

# Appeal Decision

Site Visit made on 11 October 2021

**by J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15 October 2021**

---

**Appeal Ref: APP/X1355/D/21/3277505**

**18 Blaykeston Close, Seaham SR7 0PJ**

- 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 Graham Chaytor against the decision of Durham County Council.
  - The application Ref DM/21/01060/FPA, dated 24 March 2021, was refused by notice dated 20 May 2021.
  - The development proposed is described as "External - Proposal is to extend first floor directly on top of existing ground floor extension to the rear of the property. Proposed extension to be same size, 7.2m by 2.89m. The existing dimensions of the house (i.e. external wall perimeter & roof height) will not be increased. Internal - ground floor toilet to be moved into the garage as part of works to make internal lobby entrance bigger. There will also be a door into the garage added from the lobby area".
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council, in its formal decision, describe the development as a 'first floor rear extension, internal works to add toilet to garage, and single storey side extension'. From the evidence before me, I consider this to be a more accurate and succinct description of what is proposed and have proceeded with the appeal on this basis.

## Main Issue

3. The main issue is the effect of the development on the living conditions of the neighbouring occupiers of 16 Blaykeston Close, with regard to outlook.

## Reasons

4. The staggered relationship between the appeal property and its neighbour at no16 Blaykeston Close is such that the two-storey flank elevation already restricts the outlook from the rear garden of no16 due to its positioning and proximity to the shared boundary. The proposal would provide a first-floor extension to the rear of the appeal property over an existing single storey extension in order to facilitate additional internal accommodation.
5. The proposal would result in a two-storey elevation running along the entire length of the boundary with the rear garden area of no16. The combined depth, two-storey height and proximity of the proposed extension to the boundary with no16 would further restrict the outlook from the private garden area of this neighbouring property. In doing so, the proposal would result in a harmful sense of enclosure when experienced from the rear garden area of no16. This would

significantly diminish the neighbouring occupiers' enjoyment of their property and would therefore be harmful to their living conditions.

6. Consequently, I find that the development would significantly harm the living conditions of the neighbouring occupiers of 16 Blaykeston Close, with regard to outlook. The proposal is therefore contrary to Policies 29 and 31 of the County Durham Plan (2020) (the CDP) and the associated policies of the National Planning Policy Framework which together, amongst other things, require development to provide high standards of amenity

### **Other Matters**

7. The appellant suggests that, in the event the appeal was to fail, he and his family would have to move out of the area to find a larger home. However, this is a private matter for the appellant and there is no evidence before me to suggest that the property could not continue to provide a family home without the proposed extension.
8. There were no objections from existing neighbouring residents and there would be no loss of privacy to neighbouring occupiers. However, these matters are of neutral consequence and as such they do not outweigh the harm I have identified.
9. The appellant refers to the professional opinion of several architects, builders and Building Control Officers who were all of the view that the proposal would be compliant with the policies of the CDP. However, this evidence is not before me and therefore this carries very little weight.
10. In support of the appeal, my attention has been drawn to several other developments in the local area. However, I do not have the full details of these other cases before me and therefore I cannot be certain that they offer a direct comparison to the appeal proposal. In any case, I have considered the appeal on its own merits.
11. The appellant is of the view that the Council's decision is subjective and cites the Council's Planning Officer as having said as much. Planning decisions are policy led and rely on the application of professional planning judgement. It can be seen from my decision that, in this case, I agree with the Council's position and therefore the Officer's assessment in this regard was robust.
12. I note the appellant's desire to increase the living space for his family, and I take no pleasure in frustrating these efforts, but this does not justify the harm I have found in this case.

### **Conclusion**

13. The proposed development would be contrary to the development plan and there are no material considerations that would override this conflict. Accordingly, for the reasons given, the appeal should not succeed.

*J M Tweddle*

INSPECTOR