-sac at the end of Kingswood Close. The surrounding area is residential, and the street scene is predominantly characterised by a mix of detached and semi-detached dwellings with gable roofs, front porches and side garages. Some of the properties in the area benefit from first floor extensions above the garage. However, these are predominantly set back from the front elevation with a lower ridge line. This creates a subservient appearance, which has enabled the original form of the estate to be retained and appreciated, including the physical breaks between dwellings which form an important characteristic of this residential street.
5. The proposed first floor side extension would extend to significantly more than half the width of the host dwelling. Its roof pitch would also be at the same height as the ridge of the existing dwelling. Though the roof at the front would

be set down lower than the existing ridge, the first-floor extension would protrude at the front further than the existing front wall of the host property. As a result, the proposed extension would represent a dominant addition that would fail to reflect the scale and proportion of the original property. When combined with previous extensions, the resulting dwelling would be substantially larger than other properties in the street and the two storey extensions would extend close up to the boundaries at each side of the plot, without any set back or reduction in roof height. The oppressive bulk of the forward projecting addition would contrast against the prevailing pattern where side additions utilise staggered roof lines and roof heights which add visual interest and help to create clear visual breaks between buildings neighbouring buildings.

6. This is contrary to guidance within South Tyneside's Local Development Framework SPD 9: Householder Developments (2010) (the 'SPD')¹, and not in keeping with the character of the street as the extension would not appear as a subordinate addition to the host dwelling. The SPD is based on widely recognised good design practice and, as set out above, the subservient nature of existing extensions within the cul-de-sac has enabled the original character of the estate to be largely maintained by ensuring that side extensions do not dominate the space between buildings.
7. Additionally, the Council contend that the first-floor windows in the proposed front elevation² would be unsympathetic in design terms on account of the fact that they would touch the roof eaves. Whilst that is a minor point, compared to the harm that would be caused by the scale and proportion of the proposal the windows would appear somewhat cramped under the eaves and the lack of spacing would be an inconsistent design which would be visually harmful when viewed from the street.
8. The appellant draws attention to other properties in the area which also have first floor side extensions. They have referred specifically to Nos. 1 and 23 Kingswood Close and no.10 Badminton Close. However, as observed during the site visit, the first-floor extension at 10 Badminton Close above the garage is set back from the main wall of the property and the roof set below the ridge of host dwelling and thus appears subservient. The extension at no. 23 Kingswood Close is not a side extension, as this is constructed above the front porch and has a ground floor side extension at the same elevation. It is acknowledged that in the case of 1 Kingswood Close the first-floor extensions projects further than the main wall of the existing building, but this property still retains a ground floor side garage which is subservient to the host dwelling. This is in contrast with the proposal which, along with the existing extension, would make the entire width of the property to be at the same height and give it the appearance of a long monotonous block. Consequently, the other extensions referred to are not directly comparably in design terms and reference to them does not alter my recommendation.
9. I find that the proposed first floor extension would significantly harm the visual appearance of the host dwelling and is inconsistent with the established character of the area. Accordingly, there would be conflict with the aims and objectives of Policy DM1 of South Tyneside's Local Development Framework Development Management Policies (2011) which amongst other things seeks to

¹ See section 7.2

² DRWG 4

ensure that new development is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing.

Other Matters

10. The Public Sector Equality Duty requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability. I do not doubt that the proposal would provide additional accommodation for family members with specific needs. However, personal circumstances will seldom over-ride more general planning concerns. In addition, whilst reference has been made to the needs of individuals and the family as a whole details were limited and it has not been demonstrated that the proposed space could not be provided in a manner that would be less harmful to the character and appearance of property and the street. I note that the Council requested design alterations at the application stage, but the appellant wished for the proposal to be determined as it stood. Consequently, on the information provided, I am not satisfied that the personal and family circumstances referred to outweigh the significant harm to the character and appearance of the area that would arise.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR