



Appeal Decision

Site visit made on 31 January 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2023

Appeal Ref: APP/X1355/D/22/3311782

19 Oswald Close, Cornforth, Durham DL17 9LX

- 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 David Creagh against the decision of Durham County Council.
 - The application Ref DM/22/01356/FPA, dated 8 May 2022, was refused by notice dated 16 September 2022.
 - The development proposed is retention of single storey front extension (width 3.1m x length 3.5m).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the development from the Council's decision notice. It adequately and simply describes the development instead of the description given on the application form which includes details in support of the proposal, which are not acts of development in themselves. Nevertheless, I have taken the points raised into account in my reasoning below.
3. I saw at my site visit that the extension has been constructed and appears to be completed. However, I have determined the appeal on the basis of the submitted drawings.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 20 Oswald Close (No 20), with regard to outlook, daylight/sunlight and privacy.

Reasons

Character and Appearance

5. The appeal site is a two-storey semi-detached property in a residential area. The property fronts onto a footpath that connects with a network of paths across a communal green space. It forms a row of semi-detached dwellings within narrow plots which has a strong building line with a regular setback from the footpath. This creates a harmonious character and appearance with a clear sense of balance. The largely grassed front gardens are generally open or enclosed with low height boundary treatments which creates an open character

with a landscape quality, linked to the communal grassed area and a number of mature trees in front of the properties.

6. Irrespective of whether the development has been constructed on the rear elevation or not, the development is a bulky addition in an otherwise open character. It is prominent, projecting significantly from the elevation, disrupting the consistent building line in this location. In doing so it draws the eye and stands out as being incongruous. The development unbalances the pair of semi-detached dwellings and the harmonious character and appearance of the area.
7. I have considered the other examples of ground floor extensions, of which there are several, and therefore a feature of the wider area. However, they are notably absent from the elevation where the appeal development is located. The examples provided are on different streets and are not directly comparable, having different contexts to the proposal before me. As such, these other examples are neutral matters in the determination of this appeal.
8. For the reasons given, the development is harmful to the character and appearance of the area, in conflict with Policy 29 of the County Durham Local Plan (CDLP) (2020), which amongst other things, requires proposals to achieve well designed buildings that contribute positively to an area's character.
9. The development is contrary to guidance within the Residential Amenity Standards Supplementary Planning Document (SPD) (2020) which advises that large scale extensions that extend beyond a clearly defined building line will not normally be acceptable. It is also contrary to the provisions of the National Planning Policy Framework (the Framework) at Section 12 in relation to the need to achieve well designed places.

Living Conditions

10. The development is located adjacent to the shared boundary with No 20. The depth of the extension and proximity to the shared boundary and nearest ground floor window results in a dominant and oppressive feature which has an overbearing effect upon outlook for the occupiers of No 20. While it may be that the trees opposite the site block sunlight/daylight reaching the properties at certain times of the day, it seems likely that owing to its depth and proximity, the development results in poor daylight/sunlight levels for the occupiers of No 20, to the extent that there is an unacceptable effect on their living conditions.
11. The extensive glazing nearest to the shared boundary results in direct views into the neighbouring property and garden, at close proximity, to the detriment of the occupiers' privacy. To overcome this, in line with guidance in the SPD, a condition could be imposed were the appeal to be allowed to require the windows on this elevation of the extension to be obscured glass. However, this would not overcome the above concerns regarding outlook and poor daylight/sunlight levels.
12. Even if outdoor table and chairs have previously been used in the garden at the appeal site, these would not have the same overbearing effect with regard to outlook and daylight/sunlight. Moreover, they would be unlikely to be located directly adjacent to the shared boundary, thereby resulting in less intrusive views into the neighbouring property and garden. Accordingly, the use of the

garden in this way would not have similar effects on the living conditions of the neighbours as the appeal scheme. Other examples of extensions in the wider area do not appear to be located in such close proximity to shared boundaries or neighbouring windows, and therefore, are unlikely to be as detrimental to the living conditions of neighbouring occupiers in the way that the appeal development is.

13. As such, while the development is not detrimental to the living conditions of the occupiers of No 20 with regard to privacy, it is harmful to the living conditions of these occupiers with regard to outlook and daylight/sunlight. This is in conflict with policies 29 and 31 of the CDLP which seeks development that provides high standards of amenity for the occupiers of adjacent properties.
14. It is also contrary to the advice set out in the SPD in relation to the acceptability of proposals in terms of the overshadowing/loss of light impact upon neighbouring properties, and Section 12 of the Framework which seeks development with a high standard of amenity.

Conclusion

15. My above findings bring the development into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR