

Appeal Decision

Site visit made on 4 January 2016

by Peter D. Biggers BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2016

Appeal Ref: APP/A4520/D/15/3136412

31 Cinderford Close, Boldon Colliery, Tyne and Wear NE35 9LB.

- 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 Anthony Nolan against the decision of South Tyneside Council.
 - The application Ref ST/0410/15/HFUL, dated 3 May 2015 was refused by notice dated 22 July 2015.
 - The development proposed is described as an extension to the rear of the garage and another storey on top of garage and the new extension as per the plans.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing garage and construct two storey extension to the side elevation at 31 Cinderford Close, Boldon Colliery, Tyne and Wear NE35 9LB in accordance with the terms of the application, Ref ST/0410/15/HFUL, dated 3 May 2015, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan Layout; Ground Floor Layout Proposed; First Floor Layout Proposed; Proposed Front Elevations, Proposed Rear Elevations; Proposed Side Elevations; Cross Section A-A1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The appellant in his appeal form restates the description of development as "demolish existing garage and construct two storey extension to the side elevation" which is how the proposal was described in the Council's decision. I have used this description for the purposes of the decision as it clarifies that the existing garage would be demolished and replaced with a 2 storey extension.

Main issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and immediate surroundings of Cinderford Close.
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Reasons

4. Cinderford Close where the appeal site is located is a modern cul-de-sac development of 2 storey, detached and semi-detached houses in brick and tile. The houses on the east side of the close between numbers 36 and 30, including the appeal property, follow a staggered building line with each semi-detached pair set slightly forward of the preceding house. The appeal property at No 31 has an existing single storey garage attached to the side of the property which is built up to the plot boundary with No 30. The other half of the semi-detached pair (No. 32) was granted permission on appeal for a first floor side extension in 2010.
5. The *National Planning Policy Framework* (the Framework) at section 7 seeks a high quality in built design including that of individual buildings. Policy DM1 of the *South Tyneside Local Development Framework Development Management Policies* (STDMP) is consistent with the Framework in requiring development to be designed to convey sensitive consideration of their surroundings. *South Tyneside Local Development Framework SPD 9 Householder Developments* (SPD) provides more detailed guidance in respect of extensions and alterations and seeks to ensure that the visual impact of the proposal on the dwelling and its immediate neighbourhood is acceptable. At section 3.14 it states that a key objective in side extensions is to achieve subordination and avoid any terracing effect in the street scene.
6. The proposed extension complies with the guidance in both being stepped back from the frontage at first floor by about one metre and being stepped down at the ridge by about 0.3 metres. In addition the width of the extension which would be less than 3 metres and less than 2/3rds of the width of the main house would be proportionate to it and would not unduly dominate the frontage. In this respect the extension would be in keeping with the host property.
7. I acknowledge that the extension would not comply with the guidance at paragraph 7.5 of the SPD that the depth of the extension where it is sited on the plot boundary should not exceed 2/3rds of the depth of the original house. However paragraph 7.4 of the SPD does allow for site specific variation where at least 2 of the exception criteria listed can be met. In the appeal case the properties in Cinderford Close do follow a staggered building line at least between Nos 30 and 36 and the neighbouring property at No 30 is a materially different house type to the appeal property, being a detached house which is both wider and higher than No 31 and with a different coloured roof. As such I am satisfied that the extension at No 31 could be constructed without resulting in a terracing effect in views along Cinderford Close.
8. Moreover given the fact that No 32 has already been extended in a similar fashion to that proposed at No 31 completion of the side extension, as proposed, would re-establish the original symmetrical form of the semi-detached pair improving its appearance in the street frontage.
9. It has been put to me that the examples of side extensions which have previously been permitted and completed in Cinderford Close predate current policy and should not therefore be taken as establishing a precedent. I accept this and have assessed the proposal on its own merits against current policy.
10. I have also been referred to another appeal decision in the vicinity, ref APP/A4520/D/14/2229202, which the Council considers is comparable and would justify dismissal of this appeal. However the Inspector in that case concluded that there was no stagger in the building line and that the

neighbouring property was not sufficiently different to prevent a terracing effect. These are material differences and I have determined this case on its merits.

11. For the reasons given above I am satisfied that the proposal is compliant with STDMP policy DM1 and the SPD and would not harm the character and appearance of either the host property or the surroundings of Cinderford Close.

Other Matters

12. There are windows at first floor level in the side elevation of the neighbouring property at No 30 which would face the extension. However no windows in the proposed extension face towards No 30 and although the windows in No 30 would be closer to the extension, from my observations on site, neither of these appeared to relate to habitable rooms and one was obscure glazed. I am therefore satisfied that there would not be any significant impact on outlook and therefore living conditions for the occupants of No 30 would not be unduly affected.

Conclusion

13. I have considered all the matters before me and for the reasons given the appeal should be allowed and permission granted for the side extension subject to the conditions above.

P. D. Biggers

INSPECTOR