



Appeal Decision

Site visit made on 13 July 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/P2935/D/21/3273977

Ashleigh, 26 Cade Hill Road, Stocksfield, Northumberland NE43 7PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Stuart Matthews against the decision of Northumberland County Council.
 - The application Ref 20/03861/VARYCO, dated 6 November 2020, was refused by notice dated 3 February 2021.
 - The application sought planning permission for construction of a single storey rear extension with external steps without complying with a condition attached to planning permission Ref 20/00297/FUL, dated 23 June 2020.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:- Location and Roof Plan Drawing no. 006 Rev B, Dated 22.06.2020 Proposed Elevations, Drawing no. 003 (received 27th May 2020) Proposed Ground Floor Plan, Drawing no. 004 (received 27th May 2020).*
 - The reason given for the condition is: *To ensure that the approved development is carried out in complete accordance with the approved plans.*
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Work on the proposed variation to the approved development had already begun at the time of my site visit. The external wall had been moved closer to the boundary wall and the French doors have $\frac{3}{4}$ height windows on either side and the single window in extension has been replaced using existing 2no. sash windows and mullions. The work was observed to be largely complete, save for the steps. I have based my assessment on what I observed on site and on the proposed plans which depict the proposal as it would appear when completed.

Background and Main Issues

4. The appellant is seeking to vary the disputed condition to extend the extension closer to the boundary wall and increase the height of the eaves and the ridge as well as make changes to the approved fenestration. Based on the submitted evidence, the main issues are the effect that varying the condition would have on the living conditions of the neighbouring occupants of Mayfield, 28 Cade Hill Road and on the character and appearance of the host property and the surrounding area.

Reasons for the Recommendation

Living conditions

5. As noted, the proposed amended proposal extends up to the boundary wall with 28 Cade Hill Road. Given the reduced separation distance and increase in height, when compared to the previously approved scheme, the single-storey side elevation of the extension is significantly more visible and prominent from the closest windows to the rear of no. 28 Cade Hill Road and towers above the rear garden of this property. Due to its height, massing and increased proximity directly on the shared boundary, the proposal has an unduly dominant and overbearing appearance, which has a negative effect on the outlook from the closest ground floor window of the adjoining property.
6. Moreover, whilst the neighbouring garden is large and spacious, the area immediately to the rear of the property feels hemmed in by the side wall of the extension which has an overbearing impact when viewed from the private space directly to the rear of the dwelling. Whilst the boundary treatments running along the boundary would have some impact, the additional height and mass of the side wall is notably greater.
7. I find that the variation of the condition would result in a loss of outlook and have a significant overbearing impact resulting in a harmful effect upon the living conditions of occupants of no. 28 Cade Hill Road. Consequently, there is conflict with the aims and objectives of Policies GD2 and H33 of the Tynedale District Local Plan (2000) (the LP) which, amongst other things, seek to ensure that the design of new development will not create conflict between adjacent land uses and that there will be no adverse effects on adjacent land and buildings in terms of an overbearing appearance. It would also conflict with the aims of paragraph 130 of the National Planning Policy Framework (the NPPF) which requires planning decisions to create places with a high standard of amenity for existing and future users and occupiers.

Character and appearance

8. No. 26 is a large two-storey semi-detached dwelling that is broadly symmetrical with the adjoining dwelling at no.28, although both properties have been extended to the rear, whilst the appeal property has also been extended at the side. The extensions include an L-shaped modern conservatory which is largely constructed of glass with a white uPVC frame at the side. The previously existing rear extension featured an asymmetric elevation and roof plan and projected beyond both the rear and side elevations of the original dwelling.
9. The surrounding area is residential, and its character is derived from a mix of large detached and semi-detached dwellings set back from the road within

expansive landscaped grounds and mostly screened behind mature trees and hedges.

10. Although the proposed extension is larger than that previously approved it is not visible from any vantage points on the street and thus does not have a visually harmful impact upon the character of the street scene or the wider area. In addition, the asymmetrical roof arrangement mirrors the pattern of the previous modern extension to the dwelling and does not look out of place in that context, as a modern addition which is sensitively juxtaposed against the original style of the dwelling. The slight alteration in window arrangement does not disrupt the overall theme to any notable degree and the scale of the addition is not disproportionate to the scale of the original dwelling and substantial plot.
11. I find that varying the condition would not have a significant harmful impact upon the character and appearance of the host property and surrounding area. Consequently, it accords with the aims and objectives of saved Policies GD2 and H33 of the LP, Policy BE1 of the Tynedale Local Development Framework: Core Strategy (2007) and the NPPF which, amongst other things, seek to ensure that new development is appropriate to the character of the site and its surroundings in terms of scale, proportions, massing and appearance of the building.

Conclusion and Recommendation

12. Whilst I am satisfied that the design of the amended extension would not cause harm to the character and appearance of the property it would have a significant and harmful impact on the living conditions of neighbouring residents and is contrary to the aims of the Development Plan in that respect. No material considerations have been put forward to outweigh that conflict and, for the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR