



Appeal Decision

Site visit made on 13 September 2022

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2022

Appeal Ref: APP/J4525/D/22/3304224

36 Lambton Terrace, Houghton Le Spring, Sunderland DH4 7PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Donna Hargrave against the decision of Sunderland City Council.
 - The application Ref 22/01183/FUL, dated 19 May 2022, was refused by notice dated 12 July 2022.
 - The development proposed is 'Increase size of existing dormer window on front elevation. Dormer formed in brickwork cream render replaced with white'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description on the application form, rather than the Council's. The appeal form states no change was agreed.
3. Whilst it was requested that I visited the inside of the property, I was satisfied that the information on the drawings, which included plans and sections provided sufficient information to consider the proposal.
4. The appeal site is located within the Green Belt. The Council considers that the appeal scheme would not represent inappropriate development in the Green Belt, and I have no reason to take a different view.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the host property and the area.

Reasons

6. No.36 Lambton Terrace (No.36) comprises a mid-terraced property in a row of traditional 'Sunderland Cottages'. The Council's Development Management Supplementary Planning Document June 2021 (SPD) advises that terraces of single-storey cottages are unique to Sunderland and are of heritage significance. The significance, insofar as it is relevant to the appeal proposal is derived from their collective simple architectural style.
7. The appeal property is prominently located close to the end of the terraced row, it has accommodation in the roof space, and it has a dormer window in the front roof slope. The existing modest gabled dormer is small in scale,

centrally positioned on the property, and replicated on many other properties on the terrace, including those in immediate proximity.

8. The proposed wide flat roof dormer would extend across the entire width of the appeal property. The dormer window would be uncharacteristic and would not complement the simple and modest architecture of the appeal property or row of terraces. The proposed red brick would integrate poorly with the rendered front façade, further accentuating the size of the dormer and its inappropriate design. Overall, the size and design of the dormer would dominate the front elevation, overwhelm the roof and appear as an incongruous feature that would detract from the character and appearance of the host property and row of terraces.
9. Whilst a proportion of the properties within Lambton Terrace have been altered by the introduction of similar substantial dormers on the front roof slope, the part of the terrace where the appeal property is sited retains the traditional character identified in the SPD. Due to the position of No.36 close to the end of the row of terraces, the proposed dormer window would appear particularly obtrusive within the area and significantly alter the appreciation of this largely unaltered section of more traditional cottages.
10. Therefore, the proposal would harm the character and appearance of the host property and the area contrary to Policy BH1 of the Sunderland City Council Core Strategy and Development Plan 2015-2033. These state, amongst other things, to achieve high quality design. It would also be contrary to section 2 of the SPD, which also seeks to ensure that development is of good design and respects its surroundings.

Other Matters

11. I fully appreciate the health circumstances surrounding one of the appellant's children and the benefits the proposal would provide in terms of environment for both the appellant's children. In the circumstances of this case. I find that Article 8 of the Human Rights Act 1998 (the right for respect for private and family life) is engaged. In addition, Article 3(1) of the United Nations Convention on the Rights of the Child provides that the best interests of the child shall be a primary consideration in all actions by public authorities concerning children. This means this must be at the forefront of my mind in determining this appeal.
12. I must also have due regard to the Public Sector Equality Duty (PSED) contained in Section 149(1) of the Equality Act 2010 (EA), which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability and age.
13. The appellant has provided evidence in relation to their circumstances. The proposal would enable the provision of an additional bedroom facilitated by the dormer window to provide a private living and sleeping environment for both the children, who are of different ages with differing needs.
14. The evidence suggests the current arrangement of the house, where the appellant's daughters share a bedroom exacerbate the appellant's daughters

health issues and strain on the family. Moving would be stressful and unfamiliar and potentially increase distance to other family members, friends and schools.

15. I do not doubt that the proposal would be beneficial to the health and wellbeing of the appellant and their children. However, the child's needs, to which I give significant weight, must be balanced with the adverse impacts of the proposal identified earlier. There is insufficient evidence before me to justify the size and scale of the development. In particular, whilst I accept it may not be realistic for the appellant to move in the circumstances, I do not have any evidence to show whether consideration has been given to other options for the design of the extension that may provide the living accommodation required, without the harm I have identified to the character and appearance of the host building and area.
16. Due to the above factors, there is limited evidence before me to suggest that the dismissal of the appeal would have a disproportionate effect on the best interests of the appellant's children when weighed against the planning harm set out above. As a result, I can only give the appellant's personal circumstances moderate weight in my decision.
17. I appreciate that there were no objections to the proposal from neighbours. Regardless of this, I have based my decision on the main issues set out and determined the appeal in accordance with these.
18. Further, the absence of harm arising to living conditions of occupants of neighbouring or nearby properties is a neutral factor in my decision.

Conclusion

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan with regard to character and appearance of the host building and area.
20. In exercising my function on behalf of a public authority, I have had due regard to the PSED contained in EA. The EA sets out the relevant protected characteristics which includes disability and age. Since there is the potential for my decision to affect persons with a protected characteristic, I have had due regard to the three equality principles set out in Section 149 of the EA.
21. Nevertheless, having regard to the legitimate and well-established planning policy aims to protect the character and appearance of the area, in this case I consider that greater weight attaches to the public interest. Dismissal of the appeal is therefore necessary and proportionate, and it would not result in a violation of the human rights of the appellant's family. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
22. For the reasons given above the proposal would conflict with the development plan taken as a whole and there are no material considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

K Williams

INSPECTOR