



Appeal Decision

Site visit made on 6 March 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th May 2023

Appeal Ref: APP/V0728/D/22/3312407

10 St. Ives Close, Redcar TS10 2RP

- 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 Mrs Sue Crossman against the decision of Redcar and Cleveland Borough Council.
 - The application Ref R/2022/0455/FF, dated 18 May 2022, was refused by notice dated 21 October 2022.
 - The development proposed is Demolition of existing single storey rear conservatory and proposed single storey rear extension and first floor side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The plans were amended during the application process. It is clear that the Council made its decision against the revised plans, and I shall determine the appeal on the same basis.
3. The Council's reason for refusal relates to the first-floor side extension. Thus, my decision is predominantly focussed on that aspect of the development.

Main Issues

4. The main issue is the effect on the living conditions of No.43 and No.45 Swanage Drive (No.43 and No.45), with particular regard to outlook.

Reasons

5. The appeal property is a two storey, semi-detached house with an attached single storey pitched roof garage to the side. The area is residential and surrounding dwellings have a similar character, but their design, size and gardens vary, allowing spaces between dwellings, which add to the character of the area. The appeal site has shared garden boundaries with a number of other residential properties including the rear garden boundary of No.43 and No.45. The Land level of the appeal site was relatively flat and level, and this appeared to be a similar situation for neighbouring properties.
6. The appeal proposals include a first-floor side extension, with small en-suite window which could be obscurely glazed. This element extends above the existing attached pitched roof garage at the side of the appeal dwelling. The existing garage has a wide gable. The appeal property garage is positioned close to the rear garden boundaries of No.43 and No.45, which comprise garden fences, and is separated by a narrow pathway and grassed area.

7. The design of the first-floor side extension would have a similar form as the host dwelling. The height and overall massing that would be created from the proposed first floor side extension would increase. Even with a similar profile to the host dwelling, the resultant appearance would be noticeably higher than the existing garage, extending well above the rear garden boundary of No.43 and No.45, and clearly visible within the dwellings. In this respect the built development would be brought closer to neighbouring properties at first floor presenting the stark appearance of a predominantly brick gable wall.
8. The side of the proposed first floor extension would run parallel to a significant portion of the rear garden boundaries of No.43 and No.45. Due to its height and width, the first-floor extension would therefore enclose the rear garden. As the gardens of No.43 and No. 45 are constrained in width, the separation distance would not provide a sufficient sense of space to mitigate this. The first-floor side extension would dominate the outlook from within properties and therefore be overbearing.
9. The Appellant contends that the distance between neighbouring properties would meet the Council's Residential Extension and Alterations Supplementary Planning Document 2013 (SPD). This provides general principles in relation to its aspirations to achieve good design. Although the SPD does not distinguish between single storey and two storey extensions, it states that distances which are normally considered acceptable between the rear of one dwelling to a side elevation of the neighbouring property is 13m.
10. However, such standards do not always translate to a satisfactory situation on the ground. The SPD acknowledges that each proposal is unique and judged on its own merits. However, Planning law¹ requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. In this respect, the relevant development plan policy is SD4 of the Redcar and Cleveland Local Plan 2018 (the Local Plan). Insofar as it is relevant to the appeal, it has a requirement to ensure that the occupiers of existing buildings would not be significantly affected by proposed development.
11. From my observations, and for the reasons set out above, I conclude that the proposal would harm the living conditions of the occupiers of No.43 and No.45 with particular regard to outlook. Consequently, there would be conflict with Policy SD4 of the Local Plan.

Other Matters

12. The Council do not raise concerns in respect of the design of the single storey rear extension, porch and first floor side extension. Nor are there any concerns in respect of highway matters. The council has also not raised any concerns regarding the living conditions of occupiers of other nearby properties, nor the privacy of the occupants of No.43 and No.45. Nor are the proposals purported to cause any loss of daylight. Whilst I see no reason to disagree on these matters and note the proposed materials would match the host dwelling, they do not outweigh the concerns which I have in relation to the main issue identified above.

¹ Paragraph 2 of the National Planning Policy Framework 2021.

13. Whilst I have the power to issue a split decision on an appeal, this power is discretionary, and I am not obliged to use it. I do not consider that the parts of the proposal which are acceptable would be clearly and easily defined with reference to the submitted drawings. As such I do not consider that a split decision would be appropriate in this case.
14. There is no substantive evidence that the estate could have been designed in the manner shown on the appeal proposal. In addition, notwithstanding that the plans were amended following discussion with the planning officer, I have assessed the proposal on its own merits. Although I have found no harm to character and appearance, I have found there would be harm to the living conditions of neighbouring occupants. This is the prevailing consideration.

Conclusion

15. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

K Williams

INSPECTOR