

Appeal Decision

Site visit made on 15 March 2022

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

an Inspector appointed by the Secretary of State

Decision date: 11th May 2022

Appeal Ref: APP/J4525/W/21/3288387
22 Cromwell Street, Sunderland SR4 6EU

- 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 D Schindler against the decision of Sunderland City Council.
 - The application Ref 21/02354/FUL, dated 4 October 2021, was refused by notice dated 29 November 2021.
 - The development proposed is described as 'change of use of single dwelling to 2no flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission, and in an attempt to address some of the Council's concerns, the appellant has put forward a revised drawing that alters the proposed internal layout of 22 Cromwell Road. This swaps around the bedroom and lounge. It is not the purpose of the appeal process to evolve a scheme and therefore I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision.
3. However, the appellant's proposed revision is minor, and it does not change the overall nature of the scheme before me. Furthermore, the Council and the public have had the opportunity to comment on the revised drawing as part of the appeal process. Accordingly, having regard to the Wheatcroft principles, accepting the revised drawing would not prejudice interested parties. Therefore, I have taken it into account in my consideration of the appeal.
4. I observed during my visit that the internal layout of the appeal property has already been altered to facilitate its subdivision into two dwellings, and a new entrance door has been created onto Milton Street. I am therefore proceeding on the basis that the development has, in part, already occurred.

Main Issues

5. The main issues in this appeal are:
 - Whether the development would provide suitable living conditions for the future occupiers of the development, with particular regard to outlook; and,
 - The effect of the development on the character and appearance of the area.

Reasons

Living conditions

6. The proposal would see the existing end of terrace cottage divided into two separate residential units. A three-bedroom property with accommodation over

two floors, indicated as 6 Milton on the accompanying plans, and a one-bedroom property on the ground floor, indicated as 22 Cromwell. The proposal would provide sufficient internal floor space and the existing rear enclosed yard areas would provide each unit with off-street parking and bin storage facilities.

7. The Council's Development Management Supplementary Planning Document (the SPD) requires a minimum distance of 14 metres to be provided from any point of a main window (living rooms, kitchens and bedrooms). Whilst this is only guidance, I consider this to be a reasonable requirement to ensure adequate levels of outlook, and thereby sufficient living conditions, for the future occupiers of residential development.
8. There is no policy or guidance that would strictly prohibit main windows from looking out onto parking areas. However, the proposal has not demonstrated that it would meet the required minimum levels of outlook. The enclosed rear yard and parking area, with its high boundary walls, would dominate the outlook from the kitchen and lounge windows at 22 Cromwell. This would result in an oppressive and claustrophobic internal environment for the future residents of this new unit of accommodation and thus detrimental to their enjoyment of the property.
9. Increasing the size of the window to the lounge, as proposed, would slightly increase the level of natural light that would enter this room. However, it would not significantly increase the outlook from this main window, which is constrained by its relationship and close proximity to the adjoining build-out of the kitchen extension and the high boundary walls of the enclosed rear yard/parking area.
10. The outlook from these windows is an existing arrangement. However, this currently serves a single dwelling with several other rooms providing satisfactory levels of outlook and, in doing so, providing occupants with some respite from the poor outlook experienced from the rear facing rooms. The proposal would result in a dwelling with poor levels of outlook experienced from two of its three habitable rooms. Furthermore, existing poor levels of outlook are not a justification for poor standards to be provided within new units of residential accommodation, particularly where there are clear policy expectations to provide good standards for future occupiers.
11. Consequently, the development would not provide suitable living conditions for the future occupiers of the development, with particular regard to outlook. Therefore, it would conflict with Policy BH1 of the Sunderland City Council Core Strategy and Development Plan 2015-2033 (the CSDP) and the associated policies of the National Planning Policy Framework (the Framework) which together, among other things, seek to achieve good standards of amenity for all existing and future occupiers of land and buildings. The development would also fail to meet the required standards for residential accommodation as set out in the SPD.

Character and appearance

12. The surrounding area is characterised by 'Sunderland cottages', a form of essentially terraced bungalows that were originally built to house workers throughout the industrial revolution. The appeal property is a typical Sunderland cottage that displays common attributes of this distinctive form of housing, including its modest single storey scale with accommodation in the roof space, and therefore adds positively to the character and appearance of the surrounding area.

13. The only external alterations that would be visible from public vantage points would be the two new entrance doors leading into the property from Milton Street. However, these alterations are minimal and therefore do not detract from the overall character of the property which would largely retain its overall form and appearance. Furthermore, entrance doors to the side elevation of terrace properties are not uncommon features within the surrounding area. Accordingly, the property's character and appearance as a typical Sunderland cottage, and its contribution to the surrounding area, would be largely unaffected by the proposal.
14. For these reasons, I find that the development would not harm the character or appearance of the surrounding area. Therefore, in this regard, there would be no conflict with Policy BH1 of the CSDP or the associated provisions of the Framework, which together seek to achieve well-designed places and high quality buildings, among other things. However, this is of neutral consequence in the planning balance.

Other Matters

15. I appreciate the need for additional housing in the locality and that the proposal would add to the choice and mix of housing available in the area. However, these considerations do not overcome the harm I have identified in this case.

Conclusion

16. The proposed development would be contrary to the policies of the development plan and no considerations of sufficient weight have been put forward to outweigh this conflict.
17. Therefore, for the reasons given, the appeal is dismissed.

J M Tweddle

INSPECTOR