
Appeal Decision

Site visit made on 1 March 2022

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2022

Appeal Ref: APP/J4525/W/21/3289473

107 John F Kennedy Estate, Washington Village, Washington NE38 7AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr John Lambert against Sunderland City Council.
 - The application Ref 21/02178/FUL, is dated 13 September 2021.
 - The development proposed is described on the application form as 'Rear extension and additional storey to existing detached dwelling via new room in roof construction'.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council have subsequently issued a statement for the purposes of this appeal highlighting that it would have refused the application for planning permission on one ground. I have had regard to this statement for the residential development of the site in framing the main issue.
3. The Council have described the development as 'First floor extension to the rear, extension of existing roof for the creation of a third floor including the erection of dormer to side and Juliet balcony to the front, single storey rear extension and porch to front. (Demolition of existing conservatory to the rear and front).' I note that the appellant has also utilised this description on their appeal form and that they previously agreed to this change. 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. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal property is a two-storey detached dwelling situated within a predominately residential area. It sits within a row of three similar properties that front onto an open green area with other similar dwellings also fronting onto it. All these dwellings are of a similar height, design, and architectural style. One of the dwellings nearby has a first-floor balcony on its front elevation at first floor level. This balcony has a brown timber exterior material finish.

6. The proposal would extend the host property to the front and rear and raise the height of the roof ridge. To the rear the extension would comprise first floor and ground floor elements with the front extension being a single storey porch. There would also be a new balcony and large fenestration detail at second floor level on the front elevation with a new pitched-roof dormer window being installed at a similar height on the side elevation roof slope. This new dormer window would be obscure glazed.
7. Given that the proposal would raise the height of the roof above that of the other properties next to it with the row of three to which it belongs. This and the fact that it would have a large fenestration and Juliet balcony with a glazed handrail at second floor level on its front elevation, means that it would appear at odds with the prevailing design and architectural style of the other properties on the street. As a result, it would represent a discordant addition to the street scene thereby having a significant adverse visual impact.
8. I note the appellant's point that due to the sloping topography that the roof heights of the properties in the area are somewhat varied. However, even so, they do not vary to such an extent as to make the proposal less visually intrusive, particularly given the height, location, and style of the proposed balcony.
9. I therefore conclude that the proposal would materially harm the character and appearance of the area. Accordingly, it would fail to meet the relevant requirements of policy BH1 of the adopted Sunderland Core Strategy and Development Plan.

Other Matters

10. In support of the proposal the appellant has advanced a fallback position in relation to the potential for an additional storey to be added to the appeal property under permitted development (PD) rights namely Article 3(1), Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
11. However, while the appellant intends to implement this PD right it would be subject to the prior approval process where an application would need to be made to the local planning authority in the first instance. As part of this process the LPA would need to assess amongst other things the impact on the external appearance of the dwellinghouse as per paragraph AA.2. Consequently, given the nature of the potential PD proposal I am not convinced that it would have a realistic prospect of gaining such approval and being implemented and I therefore afford this matter limited weight.
12. I also note that no objections have been received from interested parties in relation to the proposal. However, this matter is not of sufficient weight to outweigh the substantial harm I have identified above.

Conclusion

13. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

C Coyne

INSPECTOR