



Appeal Decision

Site visit made on 7 December 2021

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2022

Appeal Ref: APP/W4515/D/21/3282862

90 Malvern Road, Preston Grange, North Shields NE29 9ES

- 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 Ms Nigora Mavlonazarova against the decision of North Tyneside Council.
 - The application Ref 21/01541/FULH, dated 21 June 2021, was refused by notice dated 1 September 2021.
 - The development proposed is described as *"We are planning to build an extension over the garage. Build one store there, which include 2 rooms- one small home office, guest room/home office and a bathroom. The entrance to the 2nd floor of the garage will be most likely from our garage and the second entrance from the house"*.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension over the existing garage at 90 Malvern Road, North Shields NE29 9ES in accordance with the terms of the application, Ref 21/01541/FULH, dated 21 June 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan entitled 'Extension Planning'; S0001 Rev A Existing Plans and Elevations; S0002 Rev A Proposed Foundations, Ground and First Floor Plans; S0003 Rev A Proposed Steelwork, Roof Plans and Details; S0004 Rev A Proposed Elevations; S0005 Rev A Existing and Proposed Site Plans
 - 3) 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.

Application for Costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate Decision.

Preliminary Matters

3. I have revised the description of the development to more accurately reflect the development taking place and have removed the superfluous description of

internal arrangements which are not necessary from a planning perspective and this is the development which I have considered.

Main Issue

4. The main issue is the effect of the proposed development of the living conditions of the occupants of 92 Malvern Road, with regard to outlook and light.

Reasons

5. The appeal property is set forward of 92 Malvern Road. A second storey over the existing garage with a pitched roof to tie in with the roof of the host property would be built on the common boundary of the two properties. No 92 has been extended to the side in a similar manner to that proposed by the appeal. Originally the houses would have been separated by linked garages, in this case in a stepped arrangement. The extension would project forward of the part of the front elevation of No 92 closest to the appeal property by some distance.
6. I observed that many properties on the estate have been extended in a similar manner to that proposed, however there are very few other examples of an arrangement comparable with the proposal before me in terms of relationship with the neighbouring property.
7. Due to the relationship between the two properties, the proposed extension would have a greater presence when viewed from the nearest first floor window of No 92 than the appeal property does at present. The Council's Design Quality Supplementary Planning Guidance (SPG) (2018) provides generalised advice on the impact of extensions on neighbouring amenity and states simply that 'reasonable' outlook should be maintained. From my observations on site, the outlook from the upstairs bedroom window of No 92 is currently partially obscured by the appeal property but otherwise has an open outlook towards Malvern Road. The proposal would bring the gable wall of the appeal property closer to the upstairs bedroom window of No 92. The predominantly open aspect towards Malvern Road would, however, be mostly retained and would retain a reasonable outlook from No 92. There would be no conflict with the guidance in the SPG as a consequence.
8. With regard to the effect of the proposal on light, the appeal property lies broadly to the north east of No 92. The SPG does not set out any method by which the impact of a proposal on an adjacent property should be judged, save to state that 'reasonable' light to habitable rooms should be maintained and extensions should not cause significant overshadowing. Based on the evidence before me and from my observations and experience, I am satisfied that the reduction in the amount of light which this room receives would not be significant. The room would still receive some afternoon and evening sun and there would be little impact on the amount of morning sun to that window, consequently there would be not be any unacceptable loss of daylight and sunlight for No 92.
9. I therefore conclude that the appeal proposal would not have an unacceptable impact on the living conditions of the occupants of 92 Malvern Road with regard to outlook and light. As such, it would comply with Policies S1.4, DM6.1 and DM6.2 of the North Tyneside Local Plan (2017) which, amongst other things,

seek to ensure that new development provides as good standard of amenity for existing residents with particular regard to outlook and light. It would also comply with the guidance set out in the SPG. Moreover, it would accord with the design objectives of the National Planning Policy Framework (the 'Framework') in this respect.

Other Matters

10. Objections to the proposal have been raised on other grounds from nearby residents including party wall issues and impact on health arising from the construction of the extension. The Party Wall implications of the proposal are not for me to consider under the provisions of a Section 78 planning appeal and are covered by other legislation not under my remit. Whilst I have noted the concerns expressed in relation to the neighbour's health during the construction the scale of the extension is limited and the impacts are likely to be transient. It is not a matter which outweighs or alter my conclusions in respect of the main issue.

Conditions

11. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable in the interests of certainty. I have also attached a matching materials condition in the interests of the character and appearance of the area.

Conclusion

12. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR