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## Appeal Decision

Site visit made on 8 February 2022

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 April 2022**

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**Appeal Ref: APP/J4525/D/21/3287204**

**60 Biddick Lane, Fatfield, Washington NE38 8AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 1, Class A and paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr Chris Hibbert against the decision of Sunderland City Council.
  - The application Ref 21/02145/PRI, dated 7 September 2021, was refused by notice dated 14 October 2021.
  - The development proposed is described on the application form as 'This will be a Single Storey Extension with a Pitched roof from centre Width 6 meters Height 3.8m Patio Doors to rear Windows to rear Roof tiles and Rendering finish. This will be 200mm away from the house boundary line'.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council considers that the proposal accords with the limitations for extensions set out in Paragraph A.1 of Class A to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). There is no evidence before me to the contrary. The provisions of Paragraph A.4 require the local planning authority to assess the proposed development solely based on its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner. Following the Council's consultation, there was an objection which triggered the need for prior approval.
3. The Council has described the development as 'Erection of a single storey rear extension. (Extends 4.5m from the original dwelling, 3.8m in height and 2.8m to the eaves)'. I note that the appellant has also utilised this description on their appeal form. I consider that this revision provides a succinct and accurate description of the proposal and I have therefore determined the appeal on this basis.

### Main Issue

4. In light of the above, the main issue is the effect of the proposed development on the living conditions of the neighbouring occupiers of no. 62 Biddick Lane having regard to matters of outlook.

## Reasons

5. The appeal property is a two-storey semi-detached dwelling located within a predominately residential area. It has an existing single storey rear extension and a single storey detached outbuilding in its back garden. The adjoining property, no. 62, also has a single storey rear extension and detached outbuilding in its rear garden. Both of these rear extensions are set back from the shared boundary between the two neighbouring properties. The proposal would replace the existing rear extension with one that would be much wider and higher than it. This extension would also be relatively close to the shared boundary with no. 62. No. 62 also has a large window on its ground floor rear elevation which serves a habitable room, and this is also located near to the shared boundary. The single storey rear extension at no. 62 is on the other side of this window.
6. Consequently, given its size, scale, massing, and location I consider that the proposal would lead to a 'tunnelling' effect thereby creating a great sense of enclosure for the occupiers of this room. Likewise, from this vantage point it would also appear visually dominant and overbearing thereby reducing the outlook from this room by an unacceptable degree. It would therefore have a significant adverse impact in these regards. I also consider that the resulting outlook the neighbouring occupiers would have 'down their own rear garden' would neither be sufficiently open nor unobstructed as to overcome or mitigate the overall impact that the proposal would have.
7. I note that revisions were made to the appeal scheme to reduce its size in comparison to the previously refused scheme (Ref. 21/01533/PRI). However, even so, for the reasons set out above the proposal would have a detrimental impact, nonetheless.
8. I therefore conclude that the proposed development would materially harm the living conditions of the occupiers of no. 62 Biddick Lane having regard to matters of outlook. Accordingly, it would fail to meet the relevant requirements of policy BH1 of the adopted Sunderland Core Strategy and Development Plan as supported by the adopted Development Management Supplementary Planning Document.

## Other Matters

9. In support of the proposal the appellant has cited positive pre-application advice that was given by the Council. However, this is not binding, and it is clearly unfortunate if proposals are adjusted to suit but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh. As a consequence, the positive feedback given on that scheme does not warrant allowing the appeal scheme before me.
10. In his statement the appellant has referred to a shortfall in the supply of housing in the area. However, I have no substantive evidence before me to support this. In any event as the proposal is for an extension to an existing dwelling it would not lead to a net increase in the supply of housing in the area. As a result, I afford this matter little weight.
11. The appellant has also cited potential social and economic benefits arising from the proposal because he and his family have moved to the area and settled into community life in the village. However, it is not clear how any of these benefits

would be newly provided because of the proposal as they would likely already have been bestowed on the locality when the appellant and his family originally moved into the appeal property. As a result, I afford this matter little weight.

12. I also note the appellant's point that the proposal would not adversely affect the character and appearance of the area. However, this is not of sufficient weight to overcome or outweigh the harm I have identified above.

13. A concern has been raised by interested parties in relation to loss of daylight and sunlight. However, as the Council has not raised any concern in relation to this matter and I am dismissing the appeal on other substantive grounds I have not considered this matter further.

### **Conclusion**

14. For the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR