



Appeal Decisions

Site visit made on 12 June 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal A - Ref: APP/J4525/C/21/3269346

77 Barnwell View, Houghton le Spring, Tyne and Wear DH4 7FB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Carl Laverick against an enforcement notice issued by Sunderland City Council.
- The enforcement notice is dated 9 February 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a mono pitched canopy and bay window to the front elevation of the property. The development is shown more particularly on the plan attached to the enforcement notice annotated "EN Plan 2", which was submitted as part of the planning application reference 20/01960/FUL to retain the development. In particular, the drawings annotated on that plan listed below: Part Proposed Side Elevation 'AA'; Part Proposed Side Elevation 'BB'; Proposed Front Elevation; Proposed Floor Plan; Proposed Roof Plan; Proposed Site Plan 1:100.
- The requirements of the notice are: (i) Reinstate the land to its condition before the development took place in accord with the plan attached to the enforcement notice annotated "EN Plan 2", which was submitted as part of the planning application reference 20/01960/FUL to retain the development. In particular, the drawings annotated on that plan listed below at (a) to (e), the attached photograph of the front of the dwelling prior to the development taking place annotated "EN3 Pre existing photograph", and requirements (ii) to (viii) below. (a) Existing Side Elevation 'BB' (b) Existing Front Elevation (c) Existing Floor Plan (d) Existing Roof Plan (e) Existing Site Plan 1:100 (ii) Dismantle the canopy and bay window and demolish the supporting blockwork below the bay window to below the level of the adjacent ground. (iii) Reinstate the surface of the ground upon which the supporting blockwork was constructed using materials of the same, or similar, specification and appearance to those which existed prior to the development. (iv) Make good the former bay window opening in the front elevation with brickwork/blockwork of the same, or similar, specification to that utilised in the construction of the external walls of the dwelling, tied into the existing walls, and reform a window opening of the same size as that which was removed, with an Art Stone head and cill of the same, design and colour as those which were removed. (v) Reinstate a white UPVC window of the same size and design as that which was removed. (vi) Reinstate a canopy over the front door of the same size, design, and materials of the same, or similar, specification and appearance to those comprised in the canopy which existed prior to the development. (vii) Make good the areas of new brickwork/blockwork and any damaged areas of render to the walls of the property exposed, or caused, during the course of remedial work using a render system of the appropriate type, texture and colour to match the existing render. (viii) Remove from the land all materials and wastes arising from compliance with the requirements of this notice.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal B - Ref: APP/J4525/C/21/3269344

77 Barnwell View, Houghton le Spring, Tyne and Wear DH4 7FB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Melissa May against an enforcement notice issued by Sunderland City Council.
- The enforcement notice is dated 9 February 2021.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection of a mono pitched canopy and bay window to the front elevation of the property. The development is shown more particularly on the plan attached to the enforcement notice annotated "EN Plan 2", which was submitted as part of the planning application reference 20/01960/FUL to retain the development. In particular, the drawings annotated on that plan listed below: Part Proposed Side Elevation 'AA'; Part Proposed Side Elevation 'BB'; Proposed Front Elevation; Proposed Floor Plan; Proposed Roof Plan; Proposed Site Plan 1:100.
- The requirements of the notice are (i) Reinstate the land to its condition before the development took place in accord with the plan attached to the enforcement notice annotated "EN Plan 2", which was submitted as part of the planning application reference 20/01960/FUL to retain the development. In particular, the drawings annotated on that plan listed below at (a) to (e), the attached photograph of the front of the dwelling prior to the development taking place annotated "EN3 Pre existing photograph", and requirements (ii) to (viii) below. (a) Existing Side Elevation 'BB' (b) Existing Front Elevation (c) Existing Floor Plan (d) Existing Roof Plan (e) Existing Site Plan 1:100 (ii) Dismantle the canopy and bay window and demolish the supporting blockwork below the bay window to below the level of the adjacent ground. (iii) Reinstate the surface of the ground upon which the supporting blockwork was constructed using materials of the same, or similar, specification and appearance to those which existed prior to the development. (iv) Make good the former bay window opening in the front elevation with brickwork/blockwork of the same, or similar, specification to that utilised in the construction of the external walls of the dwelling, tied into the existing walls, and reform a window opening of the same size as that which was removed, with an Art Stone head and cill of the same, design and colour as those which were removed. (v) Reinstate a white UPVC window of the same size and design as that which was removed. (vi) Reinstate a canopy over the front door of the same size, design, and materials of the same, or similar, specification and appearance to those comprised in the canopy which existed prior to the development. (vii) Make good the areas of new brickwork/blockwork and any damaged areas of render to the walls of the property exposed, or caused, during the course of remedial work using a render system of the appropriate type, texture and colour to match the existing render. (viii) Remove from the land all materials and wastes arising from compliance with the requirements of this notice.
- The period for compliance with the requirements is four months.
- The appeal is proceeding on the grounds set out in section 174(2)(g) of the Town and Country Planning Act 1990 as amended.

Appeal C - Ref: APP/J4525/W/21/3269422

77 Barnwell View, Houghton le Spring, Tyne and Wear DH4 7FB

- 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 Carl Laverick against the decision of Sunderland City Council.
- The application Ref 20/01960/FUL, dated 20 October 2020, was refused by notice dated 20 January 2021.
- The development is roof canopy and bay window to front elevation.

Decisions

1. Appeal A: the appeal is dismissed, the enforcement notice is upheld, and the deemed planning application is refused.
2. Appeal B: the appeal is dismissed, and the enforcement notice is upheld.
3. Appeal C: the appeal is dismissed.

Appeal A on ground (a) and Appeal C – section 78

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is a two storey semi-detached property in a predominantly residential area of similar housing. On the front elevation, the property previously had a small gabled canopy over the front entrance doorway. Adjacent to the front door, on the ground floor, was a tripartite window that sat flush with the frontage. The new development comprises a square bay window on the ground floor, and a mono-pitched canopy that sits above the door and bay window and stretches across the full width of the elevation.
6. Policy BH1 of the Sunderland City Council Core Strategy and Development Plan 2015-2033 (CSPD) relates to design quality. Amongst other things, it requires that development should be of a scale and appearance that respects and enhances the positive qualities of nearby properties and the locality, and should incorporate distinctive high quality architecture and detailing.
7. No 77 is at the end of a row of houses that sit by the entrance to the estate behind. They are clearly visible from Chislehurst Road, which is the main approach to the estate. I have been provided with a photograph of the appeal site and its immediate neighbour, taken prior to the development, which shows that these two houses were designed as a matching pair.
8. The appellants explain that they have switched the interior layout of the house, with the effect that the kitchen is now in the rear extension, and the lounge is in the front. They found that the window cill height in the front room was higher than would normally be expected for a lounge, and so they reduced the cill height and added the bay window.
9. My attention has been drawn to the architectural styles elsewhere in the estate, which I saw on my visit. I have also taken into account the photographs submitted by the appellants. Whilst there are other instances of square bay windows in the vicinity, the examples I saw had flat roofs and were arranged symmetrically on either side of an entrance door. There were also examples of mono-pitched roofs, but again, these were predominantly symmetrical in design, spanning two entrance ways.
10. The design of the houses in pairs is a strong visual element of the estate. By contrast, the development departs from the symmetrical mirrored design of the frontages of No 77 and its immediate neighbour, particularly through the loss of the gabled canopy over the door and the introduction of the bay window. This loss of symmetry harms the overall appearance of the two dwellings. In

spanning the full width of the front of No 77, the mono-pitched canopy introduces a prominent and incongruous feature that is not characteristic of the surrounding development.

11. I have taken into account the appellants' views that the works have improved the appearance of the house, as the room served by the bay window now looks like a living room from the outside. I note also that the neighbouring residents did not object to the works. However, these factors have not led me to a different conclusion on the main issue of the appeal.
12. For those reasons, I conclude that the unauthorised development unacceptably harms the character and appearance of the appeal site, and also of the surrounding area. It thus conflicts with the requirements of CSPD Policy BH1.

Appeals A and B on ground (g)

13. Ground (g) is that the time of four months given to comply with the notice is too short. The appellants have not indicated what period they consider would be more reasonable in this case.
14. I note from the Council's comments that they have taken into account the challenges posed by the ongoing coronavirus pandemic in deciding upon the four month period. The works to remove the canopy and bay window and restore the frontage to its former state should not be particularly difficult or time consuming. The Council estimate that the physical works should take around two weeks to complete, and I have no evidence to the contrary.
15. I am also mindful of the Council's powers to extend the period for compliance should be appellants be experiencing difficulties in meeting the four month time frame. Therefore, taking all these factors into account, I am satisfied that the time given to comply with the notice is reasonable.
16. The appeal on ground (g) therefore fails.

Conclusion

17. For the reasons above, the appeals are dismissed, the enforcement notice is upheld, and planning permission is refused.

Elaine Gray

INSPECTOR