



Appeal Decision

Site visit made on 18 December 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal Ref: APP/H0724/D/23/3329741

20 Watercress Close, Hartlepool TS26 0QY

- 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 Harinder Pattar against the decision of Hartlepool Borough Council.
 - The application Ref H/2023/0102, dated 23 March 2023, was refused by notice dated 4 July 2023.
 - The development proposed is part two-storey, part single-storey extension to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect. 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 Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 19 and 21 Cornflower Close, with regard to outlook and privacy.

Reasons

4. The appeal property is located within a residential area where dwellings have reasonably short gardens. Ground levels fall away from the appeal property towards the dwellings at the rear on Cornflower Close.
5. The proposal has been designed to a high standard and it would have materials to match existing. It would provide the appellant with additional living space including a bedroom and would result in an improved overall layout of the dwelling and function as a family home. However, it would bring development closer to the neighbouring properties at the rear, reducing the separation distance to significantly less than the advised 20 meters (m), set out in the Residential Design Guide Supplementary Planning Document (2019) (SPD) to the extent that the proposed two storey extension would appear as a dominant and oppressive feature in views from 19 and 21 Cornflower Close.
6. Owing to the difference in ground levels, this would have an overbearing effect that would be detrimental to the levels of outlook that could reasonably be

expected from the rear facing rooms of No 19 and 21 and from their respective private outdoor spaces. In bringing development closer to the shared boundary the outlook from these properties and outdoor spaces would be poor and uninviting, looking onto a two-storey development in proximity that would narrow the outlook.

7. The proposal would also afford elevated views at close range from the proposed first floor window into the private outdoor spaces and the rear facing rooms of No 19 and 21 and would negatively affect the privacy of the occupiers of these properties. The appellant suggests that the window could be obscure glazed, however this window is shown to serve a bedroom which would be single aspect. As such, I cannot be satisfied that an obscure glazed window would be acceptable with regard to outlook and would not be harmful to the living conditions of the occupiers of the appeal property. Accordingly, this is a concern that could not be rectified by the imposition of a planning condition.
8. Permission has previously been granted for a rear extension at the appeal property that has not been found to cause harm and accords with the development plan. While that scheme also breached the 20m separation distance advised in the SPD, the appeal scheme extends further and results in a greater presence than the previous permission owing to the inadequate space between the appeal property and the dwellings to the rear. In contrast to the permitted scheme, as a result of the increased depth, the proposed extension would create a visual intrusion, resulting in unacceptable living conditions for the occupiers of No 19 and 21. While there have been no objections from neighbouring occupiers to the scheme, this is not a reason, in itself, to allow harmful development.
9. Accordingly, the proposal would be unduly harmful to the living conditions of the occupiers of 19 and 21 Cornflower Close, with regard to outlook and privacy, in conflict with Policies QP4 and HSG11 of the Hartlepool Local Plan (2018). Amongst other things, these policies require development to not negatively impact upon the amenity of occupiers of nearby properties by way of overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook.
10. The proposal would be contrary to the guidance set out in the SPD in relation to separation distances between dwellings, and contrary to the provisions of the Framework in relation to design which seek development with a high standard of amenity for existing users.

Conclusion

11. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR