
Appeal Decision

Site visit made on 30 November 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 2020

Appeal Ref: APP/W4515/D/20/3260070

1 Kielder Place, Wellfield NE25 9QP

- 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 David Wheatley against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 20/00864/FULH, dated 28 June 2020, was refused by notice dated 4 September 2020.
 - The development proposed is side extension to first floor, above existing kitchen, to create a second bathroom at first floor level.
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Decision

1. The appeal is allowed. Planning permission is granted for a side extension to first floor, above existing kitchen, to create a second bathroom at first floor level at 1 Kielder Place, Wellfield NE25 9QP in accordance with the terms of the application Ref 20/00864/FULH, dated 28 June 2020 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, S0001 REV A, S0002 REV A, S0003 REV A & S0004 REV A.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. However, the original description adequately describes the proposal and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 23 Burnbank Avenue (No.23) with particular regard to outlook, daylight and sunlight.

Reasons

4. The first-floor extension would bring the host property close to the boundary with No. 23 which is a detached dwelling set to the north. However, this property is set well back from the boundary with the appeal site meaning that the relationship between the two is not immediate.
5. The southern elevation of No.23 which would be adjacent to the extension incorporates a ground floor kitchen/dining room window and a small obscure glazed window on the first floor serving a bathroom. These windows are placed one above the other at the eastern end of the southern elevation of the main body of the dwelling.
6. However, the outlook from the ground floor window is already reasonably limited, with an outlook onto the boundary fence and the existing side elevation of the dwelling at the appeal site. When looking towards the appeal site from this window, the upper side elevation of 1 Kielder Place is not especially prominent. I do not therefore consider that the extension would result in any significant loss of outlook over and above the existing situation. The extension would not form an overbearing or oppressive feature when viewed from No.23.
7. Along with the set back between the southern elevation of No. 23 and the shared boundary, I have also noted that the kitchen/dining room served by the window on the southern elevation is also served by French doors and a bay window on the east and west facing elevations respectively. The room therefore has multiple aspects looking out over the landscaped gardens.
8. Further, the rear section of the extension would incorporate a hipped roof with a ridgeline set significantly lower than that of the main ridgeline, which would serve to limit its bulk and mass and resultant impact on the windows on the southern elevation of No.23. In terms of external space, this property benefits from garden areas to all elevations which do and will enable the occupiers to take advantage of the varying position of the sun throughout the day.
9. As a result of these factors, I am not convinced that the proposal would result in any harmful loss of daylight or sunlight to the windows on the southern elevation of No. 23. There is also nothing within the evidence to suggest that the proposal would result in any substantial loss of daylight or sunlight to the garden areas of No.23 at most times of the day.
10. I therefore conclude that the proposal would not have an unacceptable adverse impact on the living conditions of the occupiers of No.23 with regard to outlook, daylight and sunlight. The proposal would not therefore conflict with Policies S1.4, DM6.1, DM6.2 of the North Tyneside Local Plan (2017) nor SPD¹ guidance which amongst other things seek to protect the living conditions of adjacent occupiers.

Other Matters

11. The Council have not raised concern in relation to the design of the proposal or its effect on the character and appearance of the area. I have no reason to disagree. I have found that the extension would not significantly affect daylight or sunlight and any private rights or easements that may exist are a matter for the respective landowners to resolve.

¹ Design Quality Supplementary Planning Document May 2018.

Conditions

12. Three conditions have been suggested by the Council and I agree that their inclusion is necessary. Planning permission is granted subject to the standard three-year time limit. Matching materials are required in the interests of the character and appearance of the area. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR