



Appeal Decision

Site visit made on 29 November 2022

by C Megginson BA (hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/H0724/D/22/3307611

21 North Lane, Elwick, Hartlepool TS27 3EG

- 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 Helen Williamson against the decision of Hartlepool Borough Council.
 - The application Ref H/2022/0189, dated 7 May 2022, was refused by notice dated 27 July 2022.
 - The development proposed is described as the erection of a single and two storey rear extension to incorporate new kitchen and dining room facilities to the ground floor and a new double bedroom to the first floor. Other alterations include the erection of a single storey new bay window and porch extension to the front elevation and fixed canopy to the rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the living conditions of the occupiers of the neighbouring property at 19 North Lane, with particular regard to outlook and sunlight.

Reasons

3. The appeal proposal includes single storey and two storey rear extensions and a front extension. The proposed single storey flat roof rear extension would extend in line with the rear of the properties existing single storey off-shoot. The proposed two-storey extension would be above the existing single storey off-shoot and would include a hipped roof that would run along the length of both the existing and proposed two-storey elements.
4. The proposed front extension sits in line with the front extension to No 19 and is similar to other front extensions in the area. I agree with the council that this element does not harm the living conditions of the occupiers of No 19.
5. The proposed single storey rear extension would sit directly adjacent to the boundary of No 19. Its proposed height, close proximity and length along the boundary, especially when combined with the proposed canopy, would have a significantly enclosing effect on the outlook from the ground floor rear window and rear garden of No 19. In these circumstances, I conclude that the overbearing outlook would cause significant and unacceptable harm to the living conditions of the occupiers of No 19.

6. The proposed two-storey extension is in line with the appeal properties' existing two-storey element. Whilst it would extend the two-storey element further, it is set back sufficiently from the boundary with No 19 that it would not dominate the outlook from the rear windows or garden of No 19 to an unacceptable degree.
7. When looking at the trackpath of sunlight, the existing two-storey rear element of No 19 lies to the south of the main rear window and will overshadow this window for a significant portion of the day. The appeal proposals sit to the northwest of No 19 and would therefore not reduce the amount of sunlight reaching the rear windows of No 19 to an unacceptable degree.
8. For the foregoing reasons, whilst I have not found any harm to sunlight for No 19 and for outlook in relation to both the proposed front extension and the two-storey element of the proposed rear extensions, I conclude that the proposed single storey rear extension would result in unacceptable harm to the living conditions of the occupiers of No 19, with particular regard to outlook. The proposal would conflict with Policy HSG11 of the Hartlepool Local Plan 2018 and the National Planning Policy Framework, which seek to protect the amenity of existing residents.

Other Matters

9. I appreciate that the appellant is seeking to accommodate their families' requirements and improve their quality of living through the appeal proposals. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan and the Framework.
10. My attention has been drawn to other extensions in the area. I have limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar extensions may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
11. Whilst there have been no objections to the proposals, the absence of objection does not in itself render the scheme acceptable.

Conclusion

12. The appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C Megginson

INSPECTOR

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'