



Appeal Decision

Site visit made on 21 November 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2024

Appeal Ref: APP/J4525/W/23/3328406

15 Hill Rise, Washington Village, Washington, Sunderland NE38 7HJ

- 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 Carol Davies against the decision of Sunderland City Council.
- The application Ref 23/00984/FUL, dated 26 April 2023, was refused by notice dated 22 June 2023.
- The development proposed is a single storey front extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted revised plans with the appeal. This is shown on drawing No HP-HR-01. The revised plans are clearly dimensioned, they primarily show the removal of the roof lantern, and the development therefore has a fully flat roof. As such I am satisfied, they do not change the substance of the proposed development that was considered by the Council, having regard to the tests in recent legal judgements¹ the Council and interested parties would not be prejudiced by my consideration of them.
3. The Government published a revised National Planning Policy Framework (the Framework) in December 2023, replacing the version published in September 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

4. The main issue is the effect of the development on the living conditions of No 14 Hill Rise with particular regard to outlook.

Reasons

5. The appeal site comprises a mid-terrace single storey property and its grounds. It is set well back from the road affording an amenity space in front of the dwelling. It has a detached flat roof garage positioned on the joint boundary with No 14 close to the Road at Hill Rise. No 14 also have a similar corresponding garage. The joint boundary which runs between the front

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37 and Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

elevation of the properties to the garages consists of a modest close boarded timber fence.

6. The appeal proposal seeks the erection of a flat roof single storey extension to the front of the property. The proposed extension would abut the existing detached flat roof garage. The proposal would result in the loss of the existing space between the front wall of the main dwelling and the existing detached garage, creating a continuous built form between the dwelling and the garage.
7. The resulting structure would also almost run the entire length of the shared side boundary with No 14. Whilst the amended design removes a central rooflight, the overall height would be much greater than the existing boundary fence and higher than the existing garages. It would infill the gap currently in between the dwellings and the garages and create a marked change to the boundary.
8. The property at No 14 has a bedroom window on the front elevation very close to the joint side boundary. It also has windows facing the boundary within its own front porch. Although the appellant states the area at No 14 is predominantly used for parking, photographs evidenced also show outside seating adjacent to the boundary. Whilst the amenity area at No 14 between the fence and its own porch is enclosed to a degree, the modest height of the existing fence would allow peripheral views across the site providing some open outlook to windows on the front of No 14.
9. The combination of the overall length, proximity and height of the extension and the resultant infill of the gap would appear unacceptably intrusive and overbearing to the outlook for the occupants of No 14. The occupiers would be afforded little relief from the outlook of the window closest to the development particularly in peripheral views from the window and directly within the garden. The development would create a visually dominant and long oppressive feature enclosing the joint boundary. This would change the current situation being higher than the fence and the garage. It would make the garden area, used for sitting out and the room served by the window less attractive to use as a result.
10. The appellant states there are several examples of similar development which are characteristic of the area and/or set a precedent for new similar development. The extensions at Nos 4 and 5 Hill Rise adjoin and therefore mitigate the effects of each other. The property at No 2 is not bounded by hedging on the opposing side nor does it have other features which would increase enclosure.
11. Whilst I acknowledge similar development to the appeal proposal, they were not so common place that occupiers of properties should expect to achieve the same form of development. Furthermore given that each proposal is judged on its own merits the presence of similar development does not justify further harm and therefore carries little weight in these circumstances.
12. I acknowledge that interested parties, including the occupiers of No 14, have not commented or objected to the proposal. Nevertheless, it is the function of the planning system to secure good living conditions for existing and future occupiers. As occupants and their opinions change over time the absence of objection therefore carries little weight in my determination.

13. I therefore conclude that the proposed development would harm the living conditions of the occupiers of No 14 with particular regard to outlook. Accordingly, the proposal would fail to comply with Policy BH1 of the Sunderland City Council Core Strategy Development Plan January 2020. This seeks to ensure that the design of new proposals ensure a good standard of amenity for existing occupiers. The proposal would also not fulfil the aims of the Framework in chapter 12 where amongst other matters it seeks to create places that have a high standard of amenity for existing users. For similar reasons, the proposal would also not fulfil the aims of the Development Management Supplementary Planning Document June 2021 in relation to neighbouring properties affected by development.

Other Matters

14. The appeal property is not listed, nor is it within a conservation area. The Council has not raised any concerns in respect of the appearance of the extension upon the host property and wider street scene. Given the existing and neighbouring garages, the development would also largely be screened from public view, would utilise existing land and use high quality materials. I therefore see no reason to take a different view on this aspect. Furthermore, whilst I note the appellant agrees to the Council's suggested conditions these matters carry little weight and do not outweigh the harm.
15. I note that the proposal would create additional space for the occupants. However there is no substantive evidence regarding the need for the development or that this is the only option available to achieve additional space. Having regard to the Planning Practice Guidance² that planning is concerned with land use in the public interest, largely private benefits do not outweigh the public harm I have identified to the character and appearance of the area.

Balance and Conclusion

16. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan with regard to the living conditions of neighbouring occupiers. While there might be compliance with the Framework with the matters I have identified above, the harm would result in conflict with it read as a whole. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
17. For the reasons given above I conclude that the appeal should be dismissed.

K Williams

INSPECTOR

² ID 21b-008-20140306