



Appeal Decision

Site visit made on 6 September 2022

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2022

Appeal Ref: APP/A4520/D/22/3304206

17 Charlton Grove, Cleadon SR6 7QR

- 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 Jack Pascoe against the decision of South Tyneside Council.
 - The application Ref ST/0240/22/HFUL, dated 15 March 2022, was refused by notice dated 4 July 2022.
 - The development proposed is described as two storey side and single storey rear extensions. Open front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal scheme comprises 3 integral elements to the front, side and rear of the host dwelling. In making their decision, the Council has raised objection to these, but for differing reasons. Based upon the evidence before me and my site inspection I have no cause to dispute the matters which the Council have not objected to. Therefore, the scope of this appeal has been defined accordingly.

Main Issues

3. The main issues are confined to:
 - the effect of the proposed front and side extensions on the character and appearance of the host building and wider street scene; and
 - the effect of the proposed single storey rear extension on the existing living conditions of the occupants of No 15 Charlton Grove, with particular regard to outlook and light.

Reasons

Character and appearance

4. Situated within a mature residential part of Cleadon, to one end of Charlton Grove, the appeal site comprises a 2 storey dwelling and detached garage to the side. This is an end property in a run of 4 pairs of semi-detached dwellings. Gardens and driveways intervene the space between the strong property frontages and the footway and road which serves them. Rear gardens tend to be obscured from public vantage points by buildings and boundary enclosures.

5. The hipped roofs, ground and first floor bay windows and materials of construction are design components which clearly define the character and appearance of this part of the street. Immediately bounding the appeal site to its other side is the penultimate dwelling at this end of Charlton Grove, No 19a Charlton Grove. This is a more recently constructed detached dwelling. Here, around the junction with Woodland Road, the consistent appearance of dwellings on both sides of Charlton Grove diminishes. However, the consistent positioning relative to the footway and road, materials of construction and scale continue to reflect those visual components which define the important character and appearance of this street.
6. Spacing between properties tends to be limited to visual gaps above garages. This has been reduced where dwellings on this street have been extended over their garages. So far, the varying degrees of recessing the ridge and front elevations of these extensions has negated a terracing effect and preserved the prevailing design components which contribute positively to the character and appearance of the area.
7. The Council's "Householder Developments within South Tyneside Council (2014)" supplementary planning document ("SPD9") at paragraph 7.4 acknowledges circumstances where its guidance may not be suitable. Paragraph 7.5 of SPD9 states that where a gap along the common boundary of less than 1 metre arises, a first floor extension built up to the boundary may be acceptable where it is set back behind the front wall of the main dwelling, it does not occupy more than two-thirds of the depth of the dwelling and the ridgeline is significantly lower than that of the main dwelling.
8. This run of semi-detached properties, including the appeal property is materially different to detached No 19a and its neighbour No 19b, the last property on this side of Charlton Grove. This is in terms of the latter properties' greater level of spacing with their neighbours and their front gabled roof design. It is evident that the host dwelling's disposition accords with the second and third circumstance cited in paragraph 7.4 of SPD9. The set back of No 19a from the party boundary provides for a visual gap which is not less than 1 metre in width. Furthermore, in the main, the level of recess incorporated in other extensions in the locality varies between properties and also with the guidance of SPD9.
9. The proposed 2 storey side extension will be recessed from the main ridge level and first floor front elevation. The level of recess proposed does however fall short of that specified by SPD9. The proposed width of the extension exceeds that sought by this guidance.
10. Nonetheless, the combination of the proposed recess of the ridge and first floor front elevation and the mirroring of the building's important design features will ensure that the definition of the original dwelling is retained. This will also avoid any adverse visual impacts arising from the otherwise awkward stitching together of the existing and new brickwork. Coupled with the extent of the remaining visual gap between Nos 17 and 19a and the differentials in their respective designs, the proposed approach will ensure that an unacceptable terracing effect or domineering street presence does not occur.
11. Furthermore, the proposed open porch and forward most part of the replacement garage, whilst standing proud of the existing front elevation, will not be too dissimilar to the extent of the existing garage and forward most

parts of Nos 19a and 19b. The open porch will appropriately frame the existing doorway in a manner consistent to that found elsewhere within the locality.

12. For all of these reasons, the appeal proposal will convey an appropriate level of subservience to the original dwelling and its neighbours which, visually, will not be domineering within the street scene, cause a terracing effect or be substantially at odds with its particular surrounding built context.
13. Consequently, for the reasons given, overall the appeal scheme will not be harmful to the character and appearance of the host building and wider street scene.
14. The combination of these particular site specific circumstances negates the harm which SPD9 seeks to avoid. Therefore, the departure from these general principles attracts very limited weight in this particular regard. Furthermore, in the absence of harm, there is no conflict with Policy DM1(a) of the STLDF in respect to this main issue.

Living conditions

15. The appeal property adjoins its semi-detached partner, No 15. The proposed rear single storey extension will replace an existing single storey extension which runs along part of that party boundary which is defined by a high close boarded fence. In terms of its projection from the rear elevation, the existing extension falls within the parameters of acceptability set out in SPD9. However, the existing rear extension is situated in very close proximity to the ground floor habitable room bay window to the rear of No 15. It is orientated in a manner which means that No 15 already endures some overshadowing for part of the day.
16. As the existing flat roof design will be replicated, the overall height of the proposed rear extension will not be significantly greater than the existing rear extension. Nonetheless, it will extend above the height of that boundary enclosure. Furthermore, the proposed rear extension would extend much further out from the rear elevation of No 15 than the existing arrangement and to an extent which is greater than that specified in SPD9. Overall, there will be a significant increase in the scale of built development on the party boundary.
17. The increased scale of built development immediately along the party boundary will exacerbate the existing overshadowing endured. Moreover its visual presence will be significantly heightened in comparison to the existing arrangement.
18. Consequently, the changes resulting from this particular proposed rear extension will tip the balance of acceptability by being unduly overbearing, reducing existing levels of outlook and increasing existing levels of overshadowing. In combination, these adverse impacts represent an unacceptable level of harm to the reasonable enjoyment of both internal and external areas of No 15.
19. It is noted that no objections have been received from the occupier of No 15. However, this does not mean that the appeal proposal would not be harmful to living conditions during its lifetime. The appellant has also provided examples of where other extensions are on the party boundary. None of these sufficiently replicate the circumstances found here to justify the unacceptable harm which I have identified. Whether or not other householders could extend in a similar

manner in the future is governed by the planning legislation and policies in force at that time. I therefore give very limited weight to each of these arguments.

20. In summary, I have found no harm to living conditions in respect to the proposed 2 storey side extension. However, the proposed ground floor rear extension will cause unacceptable harm to the living conditions of occupants of No 15 Charlton Grove, with particular regard to light and outlook.
21. Policy DM1 of the STLDF states, amongst other things, that the Council will ensure that development is acceptable in relation to any impact on residential amenity. In view of the identified harm, the proposed rear single storey extension conflicts with this policy.

Conclusion

22. I have arrived at differing conclusions in respect to the acceptability of the components which make up the particular appeal scheme. However, as these are interconnected with one another, I am unable to exercise the discretionary powers available to me under section 79(1)(b) of the Town and Country Planning Act (1990) to split my decision.
23. The matters which weigh in favour of the particular appeal proposal do not outweigh the identified conflict with the development plan when taken as a whole. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR