



Appeal Decision

Site visit made on 26 September 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/J4525/D/22/3304615

6 Heatherlea Gardens, Sunderland SR3 1YQ

- 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 Mrs Sarah Ganley against the decision of Sunderland City Council.
 - The application Ref 22/00561/FUL, dated 14 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is described as a 2 storey rear gable extension with a single storey rear hipped roof extension, replacing existing single storey hip roof. Single-storey side extension to mirror existing single-storey side extension on the opposite side. Loft conversion with Velux roof lights and accompanying internal alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of the neighbouring properties in terms of outlook and privacy.

Reasons

Character and appearance

3. The appeal site is a three bedroomed detached bungalow located at the end of Heatherlea Gardens cul de sac. The main part of the property has a hipped roof while there are flat roofed extensions to the front north and south corners. There are also hipped roofed offshots to the south elevation and rear elevation. The appeal property is set at a slightly lower level than the neighbouring properties directly to the rear.
4. The proposal would consist of a rear extension, loft conversion with rear gable dormer and front and rear Velux windows, and a pitched and hipped roof extension.
5. Front and rear roof dormers are a characteristic of many of the surrounding properties, however, these are typically centrally positioned in the host property's roof profile. They are relatively small box type dormers with flat roofs which do not dominate the roofscape and have window designs that relate well to those of the host property.

6. In contrast, the proposed dormer would have a large gable frontage and pitched roof profile which would be substantial in scale and dominate the central rear area of the host property's roof. With its associated localised raised rear elevation wall, large front flat roof element and large window design it would not relate well to existing dormers in the area. Irrespective that the proposed dormer would appear symmetrical and balanced in the host property's rear roof profile, it would still be a large and incongruous dormer compared to those in the surrounding area. This would adversely affect the character and appearance of the rear area.
7. It is acknowledged that the proposed dormer would appear subservient to the host property and that it would meet some of the criteria set out in the Sunderland City Council's Development Management Supplementary Planning Document 2021 (SPD), such as not projecting above the ridge of the property's roof; use materials similarly used on the host property and would be set in from the sides and eaves. However, these do not address the harm to the character and appearance identified above.
8. Although the guidance in the SPD identifies that pitched roofs are preferred to flat roofs, this must be considered in the context of the character and appearance of the area. As such the guide does not preclude the use of flat roofs where appropriate. Furthermore, the use of alternative materials for the construction of the proposed dormer would not reduce the scale and dominance of it and as such the harm to the character and appearance of the area would remain.
9. It is noted that there are examples of larger box dormers in the area, however these are limited and, as noted by the appellant, may predate the implementation of stricter policy guidance. Overall, as there is little similarity between the proposal and these box dormers, they do not change my opinion on the harm the proposal has on the character and appearance of the area.
10. Even though the proposed rear dormer would not be visible from public vantage points, it would be apparent from several rear windows and gardens of the surrounding properties.
11. Consequently, the proposal would harm the character and appearance of the area. It would be contrary to Policy BH1 of Sunderland City Council's Core Strategy and Development Plan 2015-2033 (Core Strategy) and SPD. These, amongst other matters, seek development to be to a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Living Conditions

12. The appeal property's rear boundary is demarcated by a mix of high fencing and hedging, and the building sits very close to it. The neighbouring properties directly to the rear are 9 and 10 Bainbridge Avenue (No 9 and No 10). These properties have relatively short gardens and have windows, patio doors and dormer windows facing the appeal property.
13. Currently, even with its slightly lower level, high boundary fence and hedging and its single storey nature, due to its proximity to No 9 and No 10, the appeal property already impacts on their outlook. This impact is predominantly related

to the appeal property's roof area and even with its simple hipped design it creates a very large and dominating feature.

14. While the proposal would not increase the roof height, its length and scale increase would feature more prominently in No 9 and No 10's outlook. While it is argued that the roof additions would be relatively small compared with the overall roof mass, it would significantly increase the mass of the highest and most imposing part of the roof on the neighbouring properties. When combined with the proposed rear extension and large gable dormer, the proposal would significantly increase the dominance and overbearing impact on No 9 and No 10's outlook.
15. While a 'back to back' general layout design exists in the area, from my site visit it was evident that most properties have been designed to have reasonable separation from the neighbours. However, this is not the case for the appeal site and the limited separation that exists increases the impact the proposal would have on No 9 and No 10's outlook.
16. A satellite image of examples of other close relationship between existing dormers in the area was provided. None of these examples are directly comparable to the appeal proposal and in terms of the ones that I could see during my site visit, none had the same level of impact as the appeal site.
17. Turning to privacy, the SPD recommends that to retain a level of privacy, typically a space between dwellings with facing windows should be over 21m for one to two storey properties. On this basis the proposal's rear roof Velux windows which face No 9 and No 10 require consideration. Even if I were to use the appellant's measurements the guidance distance would not be achieved.
18. It is appreciated that the angle of Velux windows can, in some instances, limit the view out of the windows. However, in this case it would be possible to open the windows and have unrestricted views towards the neighbouring properties and gardens. Subsequently, as there is insufficient separation, then the proposal would be unacceptable in terms of privacy.
19. Notwithstanding this, the appellant has indicated that they would be willing to have a condition imposed that would ensure any privacy harm would be mitigated. They propose that the condition could require the rear Velux windows to be fitted with obscure glazing and be non-opening. In this circumstance, I consider the suggested use of a condition would be acceptable.
20. Accordingly, while I have found the proposal could be mitigated to prevent harm to privacy to the neighbours at No 9 and No 10, it would still harm these neighbours' outlook. As such the proposal would be contrary to Policy BH1 of the Core Strategy and the SPD. This policy and guidance, amongst other matters, seek development to retain a good standard of amenity for all existing occupiers.

Other Matters

21. Reference is made to fallback positions relating to the installation of the rear Velux windows and dormer through permitted development rights. However, there is no evidence before me to suggest that there is a reasonable likelihood that the appellant would implement these, especially as they are intrinsically linked to the conversion of the loft space and roof extension. Consequently, I

am not convinced that these would be reasonable fallback positions. Therefore, these matters do not affect my overall findings.

22. While I appreciate the appellants aim to create a modern family home and the energy efficiency benefits of using the loft space in comparison to an alternative form of extension, these do not outweigh the harm I have found in relation to character and appearance and No 9 and No 10's outlook.

Conclusion

23. For the reasons given above, there are no relevant material considerations, including the approach of the National Planning Policy Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that I conclude the appeal should be dismissed.

J Symmons

INSPECTOR