



Appeal Decision

Site visit made on 1 August 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2023

Appeal Ref: APP/J4525/W/23/3321829

162 Fulwell Road, Sunderland SR6 9QS

- 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 Lynwood Healthcare Ltd against the decision of Sunderland City Council.
 - The application Ref 22/02394/FUL, dated 31 October 2022, was refused by notice dated 15 February 2023.
 - The development proposed is a 2 storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development:
 - the character and appearance of the surrounding area;
 - the living conditions of the occupiers of No.1 Duke Street North, with particular regard to outlook and light; and
 - highway and pedestrian safety, with particular regard to whether the proposed development would provide adequate off-street parking.

Reasons

Character and Appearance

3. The appeal site relates to a two-storey building, located on at the end of a terrace of single storey properties, known as 'Sunderland Cottages'. The site is prominently located with front and side elevations facing onto Duke Street North and Fulwell Road. The rear of the building faces onto a rear access lane but is also highly visible. The surrounding area is predominantly characterised by terraced streets of residential housing, with some commercial uses located on Fulwell Road.
4. The proposed development would involve the addition of a large two storey, gabled extension and would be located adjacent to a terrace of single storey properties. I acknowledge that the roofline would be set below the ridge height of the existing building, and that the design incorporates some design features from the original building. However, the proposed extension would by virtue of its scale, bulk, and massing result in the introduction of a prominent two-storey extension to a street which is characterised by modest, single storey, traditional dwellings.

5. Whilst I observed other rear extensions within the area, none shared the same characteristics as the appeal proposal and site in its scale and massing at the end of a terrace characterised by single storey properties. For these reasons, in this highly visible location, the proposal would appear unduly dominant.
6. I therefore conclude on this main issue that the proposed extension would be harmful to the character and appearance of the area. This would be contrary to Policy BH1 of the Core Strategy and Development Plan 2020 (CSDP) which states that to achieve high-quality design and a positive improvement, development, amongst other things, should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

Living Conditions

7. The proposed extension would be sited in close proximity to the shared boundary with No. 1 Duke Street North (No.1), which is a single storey 'Sunderland Cottage'. The rear elevation of No.1 contains two-bedroom windows and has a single storey outshoot, containing a kitchen window, which are all visible from the appeal site. The kitchen window in particular faces towards the appeal site, which is currently a vacant yard area containing no buildings or structures.
8. I acknowledge the presence of an existing high brick wall, which is approximately 2 metres in height, between the appeal site and No.1 and the presence of an outside storage room built on the rear boundary of the property. These features will have an impact on the existing outlook from the property. However, the proposed extension will make the existing situation worse. The proposed extension would by virtue of its overall height, projection, and proximity, dominate the outlook from these rear windows creating a constrained outlook and resulting in an oppressive internal environment that would be harmful to the living conditions of the occupiers of No.1.
9. Furthermore, the rear yard is the neighbouring property's only external amenity space. The proposed extension would be located to the north west of the rear elevation of this property and would be set back from the boundary by approximately 2.4 metres. However, it would by virtue of its height and projection cause some loss of daylight to the rear windows and this rear garden area. Therefore, whilst the orientation of the site and the proposed development means that the loss of sunlight would not be significant, the proposed development would lead to a reduction in daylight, which in this particular context, would be unacceptable.
10. Whilst I have had regard to the absence of an objection from No.1. However, the absence of an objection is a neutral factor which neither weighs for or against the proposal.
11. I therefore conclude on this main issue that the proposed development would have an unacceptable effect on the living conditions of the occupiers of No.1 with particular regard to outlook and daylight. This would be contrary to the requirements of Policy BH1 of the CSDP which states that development should, amongst other things, ensure a good standard of amenity for all existing and future occupiers of land and buildings.

Highway and Pedestrian Safety

12. Fulwell Road is a busy road with some parking restrictions in place immediately opposite the appeal site. I observed that on-street parking is available close by on the residential streets such as Duke Street North which are accessed from Fulwell Road. There are no parking restrictions on these side streets, but I did observe high demand for parking, with cars parked on both sides of the narrow streets. I recognise this was a snapshot in time however, I have also had regard to third party representations in relation to parking stress in the area.
13. Whilst the appellants' supporting statement does indicate that the improvements may attract more patients, the extension would not involve any increased provision of dentistry facilities. Instead, it seeks to provide improved facilities for staff. Furthermore, I have not been presented with any compelling evidence to suggest that this would lead to a significant increase in demand for parking.
14. The Council indicates that historically the rear yard, would have been used to provide off-street parking and that this was a requirement of a planning permission¹ granted in 1998. I have not been provided with the details of this application, nor the wording of any conditions relating to parking provision. Nevertheless, I observed that the rear yard area is currently fenced off, and therefore not currently in use for parking.
15. However, the proposed plans indicate that parking would be provided for three vehicles (two in the garage and one in the yard), which would be an improvement on the existing situation or at the very least like for like provision of what has previously been provide in the rear yard area. On this basis, I have not been presented with any substantive evidence that the proposed parking provision would not be adequate given the nature of the proposed development.
16. Furthermore, the appellant states that approximately 90% of patients live within 1 mile of the appeal site. Therefore, I find that the site is capable of being accessed by a means of sustainable transport options, including walking and cycling with two bus stops also located close to the appeal site.
17. I therefore conclude on this main issue that the proposed development would not have an unacceptable effect on highway and pedestrian safety, with particular regard to whether the proposed development would provide adequate off-street parking.

Other Matters

18. The appellant has suggested that consideration of the proposed extension should have regard to the size of extensions which can be constructed as permitted development if the site was a residential property. However, the appeal site is a commercial property and I have not been provided with any substantive evidence that the appeal site could be extended in the manner suggested even if the appeal site was in a residential use. Therefore, I attribute this little weight.

¹ Planning Application Ref: 98/01301/FUL

19. I have had regard to the appellants' statement which highlights the importance of supporting an existing business, providing NHS dentistry services. However, the proposed plans and supporting information does not indicate that there would be any significant increase in NHS dentistry provision. The supporting statement does highlight the need to provide attractive facilities for employees to ensure they are able to attract and retain a suitable workforce. This would be in line with the aims of Paragraph 81 of the revised National Planning Policy Framework (2023). However, whilst I acknowledge that the proposed development would contribute to these aims, I afford these benefits limited weight given the size of the scheme. In this particular case, the limited benefits of the proposed development are not sufficient to outweigh the harm I have identified to the character and appearance of the area or to the living conditions of the occupiers of No. 1.

Conclusion

20. For the above reasons, whilst I have found that the proposed development would not be detrimental to highway and pedestrian safety, it would be harmful to the character and appearance of the area and to the living conditions of the occupiers of No.1, with particular regard to outlook and light.
21. The proposed development would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR