
Appeal Decision

Site visit made on 11 August 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2020

Appeal Ref: APP/J4525/D/20/3254094

21 Colchester Terrace, Sunderland, Tyne and Wear SR4 7RY

- 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 Jamie Phillips against the decision of Sunderland City Council.
 - The application Ref 20/00246/FUL, dated 7 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is rear kitchen and first floor bedroom 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.

Preliminary Matters

3. At my site visit, an extension to the rear of the appeal property was under construction. However, I cannot be certain if this is an alternative proposal from the scheme shown on the plans accompanying the appeal. For the avoidance of doubt, I have determined the appeal based on the plans submitted with the appeal documentation.

Main Issue

4. The main issues are the effect of the proposal upon 1) the character and appearance of the host dwelling and the street scene to the rear of Colchester Terrace and 2) the living conditions of the occupants of No. 23 Colchester Terrace, (No. 23) having particular regard to outlook and light levels.

Reasons for the Recommendation

Character and appearance

5. The appeal property is a two-storey mid-terrace dwelling. The surrounding area is residential and is characterised by long rows of two-storey terraced dwellings. To the rear of the appeal property, the rear lane presents these terraces with rear single storey offshoots with half gable roofs which complete the gable with the offshoot of the adjoining property. This presents a degree of

symmetry in the street scene, created by the gable projections at regular intervals.

6. The proposed two-storey rear extension would be constructed to adjoin the existing rear offshoot. This two-storey projection would be uncharacteristic of the street scene to the rear of Colchester Terrace. The appellant indicates that there are other examples of two-storey rear extensions in the area. However, these examples are located on Cleveland Road and Westlands which border Colchester Terrace and the circumstances of those sites are therefore different from the case before me. The proposal must be assessed on its own merits and I have determined the appeal based on the circumstances of the site and the details of the scheme before me.
7. In that context, two-storey rear extensions are not characteristic of the rear elevations of the dwellings on Colchester Terrace and by virtue of the mid-terrace location of the host property, the size and massing of the proposal would be prominent when viewed from the rear lane. The proposed extension would obscure the majority of the host property's rear elevation and it would therefore not be subordinate in scale or appearance to the host dwelling. This would be contrary to the guidance within the Householder Alterations and Extensions Supplementary Planning Document (SPD) which states that successful extensions typically appear subservient to the original dwelling. Due to its height, it would appear as an unduly prominent and imposing feature when viewed from the rear lane which would be harmful to the modest scale and appearance of the terraced row.
8. I find that by virtue of its size, scale and position, the proposed rear kitchen and first floor bedroom extension would be an incongruous addition which would be harmful to the character and appearance of the host property and to the street scene to the rear of Colchester Terrace. Consequently, it would conflict with Policy BH1 of the Sunderland Core Strategy and Development Plan 2015 – 2033 (2020) (the 'CS') which seeks amongst other things to ensure that new development is of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Living conditions

9. Whilst the appellant considers that the SPD does not specify a limit for first floor extensions, the SPD states that two storey extensions to the rear can have a significant adverse effect on neighbouring properties. It further states such extensions will not normally be permitted unless it can be demonstrated through careful design that there will be no unacceptable reduction in sunlight, daylight and/or privacy of adjoining occupiers, no visual intrusion and no detrimental effect on the street scene.
10. The Council contends that the extension would project beyond a 45-degree line when measured (on plan) from the centre of the nearest ground floor habitable room window of No. 23 which adjoins the shared boundary of the two properties. This would be at odds with guidelines within the SPD which seek to protect neighbouring properties from overshadowing and/or a loss of outlook. The appellant disputes that the 45-degree line would be breached, as the extension would adhere to the maximum projection of 3 metres. My observation on the site visit was that the 45-degree line would still be breached, regardless of adherence to the 3-metre maximum.

11. The extension would be positioned on the common boundary with No.23 and it would be in close proximity to the outdoor area and the ground and first floor windows in the rear elevation of No.23. Due to its height and proximity directly on the common boundary and degree of projection to the rear, the proposal would have an unduly dominant appearance and would appear overbearing and oppressive when viewed from the ground and first floor windows and the rear outdoor area of No. 23.
12. No. 23 is located to the south of the appeal site and therefore the proposed extension would not shadow No. 23's rear windows and outdoor area. However, the proposal would create an enclosed area between its side wall and the extension to the rear of No. 23, with a resultant 'tunnel' effect. By virtue of the height of the extension and its proximity to the common boundary with No. 23, the levels of daylight reaching the first-floor bedroom and ground floor habitable room would be reduced. The effect would be particularly noticeable in the ground floor room, making it appear more gloomy in aspect and harming the outlook from the room.
13. I find that the combined effect of the loss of outlook from the rear windows and outdoor area of No. 23 and the reduction in levels of daylight to the ground floor habitable room would result in an oppressive development that would have a materially harmful effect on the living conditions of the occupiers of No. 23. This would be contrary to the guidance in the SPD and Policy BH1 of the CS which, amongst other things, seek to ensure that new development retains acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

15. APPEALS PLANNING OFFICER

Inspector's Decision

16. 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.

Sarah Housden

INSPECTOR