



Appeal Decision

Site visit made on 8 September 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2023

Appeal Ref: APP/A4520/D/23/3324010

37 Lawe Road, South Shields, Tyne & Wear NE33 2EU

- 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 Amy McAtamney against the decision of South Tyneside Council.
 - The application Ref. ST/0305/23/HFUL, dated 12 April 2023, was refused by notice dated 7 June 2023.
 - The development proposed is flat roof to existing second floor bathroom offshoot with 2 no. rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development provided in the planning application form includes detail regarding the planning history of the site and a request that previous documentation is referred to in considering the resubmitted proposal. That description was modified by the Council when issuing their decision notice, and the modified description has been used by the appellant in completing Part E of their appeal form. However, that modified description contains information that does not describe a form of development. For clarity, I have therefore amended the description which is given in the banner heading above by largely using that description given in the planning application form, but removing superfluous text thereby leaving only that which accurately describes the development for which permission was sought. While no further consultation has taken place in respect of this matter, I do not consider that the changes I have made to the description of the development prejudice the interests of any party.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. Lawe Road is located on the eastern side of South Shields and forms the edge of the built extent of the town in this location, having houses only on its western side which are generally arranged in short terraces facing open parkland and the North Sea beyond. These short terraces are punctuated by streets leading to further terraces of housing in this long-established primarily residential area.

5. The appeal property is a substantial traditional end-terraced house having accommodation on three floors. The front, side and rear elevations of the house all exhibit a strong vertical emphasis in their design; the main roof is pitched and covered by slates and the rear two-and-a-half-storey outrigger is covered by a mono-pitched slated roof. The appearance of the house in these respects is consistent with the predominant vertical emphasis in the elevations and the sloping roof forms found in the dwellings along Lawe Road and in the nearby terraced streets. While external building materials used in the construction of the dwellings in the vicinity vary, the uniformity and consistency in their general shapes, proportions and appearance contributes significantly to the pleasant character of the area.
6. The proposed development would alter the roof shape of the existing sloped-roof outrigger to the rear of the house by raising its side wall and constructing a flat roof over that outrigger. No 37 is prominent in public views from the adjacent streets because it is an end-terraced house. I saw during my site visit that there is variety in the design and appearance of extensions in the area as indicated by the appellant, and flat-roofed single-storey extensions are a feature in the views along the back lanes serving the terraces. However, extensions and outriggers above ground floor level to the rear of dwellings in Lawe Road and in the neighbouring streets generally have pitched or sloping roofs, rather than flat roofs.
7. Having regard to the consistent use of sloping roof forms above ground floor level in the vicinity, the shape of the proposal would jar markedly when seen alongside those neighbouring dwellings. Furthermore, the horizontal emphasis introduced through high level windows to the proposed side and rear elevations would disrupt the generally otherwise vertical emphasis in window alignments and proportions found in most front, side and rear elevations of nearby dwellings. As a result, the proposal would introduce alien and visually harmful features that would be obtrusive in this context.
8. Consistency in decision-making is one of the main principles to be applied in determining development proposals. While I have not been provided with further details, both main parties refer to the Council granting planning permissions¹ in the past for the same proposal either on its own or as part of a larger scheme. However, those permissions have now lapsed. Although the same development plan policies were in place at the time those permissions were granted, significant changes to the National Planning Policy Framework (the Framework) were made in July 2021 which emphasised the government's priority of seeking good design. The Framework was subsequently modified again in September 2023, but no changes were made to those parts which express the government's intention of fostering well-designed, beautiful places. Accordingly, this remains one of the overarching principles of the planning system.
9. The Council's previous decisions are a matter to which I have had regard. However, given the clarity provided in the Framework regarding a fundamental purpose of the planning system of achieving well-designed places, and from my appreciation of the effects the proposal would have on the character and appearance of the area, I give only limited weight to those earlier decisions. In any event, I have determined this appeal on its own planning merits.

¹ Council refs. ST/0718/18/HFUL and ST/0591/19/HFUL

10. I therefore find that the proposed development would result in unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (December 2011) which require that development, including extensions, is designed to convey sensitive consideration of its surroundings, and where possible enhance its local setting and reinforce local identity, having particular regard to scale and proportions, alignment, form, use of materials and architectural detailing. The development would also fail to accord with the Council's guidance given in its adopted SPD9: Householder Developments (revised January 2014) which generally seeks the same outcomes as the development plan but adds detail to the matters to be considered in assessing the merits of proposed extensions to dwellings, and it would conflict with the Framework in respect of achieving well-designed places.

Other Matters

11. The appellants intention to have regard to the living conditions of neighbouring residents in respect of overshadowing when designing the proposal is noted. However, the acceptability or otherwise of some other unspecified form of development at the appeal property is not a matter to which I can give regard, and I have no evidence that any alternative proposal has been presented to or considered by the Council. I must determine the proposal before me on its own merits and that is what I have done.

Conclusion

12. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

David English

INSPECTOR