



Appeal Decision

Site visit made on 20 June 2022

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th June 2022

Appeal Ref: APP/J4525/W/22/3295733

East Grange, Front Street, Newbottle, Houghton-Le-Spring DH4 4ER

- 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 Andy Maher against the decision of Sunderland City Council.
 - The application Ref 21/01333/FUL, dated 3 June 2021, was refused by notice dated 29 September 2021.
 - The development proposed is the change of use and conversion of the existing detached double garage into a single 2 bedroomed detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the living conditions of existing occupiers of East Grange and West Grange with specific reference to privacy and amenity space.
 - The effect of the proposal on the living conditions of future occupiers with specific reference to internal space.
 - The effect of the proposal on the setting of the Grade II listed East Grange and the character and appearance of the Newbottle Conservation Area and the area generally.

Reasons

Living conditions of existing occupiers

3. The appeal building is a detached garage situated within the grounds of East Grange, a Grade II listed building situated within the Newbottle Conservation Area. It appears that East Grange has been subdivided into two properties. The subservient part of the building forms West Grange and the main part of the house is East Grange. The detached garage lies to the side of West Grange, set back to the rear of the site.
4. East Grange and West Grange currently have shared gardens to the front and rear of the properties. It is proposed to provide a small area of amenity space to the front of the proposed new dwelling and further amenity space to the side. However, this would involve utilising a significant proportion of the existing garden to the rear of West Grange. Only the existing sunken

basement patio and a very small area of green space would remain. Whilst it is proposed to provide garden space to the front of West Grange, this would be situated on Front Street, a busy thoroughfare through the village. The garden would be subject to noise and disturbance from traffic and passers-by.

Occupiers of West Grange would, therefore, have no private garden space. The appellant suggests that the garden serving the new dwelling would be taken from East Grange, not West Grange and as such there would be no loss of garden space to West Grange. However, I noted on my site visit that there was no subdivision of the existing garden space and that it appeared to be available to the occupiers of both properties. Moreover, I must consider the appeal proposal before me which shows that occupiers of West View would not have any significant private amenity space.

5. Furthermore, two windows are proposed in the side elevation of the proposal, one serving a kitchen and one serving a bedroom. These windows would directly overlook the proposed garden of East Grange resulting in a loss of privacy for the occupiers of East Grange. Whilst the proposed kitchen window would be slightly off set there would still be views available over the garden. In any event, the first-floor bedroom would be situated centrally within the façade below the apex of the roof and would have direct views of the garden of East Grange resulting in a loss of privacy for the occupiers. Furthermore, whilst a condition requiring the windows to be obscure glazed could be applied; there would be no outlook for future occupiers from those rooms.
6. Consequently, the proposal would harm the living conditions of existing occupiers of East Grange and West Grange with reference to privacy and amenity space. It would, therefore, be contrary to Policy BH1 of the Council's Core Strategy and Development Plan (CSDP) 2015-2033 (January 2020) which seeks, amongst other things, to retain acceptable levels of privacy and ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Living conditions of future occupiers

7. The Technical Housing Standard – Nationally Described Spacing Standard (NDSS) (2015) sets standards for internal space within new dwellings. It sets out requirements for the Gross Internal (floor) Area (GIA) of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, including floor to ceiling heights.
8. Parties agree that the floor area of the proposed dwelling would be approximately 70m² which would be less than the 79m² required by the NDSS for a 2 bed, four person dwelling. The appellant considers that the proposal would be more likely to attract single persons, or couples as opposed to families and that the proposal should be compared to the standard for a two-bedroom, 3 person dwelling. Whilst this may be the case, the plans before me show two double bedrooms which would be capable of being occupied by 4 people.
9. Furthermore, the height of the proposed dwellings at ground floor would be around 2.1m which would be less than the 2.3m required by the NDSS. The only section which would meet this height requirement at first floor is the floorspace below the ridge of the roof. Consequently, the proposal would not be able to provide 75% of the floor area with a minimum height of 2.3m, as required by the NDSS.

10. In conclusion, the proposal would fail to meet the NDSS standards and the proposal would provide cramped and unacceptable living conditions to the detriment of future occupiers. It would, therefore, be contrary to Policy BH1 of the CSDP.

Character and appearance

11. The appeal building is situated within the grounds of East Grange, a grade II listed building. East Grange is described in the listing as a Mid-18th Century house which was formerly hind's cottage to Russell House. It is a two storey, rendered property with 3 sash windows from the 19th Century. Its significance derives from the architectural detail set out in the listing and for the contribution which it makes to the historical group of buildings which comprised East Farm, a complete surviving example of an 18th century farmstead.
12. Newbottle Village Conservation Area (CA) is centred around the medieval heart of the village. Front Street is characterised by a variety of distinguished 18th Century houses and farm buildings alongside 19th Century colliery and 20th Century housing development. It is also notable for the surviving original garden walls, hedges and railings which contribute to the character of the CA.
13. The existing detached garage lies to the west and rear of West Grange within the immediate setting of the listed building and although set back in the plot it is visible from Front Street. The setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as the surroundings in which the heritage asset is experienced. Elements of the setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral. Paragraph 132 of the Framework confirms that significance can be harmed or lost through development within the setting of a heritage asset.
14. The proposed change of use would involve the introduction of doors, windows and rooflights in the building. The use of uPVC for the windows and concrete tiles for the roof would be in stark contrast to the timber sliding sash windows and clay pantiles of the main house. Moreover, the proposed 1200mm fence to the front of West Grange would not reflect the low stone walls and railings of the main house and the CA. Consequently, the proposal would detract from the setting of the listed building and would fail to preserve and enhance the character and appearance of the CA. This harm would be less than substantial. Accordingly, conflict arises with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight and with the Framework.
15. Nevertheless, parties agree that the proposal could be acceptable if appropriate materials were utilised to match those of the main house and boundary treatments reflecting the existing. From everything that I have seen in submissions and on my site visit; I have no reason to disagree. A condition to secure appropriate materials has been proposed by the Council.
16. In conclusion, with the suggested condition, the proposal would not harm the setting of the listed building, and it would preserve the character and appearance of the CA and the surrounding area. It would, therefore, accord with Policies BH1, BH7 and BH8 of the CSDP which collectively seek to achieve high quality design and that the historic environment is valued, recognised,

preserved and enhanced, giving great weight to the conservation of heritage assets.

Planning balance and conclusion

17. The proposal would make a contribution, albeit limited, to housing supply. The proposal would have some short-term economic benefits during the construction phase and future occupiers would contribute to local shops and services. I have found that the proposal would not have a harmful effect on the setting of the listed building or the character and appearance of the CA and the area generally. However, it would have a significant harmful effect on the living conditions of existing and future occupiers. This harm would outweigh the benefits. There are no material considerations which would indicate a decision other than in accordance with the development plan.
18. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector