
Appeal Decision

Site visit made on 4 January 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th January 2021

Appeal Ref: APP/H0724/D/20/3261876
131 Lime Crescent, Hartlepool TS24 8JP

- 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 George Stones against the decision of Hartlepool Borough Council.
 - The application Ref H/2020/0031, dated 22 January 2020, was refused by notice dated 25 September 2020.
 - The development proposed is a single storey rear extension and two storey side extension.
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Decision

1. The appeal is dismissed.

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 Issues

3. The first main issue is the effect of the two-storey side extension on the living conditions of the neighbouring occupier at 133 Lime Crescent (No.133) with particular regard to any outlook, overbearing impact and overshadowing. The second is its effect on the character and appearance of the area.

Reasons

Living conditions

4. The two-storey side extension would be of significant width and at 4.5m would almost double the width of the existing dwelling. It would extend southwards towards the side elevation of No.133, which has a different design including different window placement to the host dwelling. No.133 incorporates two bedroom windows on its northern side elevation. The evidence indicates that one of these bedrooms is not served by any other windows.
5. The southern elevation of the extension would sit in close proximity to these windows, and the bulk of the extension when viewed from No. 133 would only be increased through the incorporation of a gable end to the roof. The extension would therefore result in a significant material reduction in outlook available from these windows. This would have an overbearing impact on the

occupiers which would be harmful to their living conditions and the enjoyment of their home.

6. The proposal would therefore conflict with Policies QP4 and HSG11 of the Hartlepool Local Plan (2018) (HLP) which amongst other things seek to protect the living conditions of neighbouring occupiers including in relation to outlook. I have not identified any conflict with Part 4.8 of the SPD¹ guidance which only relates directly to daylight, sunlight and privacy.
7. I have not identified any unacceptable impact in relation to overshadowing given that the appeal site sits to the north of No.133.

Character and appearance

8. In visual design terms, while of significant width, the two-storey side extension would simply read as an extension of the existing terrace, being of the same roof form, ridge height and depth. It would incorporate materials to match and the proportions of the first-floor window would match the larger windows on the front elevation of the host dwelling. It would subsequently have no unacceptable adverse impact on the character or appearance of the area.
9. In this respect, the proposal would not conflict with Policies QP4 and HSG11 of the HLP which amongst other things require development that would not adversely affect the character of the surrounding area. There would also be no conflict with the requirements of the National Planning Policy Framework in relation to this matter.

Other Matters

10. While I do afford some weight to the fact that the neighbouring occupier has offered no objection to the proposals, I cannot be sure that any future occupier would feel the same and this matter does not therefore outweigh the harm that I have identified. There is no evidence that it would not be possible to pursue another scheme which would not result in the same level of harm.
11. Although it is suggested other nearby property has been permitted to be built close together, no evidence is submitted that a relationship such as that proposed between the appeal site and No. 133 has been found acceptable. I therefore afford this matter limited weight.

Conclusion

12. The appeal should therefore be dismissed.

T J Burnham

INSPECTOR

¹ Hartlepool Borough Council Residential Design Guide Supplementary Planning Document (2019)