



Appeal Decision

Site visit made on 25 April 2024

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/J4525/D/24/3339021

12 Lapwing Close, Ayton, Washington, Tyne and Wear NE38 0ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Andrew Waters against the decision of Sunderland City Council.
 - The application Ref is 23/02396/FUL.
 - The development proposed is described as demolish existing garage. Build extension on original site 9700 length x 3000 width bricks, tile & amp; windows to match existing property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, building works were already at an advanced stage externally. I was therefore able to view the development in situ, including from within the rear garden of 11 Lapwing Close.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupants of 11 Lapwing Close, with particular regard to dominance.

Reasons

4. The appeal property is one half of a semi-detached bungalow and shares a side boundary with 11 Lapwing Close (No 11), which lies to the east and at a lower level.
5. From the information before me, planning permission (ref: 23/00274/FUL) has previously been granted at the site for demolition of an attached flat roof garage and erection of a single-storey side extension measuring approximately 7m in length (same as the previous garage) and 4.95m to the ridge of the roof. I have therefore taken this as the baseline position for my assessment.
6. The appeal scheme is appreciably larger, measuring approximately 9.7m in length and 5.6m to the ridge of the roof. Due to its length, height, and position along the common boundary, the blank expanse of the gable wall appears inescapably dominant and overbearing from within the rear garden of No 11, to the serious detriment of the enjoyment of this small outdoor space. In this regard, I find that the proposed development is significantly more harmful to the living conditions of the occupants of No 11 when assessed against the baseline position. This is irrespective of whether any objection has been made by the current occupants.

7. While the introduction of planting in front of the gable wall may, in time, go some way to breaking up its mass, I am not convinced that it would entirely remove the harmful impact on the garden of No 11. Moreover, as this would take place on land that is not in the appellant's control, its implementation cannot be guaranteed. Nor does the appellant have any control over the potential rearward extension of No 11's garden, as has been speculated. I therefore give very little weight to these matters.
8. It is claimed that the development has improved the privacy of No 11's garden. Even if that is the case, I have found that it is harmful in other ways. Furthermore, while the additional living accommodation would benefit the occupiers of the appeal property, that would also be the case from the extant planning permission, and there may still be other less harmful ways of achieving the same benefits. Thus, these are not considerations which outweigh the harm I have identified.
9. I therefore conclude that the development is unacceptably harmful to the living conditions of any occupants of 11 Lapwing Close with particular regards to dominance. As such, there is conflict with Policy BH1 of the Sunderland City Council Core Strategy Development Plan (2020) where it seeks a good standard of amenity for all existing and future occupiers of land and buildings. There is also conflict with the Council's Development Management Supplementary Planning Document (2021), which states that consideration will be given to whether the proposal will appear as overly imposing, dominating or oppressive from neighbouring properties, including from within their garden areas.

Conclusion

10. For the reasons given above, the appeal should be dismissed.

A Caines

INSPECTOR