



---

## Appeal Decision

Site visit made on 11 February 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

---

**Appeal Ref: APP/A4520/D/24/3355933**

**37 Leicester Way, Jarrow, South Tyneside NE32 4XG**

- 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 Mr Callam Walsh against the decision of South Tyneside Council.
  - The application Ref is ST/0423/24/HFUL.
  - The development proposed is described as “a single storey cavity wall extension to the side elevation of the property with pitched roof including velux style skylight to forward facing pitch. This extension will be of same width as current utility room/garage and extend forward to be in line with current front elevation. One window to front elevation and velux within pitched roof”.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The above description of development is taken from the application form. However, the proposal could be accurately summarised as a single storey side extension with pitched roof including velux style skylight to forward facing pitch.

### Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of the occupiers at 35 Leicester Way, with regard to outlook and daylight.

### Reasons

4. The appeal property is within a group of predominantly semi-detached, two storey properties of similar appearance but with variations in their layout. As part of the original estate layout the front elevation of the property is set considerably further forward than the neighbouring property to the south at 35 Leicester Way. A grassed area of garden and narrow walkway between the side elevations of Nos 35 and 37 Leicester Way separate the two properties.
5. A single storey extension with a dual pitched roof would be constructed to the side elevation of the property. This would continue the line of a garage and utility room to the side of the dwelling up to the line of its existing front porch and out towards No 35. The front elevation of the existing utility room is on a similar building line to the nearest part of the front elevation of the neighbouring property at No 35, which has been altered from its original form with a single storey side extension.
6. The front elevation of the side extension at No 35 features a window at ground floor level close to the boundary with the appeal site. The officer report states that this is the only window serving a habitable room and I note the appellant does not dispute

this. There is some existing impact on outlook for the occupants of No 35 from the side elevation of the appeal property due to its position relative to the neighbour. However, the proposal would result in a substantial extension projecting well beyond the front elevation of No 35 and much closer to the boundary of the properties than the existing side elevation. The extension would also be much closer to the nearest window to the front elevation of No 35. This would result in an overly dominant form of development with a greater overbearing effect, and therefore a significant detrimental impact in terms of outlook for the neighbouring occupants.

7. The Council also refers to harm from a loss of daylight in its decision. I have not been provided with any technical assessment that demonstrates the impact of the proposal in this respect. From my assessment and observations on the site visit I consider there would likely be some adverse impact for the occupants of No 35 in relation to daylight due to the scale and position of the extension much closer to the habitable room window. However, the extent of any impact over and above effects from the existing arrangement of the properties has not been clearly demonstrated. Notwithstanding this, I have found that there would be unacceptable harm to the occupants of No 35 in terms of loss of outlook for the reasons set out above.
8. The appellant has directed me to examples of other extensions in the wider area. I was able to view some of these where information was provided on their locations. However, I do not know the circumstances under which these extensions were constructed or their status with regard to planning permission. In addition, it is not clear if these have a similar context as the appeal proposal in terms of their relationship with habitable rooms of neighbouring properties. I therefore cannot draw any direct comparison with the proposal that would weigh in its favour. The presence of these does not justify the harm that I have otherwise found.
9. The appellant contends that the relationship between the proposed extension and the nearest window in No 35 would be directly comparable to that which existed when the properties were originally built. However, in that case the affected window would have been a utility room. The South Tyneside Local Development Framework SPD 9: Householder Developments (December 2010 (revised January 2014)) does not stipulate whether utility rooms are deemed habitable, but in my view they have more in common with non-habitable rooms, being functional spaces in which residents will not linger. Based on my observations, I am satisfied that the development in this case would affect a habitable room in the neighbouring property.
10. I conclude that the development would be harmful to the living conditions of the occupants at 35 Leicester Way with regard to outlook. This conflicts with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (2011), which amongst other things looks to ensure that development is acceptable in relation to any impact on residential amenity.

### **Other Matters**

11. I note the appellant's concerns over elements of the Council's handling of the application and discussions on the proposal. However, this is not a matter that I can consider under this planning appeal and does not alter my findings, in which I have had regard solely to the planning merits of the development as proposed.

## **Conclusion**

12. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

*N Armstrong*

INSPECTOR