



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/A4520/D/22/3304604

5 Woodlands Terrace, South Shields NE33 2ET

- 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 Imran Uddin against the decision of South Tyneside Council.
 - The application Ref ST/0167/22/HFUL, dated 23 February 2022, was refused by notice dated 1 August 2022.
 - The development proposed is described as two storey rear extension over existing kitchen offshot - bathroom and shower room to first floor with balcony above. New side window to existing rear offshot to create laundry room at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council requested that I view the site from the neighbouring property, 4 Woodlands Terrace.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 4 Woodlands Terrace (No 4) in terms of sunlight, daylight and outlook.

Reasons

4. The appeal site is a mid-terrace three storey dwelling. It has a rear three storey offshot and a single storey rear extension. It is separated from the adjacent No 4 by a small rear yard and a high wall. No 4 is of a similar design, with a rear three storey offshot and a single storey rear extension. It also has a small yard separating the dwelling from the boundary wall to No 5.
5. The proposal would consist of a full first floor rear extension over the existing rear single storey and a second floor balcony. The balcony area would be set back from the rear elevation and from the side elevation and would have an obscure glazed privacy screen along the side facing No 4.
6. No 4's rear single storey extension is used as a kitchen and dining/living area. It has patio doors and a window directly facing the side elevation of No 5's rear offshot, single storey extension and the boundary wall. While the current outlook through the patio doors is onto No 5's three storey offshot, there is still reasonably clear and open views over its single storey extension and the boundary wall. Similarly, while the boundary wall and single storey

extension limit the window's outlook at low level, there is still a reasonably clear and open outlook.

7. The proposal would significantly reduce the outlook of No 4. Due to the closeness of the proposal, the current outlook from both the window and patio doors would be predominately replaced with a largely blank wall view. The limited separation between the dwellings, would result in the proposal creating an oppressive and overbearing extension. Even with the top balcony section being setback with obscure glazed privacy screen which would allow some transparency, the height and form of the proposal would still reduce the daylight in to No 4. Furthermore, while the orientation and existing rear buildings do limit to some extent sunlight reaching No 4, the proposal, would further reduce this particularly in the latter part of the day. It would therefore increase the periods of sunlight and daylight loss, and overshadowing.
8. In conclusion the proposal would adversely affect the living conditions of the occupiers of 4 Woodlands Terrace in terms of sunlight, daylight and outlook. It would be contrary to Policy DM1 (B) of the South Tyneside Local Development Framework's Development Management Policies 2011, and the guidance set out within the South Tyneside Local Development Framework's SPD 9: Householder Development 2014. The policy and guidance, amongst other matters, require development to be acceptable in relation to any impact on residential amenity. The guidance further states that new extensions to neighbouring properties should maintain a reasonable outlook from habitable room windows; should not result in an oppressive or overbearing visual impact and should not result in the significant overshadowing of habitable windows over and above that of the existing situation.

Other Matters

9. The appellant refers to examples of similar extensions at 2 and 3 Woodlands Terrace, however these are slightly smaller in form, and I do not have the full details of these and cannot be certain that the circumstances are the same. In any case, this does not justify further harm.
10. It is noted that the appellant has attempted to overcome concerns raised by the Council and that the first floor element of the extension was not recognised as a problem until the latter stages of the planning process. Nevertheless, there is an appeal before me, and I have found that the proposal harms the living conditions of No 4.

Conclusion

11. For the reasons given above, there are no relevant material considerations, 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