



Appeal Decision

Site visit made on 8 January 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2024

Appeal Ref: APP/W4515/D/23/3332407

28 Henley Road, Tynemouth, North Tyneside NE30 3SW

- 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 Katy McEwan against the decision of North Tyneside Council.
 - The application Ref 23/00757/FULH, dated 8 June 2023, was refused by notice dated 10 October 2023.
 - The development proposed is side and rear dormer extension.
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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 26 Henley Road, with regard to outlook and daylight/sunlight.

Reasons

4. The proposal would be an efficient use of brownfield land, providing extra living space for the appellant's family. The appeal site is not subject to heritage constraints, and I note the appellant's attempts to address the Council's concerns through several amendments to the scheme during the determination of the planning application. However, despite the set down from the ridge and the hipped roof design the proposal would result in a noticeable difference in the built form above the shared boundary from the side facing windows and private outdoor space at 26 Henley Road.
5. The Design Quality Supplementary Planning Document (2018) (SPD) advises that proposals for residential extensions should consider the effect that the extension will have on adjacent properties. A reasonable outlook between properties should be maintained and it should be ensured that extensions are not so large and close to the boundary that it forms a very dominant feature.
6. While a gap would remain between the appeal property and No 26, owing to the increased height at the shared boundary, the proposal would appear as a

dominant and oppressive feature, narrowing the outlook experienced from both the nearest ground floor window and the private outdoor space, which I note is the occupiers only area of private outdoor space. The proposal would therefore have an overbearing effect that would be detrimental to the levels of outlook that could reasonably be expected from both inside No 26 and from the private outdoor space.

7. As demonstrated in the Sun Path Study the proposal would diminish the levels of sunlight reaching both the closest ground floor openings and the private outdoor space at No 26. I note the west facing orientation of the side elevation and that the existing situation is such that there are reduced levels of light at certain times of the day. Nonetheless, the enclosing effect of the proposal would materially reduce sunlight/daylight levels at No 26 to the extent that it would be noticeable by the occupiers, unreasonably affecting their living conditions as a consequence.
8. It may well be that the lifestyle changes brought about since the Coronavirus Pandemic has resulted in a greater need for internal space, and that views of the proposed development would not be dissimilar to many existing urban situations, including the local area where I observed a number of properties with alterations and extensions. However, the particular circumstances of this case are such that in views from No 26 the appeal proposal would be a visually intrusive feature.
9. Permission has recently been granted at No 26 for an infill extension that would bring development closer at first floor level to the shared boundary with the appeal property. However, owing to the location of the garage nearest the shared boundary, the distance to the side elevation and the obscure glazed window, the scheme at No 26 does not affect the living conditions of the occupiers of the appeal property in the way that the appeal proposal would for the occupiers of No 26.
10. I have also considered the example of a side extension that was granted planning permission in the wider area. The context of the example differs in overall appearance and relationship between the neighbouring properties. It is not adjacent to an area of private open space and is not directly comparable. Therefore, a decision to refuse permission at the appeal site would not be inconsistent with other decisions that have been taken in the area and the other examples do not therefore lead me away from my above findings.
11. Reference is made to extending upwards at the appeal site through permitted development rights, and this is a fallback position. However, no further details are before me and without such information a full and detailed comparison with the appeal scheme cannot be made. It is also not possible to ascertain if it would be a realistic or probable alternative and if prior approval would be given. Additionally, there is no clear evidence that if the appeal is dismissed the fallback would be pursued. Consequently, I find the suggested fallback position to have limited weight in the determination of the appeal.
12. Accordingly, the proposal would be unduly harmful to the living conditions of the occupiers of 26 Henley Road, with regard to outlook and daylight/sunlight, in conflict with Policies S1.4, DM6.1 and DM6.2 of the North Tyneside Local Plan (2017). These policies, amongst other things, require development proposals to be acceptable in relation to their impact on local amenity for

existing residents, such as outlook and loss of light and be designed to a high standard that has a positive relationship to neighbouring buildings and spaces.

13. The proposal would be contrary to the guidance set out within the SPD in relation to extending buildings and residential extensions. It would also be contrary to the Framework at Section 12, which seeks well designed and beautiful places that have a high standard of amenity for existing users.

Other Matters

14. It is not disputed that the proposal would not have a detrimental effect on the amenity of the occupiers of No 24. The proposal would achieve policy compliance on a range of other matters, including character and appearance, flood risk and biodiversity. However, the lack of harm on these matters would be a neutral factor and would weigh neither for nor against the development.
15. The appellant's statement makes reference to the presumption in favour of sustainable development from the Framework. However, there is no substantive evidence to suggest that the approach set out in Paragraph 11(d) should be applied in this particular case. The decision should be made in accordance with the development plan unless material considerations indicate otherwise. While the appellant has expressed frustrations with the Council's handling of the case, this has not affected my consideration of the planning merits of the scheme.

Conclusion

16. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR