



Appeal Decision

Site visit made on 7 March 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/X1355/D/23/3314081

2 The Avenue, Durham DH1 4ED

- 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 Kyle Whitehead against the decision of Durham County Council.
 - The application Ref DM/21/04214/FPA, dated 15 December 2021, was refused by notice dated 14 October 2022.
 - The development proposed is rear two storey extension with roof light and internal alterations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 3 The Avenue, with regard to outlook and daylight/sunlight.

Reasons

3. The appeal site is a mid-terraced property on The Avenue. To the rear of the terraces there are varying heights and massing to a number of existing extensions. The proposal includes a two-storey rear extension located immediately adjacent to the shared boundary with 3 The Avenue. The proximity of the proposed extension to the nearest ground floor window would result in an oppressive feature which would have an overbearing effect upon outlook for the occupiers of No 3.
4. Despite the slight variation in ground levels and the brick boundary wall between the properties, with trellis panel and climbing plants, the two-storey proposal would be readily visible to the occupiers of No 3 at close range, creating an enclosing effect. The ground floor window at No 3 would have an uninviting outlook, looking as it would onto the proposed extension, unduly obstructing views out of the window.
5. It is not disputed that the appeal proposal would breach the 45-degree code contained within the Residential Amenity Standards Supplementary Planning Document (SPD) (2020) which is used to determine appropriate light levels. I note that the rear elevation is northwest facing, and daylight/sunlight levels may already be compromised. Nevertheless, given the height of the proposal and the position of the ground floor window the appeal scheme would result in

even less daylight/sunlight reaching the ground floor room, to the detriment of the living conditions of the occupiers.

6. The existing three storey extensions at No 2 and No 3 results in a relatively narrow gap between the properties' rear projections. While it may be that the existing extensions have already compromised outlook and daylight/sunlight levels, given the position of the proposal immediately adjacent to the shared boundary, it would bring development closer to the ground floor window at No 3. As such, the proposal would have a greater enclosing effect and result in poor daylight/sunlight levels for the occupiers of No 3, to the extent that there would be an unacceptable effect on their living conditions.
7. For the reasons set out above, the proposal would cause harm to the living conditions of the occupiers of 3 The Avenue, with regard to outlook and daylight/sunlight, in conflict with policies 29 and 31 of the County Durham Plan (2020). These policies seek proposals that provide high standards of amenity, minimising the impact of development for the occupiers of adjacent properties and can demonstrate there would be no unacceptable impact on living conditions.
8. The proposed development is also contrary to the guidance set out in the SPD regarding rear extensions, and the provisions of the National Planning Policy Framework in relation to achieving well designed places with a high standard of amenity for existing and future users.

Other Matters

9. The appeal site falls within the Durham City Conservation Area. Neither party has concerns regarding the impact of the proposal on the significance of this designated heritage asset. Having considered the proposal and visited the site, I concur with that view and find that the appeal proposal would preserve the significance of the conservation area.

Conclusion

10. My above findings bring the proposal 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