



# Appeal Decision

Site visit made on 30 January 2023

**by J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 February 2023**

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**Appeal Ref: APP/J4525/D/22/3311997**

**26 Westcliffe Road, Sunderland, SR6 9NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mrs Gill Scott against the decision of Sunderland City Council.
  - The application Ref 22/01399/PRI, dated 27 June 2022, was refused by notice dated 20 September 2022.
  - The development proposed is a rear ground floor extension extending 6m from the rear of the main dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended (the Order), planning permission is granted for the enlargement of a dwellinghouse subject to specified limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development that would be permitted by paragraph A.1(g) of Schedule 2, Part 1, Class A of the Order, paragraphs A.4(7) and A.4(9) require the Local Planning Authority (LPA), on receipt of an objection from any owner or occupier of any adjoining premises, to consider the impact of the proposed development on the amenity of all adjoining premises, and taking account of any representations received. In this case, the owner or occupier of an adjoining property raised an objection and so the prior approval of the LPA was required, and subsequently refused.

## Main Issue

4. The main issue in this appeal is the impact of the proposed development on the amenity of adjoining premises, with regard to outlook.

## Reasons

5. The appeal property at No.26 Westcliffe Road is a two-storey semi-detached dwelling with an existing part two-storey and part single-storey off-shot/outrigger to the rear. The property is set at a slightly lower level than its adjoining neighbour at No.24 and to the rear, the garden steps down to the east. The development would introduce a single-storey rear extension with a rearward extension of 6 metres, a width of approximately 3.3 metres, and rising to a height of 4 metres. The extension would span the area between the existing off-shot/outrigger and the shared boundary with No.24 Westcliffe Road, to the south.

6. The south-facing flank wall of the proposed rear extension would introduce a significant mass of brickwork along the shared boundary with No.24. This elevation would rise well above the existing boundary fence and, in combination with the extent of its rearward projection, it would result in a large featureless elevation that would unacceptably enclose the area of No.24's garden immediately beyond its rear elevation.
7. Given its height, depth, and proximity to the shared boundary, the development would dominate the outlook from the rear facing windows at No.24. This poor standard of outlook would be exacerbated due to the presence of the existing single-storey rear off-shot/outrigger at No.24, in effect creating a severely constrained tunnel-like outlook from these rear-facing windows. This would result in an oppressive and claustrophobic internal environment for the occupiers of No.24 and thus detrimental to their living conditions. Furthermore, the slight change in ground levels between the two properties is not sufficient to overcome these harmful effects.
8. The proposed development would be positioned to the immediate north of No.24. Therefore, having considered the positioning of the development relative to the trajectory of the sun in the sky, there would be no loss of direct sunlight to the occupiers of No.24.
9. For these reasons, I conclude that the development would result in significant harm to the amenity of the neighbouring occupiers at No.24, with regard to outlook. Whilst not decisive, the development would conflict with Policies BH1 and HS1 of the Sunderland City Council Core Strategy and Development Plan 2015-2033 and the associated policies of the National Planning Policy Framework which together, among other things, seek to achieve good standards of amenity for all existing and future occupiers of land and buildings.

### **Other Matters**

10. I acknowledge the appellant's willingness to amend the proposal to provide a flat roof. However, this is not proposed as part of the appeal and would not reduce the length of the extension or its proximity to the shared boundary. Matters in relation to the existing boundary fence and the provision of scaffolding are private matters between the relevant parties and therefore beyond my remit.
11. The appellant suggests that by exercising their permitted development rights they could achieve a rear extension with a 3 metre projection that would also be harmful to the outlook from the rear of No.24 when applying a 45 degree notional splay. However, this would be a less harmful alternative and so it does not provide a justification for the proposal. Therefore, this fallback position does not alter my overall conclusion.
12. I appreciate the appellant's desire to improve their property and to make better use of the space to the rear of the property. I take no pleasure in frustrating these efforts, but this does not justify the harm I have found in this case.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be dismissed.

*J M Tweddle*

INSPECTOR