



Appeal Decision

Site visit made on 3 October 2024 by J Reed MPlan

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 07 January 2025

Appeal Ref: APP/A4520/D/24/3346545 10 Harton Grove, South Shields, NE34 6LT

- 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 Mrs Anna Agar against the decision of South Tyneside Council.
 - The application Ref is ST/0170/24/HFUL.
 - The development proposed is a proposed rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 8 Harton Grove with regard to outlook and access to natural light.

Reasons for the Recommendation

4. The residential area in which the appeal building is located consists of, amongst other things, pairs of two storey semi-detached units set well back from and facing the road with relatively long rear gardens.
5. The appeal scheme would result in a long wall against the shared boundary with No 8 Harton Grove owing to the extent of the proposed development's projection from the rear of the appeal building. This, coupled with its height and blank, featureless appearance would dominate views gained from the French doors closest to the shared boundary. This visual dominance would unacceptably reduce the quality of the outlook from the neighbouring window to the detriment of the living conditions of its users.
6. I observed on my site visit that the proposed extension would intersect an approximate 45 degree line drawn from the French doors at No 8 that are adjacent to the boundary. Due to its length, height, and position along the common boundary, the proposal would result in the addition of an opaque extension which would impact the access to natural light in the afternoon and evening of the day, as well as being an inescapably dominant and overbearing addition to the detriment of the living conditions of the occupants of No 8.

7. I acknowledge that there is a box hedge separating the gardens of the appeal building and No 8. The hedge, however, would be much lower than the eaves and the total height of the proposed extension and thus it would not sufficiently mitigate its adverse effects as I have explained them. The occupiers of No 8 have not objected to the appeal scheme but this would not obviate the need for an assessment as to its effects in the context of the main issues.
8. However, for the reasons as set out the proposed development would therefore be unacceptably harmful to the living conditions of the occupants of 8 Harton Grove with particular regard to outlook and light. As such it would fail to comply with Policy DM1(B) of the South Tyneside Local Development Framework (2011) and paragraph 135(f) of the National Planning Policy Framework (2024) which require development to consider the effect upon the surrounding environment and amenities of occupiers of nearby properties amongst other things. The proposal would also fail to accord with the guidance set out in SPD9 of the Householder Development – Local Development Framework (2014) which provides that all extensions should not have an unacceptable impact on neighbouring residents in terms of outlook and overshadowing.

Other Matters

9. In regard to the other extensions within the locality referenced by the appellant, I consider there to be a substantial difference between the examples provided and the appeal scheme. Whilst the neighbouring pairs of semi-detached properties referenced have both had extensions to the rear which are the full width of the dwelling, in the case of the appeal scheme the neighbouring property at No.8 has French doors next to the boundary. Therefore, these examples do not alter my conclusions on the main issue.
10. As highlighted in the Council's Officer's report the Council are currently in the process of producing a new Local Plan, which is yet to be independently examined. At this stage, I afford it limited weight in my decision making and it does not alter my findings.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Reed

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR