



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: 21 February 2023

Appeal Ref: APP/J4525/W/22/3311677

22 Cromwell Street, Sunderland SR4 6EU

- 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 D Schindler against the decision of Sunderland City Council.
 - The application Ref 22/01567/FUL, dated 13 July 2022, was refused by notice dated 26 October 2022.
 - The development proposed is described as 'change of use of single dwelling to 2no flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my visit I observed that the internal layout of the property has already been altered to facilitate its subdivision into two dwellings, with a new entrance created onto Milton Street. I am therefore proceeding on the basis that the development has, in part, already occurred.
3. The proposed ground floor plan shows the removal of a section of the boundary wall and roller shutter door which encloses the rear yard. However, this does not correspond with the proposed side elevation which shows the retention of this boundary wall and roller shutter door. It is imperative that proposals are accompanied by accurate plans to illustrate the full extent of the proposal to ensure there is no ambiguity over what is proposed.
4. Nevertheless, in their written statement, the appellant states that the boundary wall which sits opposite the proposed kitchen/lounge window of 22 Cromwell would be removed as part of the proposal to improve the outlook from this room. The Council also considered the proposal on the assumption that this boundary wall and roller shutter door would be removed as part of the proposal. Therefore, I shall proceed on the same basis.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would provide suitable living conditions for the future occupiers of the development, with particular regard to outlook and daylight; and,
 - The effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

Living conditions

6. The development would result in the subdivision of the property to form two units of residential accommodation. A dwelling with three bedrooms and its accommodation spread over two floors, indicated as 6 Milton on the accompanying plans, and a ground floor property with one bedroom, indicated as 22 Cromwell. Both properties would meet minimum standards for internal space and would benefit from off-street parking in the rear yard areas.
7. To facilitate this, the recessed entrance to the kitchen offshoot at the rear of 22 Cromwell is to be infilled, necessitating the removal of the lounge window. The kitchen window would be repositioned, and a new rear entrance created into the yard area. A 2 metre high wall is proposed to enclose a small area to the rear entrance of 6 Milton.
8. The removal of the boundary wall and roller shutter door along the boundary with Milton Street would improve the outlook from the kitchen window to 22 Cromwell in terms of increasing the extent of the outlook. Nevertheless, owing to their close proximity, the high boundary walls to either side of the rear yard, including the new 2 metre high walls enclosing the rear entrance to 6 Milton, would dominate the outlook from this kitchen window. This would result in a constrained tunnel-like outlook that would provide an oppressive and claustrophobic internal environment for the future residents of this new unit of accommodation.
9. Despite the removal of internal walls to create an open-plan kitchen and lounge area, the kitchen window is set at a right angle to the lounge area and so it would provide no outlook and only very limited daylight to the lounge. With no window to serve the lounge, this habitable room would have no independent source of daylight and no outlook, resulting in a gloomy and oppressive internal environment for its future occupiers. Together these harmful effects would result in a substandard form of accommodation that would cause significant harm to the living conditions of future occupiers.
10. I acknowledge that the existing outlook from the kitchen window is constrained. However, this currently serves a single dwelling with several other rooms providing satisfactory levels of outlook and, in doing so, providing occupants with some respite from the poor outlook experienced from the rear facing rooms. The proposal would result in a dwelling with the outlook severely restricted in one of its three habitable rooms and no outlook from its main habitable room. Furthermore, existing poor levels of outlook are not a justification for poor standards to be provided within new units of residential accommodation, particularly where there are clear policy expectations to provide good standards of amenity for future occupiers.
11. I accept that there is no policy or guidance that would prohibit habitable rooms looking directly onto parking areas. Nevertheless, this does not detract from the unacceptable standards of outlook that I have found in this case.
12. Consequently, the proposal would not provide suitable living conditions for the future occupiers of the development, with particular regard to outlook and daylight. Therefore, it would conflict with Policy BH1 of the Sunderland City Council Core Strategy and Development Plan 2015-2033 (the CSDP) and the

associated policies of the National Planning Policy Framework (the Framework) which together, among other things, seek to achieve good standards of amenity for all existing and future occupiers of land and buildings.

Character and appearance

13. The property is a large 'Sunderland Cottage', a form of essentially terraced bungalows that were originally built to accommodate workers throughout the industrial revolution. This distinctive style of housing, including its modest scale with accommodation in the roof space and enclosed rear yards, characterise the surrounding area, positively contributing to the area's distinct sense of place.
14. Opening up the rear yard to the street would deviate from the established sense of enclosure that is present to the rear of most properties in the area. This would change the appearance of the elevation along Milton Street. However, I do not see this as a harmful alteration as the main form and character of the property would remain largely unaltered. Given the discrepancies with the drawings that I have identified above, there is a lack of precise detail regarding how this elevation will be finished and how bin storage facilities would be appropriately screened. Nevertheless, these matters could be dealt with by the imposition of a suitably worded condition to secure further details for approval.
15. Accordingly, the property's character and appearance as a typical Sunderland cottage, and its contribution to the surrounding area, would be largely unaffected by the proposal. For these reasons, I find that the development would not harm the character or appearance of the host property or the surrounding area. Therefore, in this regard, there would be no conflict with Policy BH1 of the CSDP or the associated provisions of the Framework, which together seek to achieve well-designed places and high quality buildings, among other things.

Conclusion

16. I have found that the proposed development would not provide suitable living conditions for the future occupiers of the development, with particular regard to outlook and daylight. However, I have found no harm to the character and appearance of the host property or the surrounding area.
17. Accordingly, the proposed development would be contrary to the above-cited policies of the development plan and there are no material considerations to outweigh this conflict. Therefore, for the reasons given, the appeal is dismissed.

J M Tweddle

INSPECTOR