



## Appeal Decision

Site visit made on 21 April 2016

**by M Seaton DipTP MRTPI**

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

**Decision date: 28 April 2016**

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**Appeal Ref: APP/A4520/D/15/3140622**

**201 Sunderland Road, South Shields, NE34 6AQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr & Mrs Mal and Louisa Craig against the decision of South Tyneside Council.
  - The application Ref ST/1084/15/HPN, dated 11 November 2015, was refused by notice dated 9 December 2015.
  - The development proposed is a rear extension to the existing house extending 5.25 metres beyond the original rear wall, with a maximum height of 3 metres, and an eaves height of 3 metres.
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### Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 1, Paragraph A4 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) for a rear extension to the existing house extending 5.25 metres beyond the original rear wall, with a maximum height of 3 metres, and an eaves height of 3 metres at 201 Sunderland Road, South Shields, NE34 6AQ in accordance with the details submitted pursuant to Schedule 2, Part 1, Paragraph A4 (2) of the GPDO.

### Procedural matter

2. The provisions of the GPDO require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.

### Reasons

3. The appeal relates to a single-storey rear extension to a terraced dwelling in a predominantly residential area. The appeal site incorporates within the rear garden a patio area nearest the house in the location of the proposed extension, with the existing boundary with the neighbouring property at No. 203 Sunderland Road defined by a solid brick wall. The proposed development would comprise an extension of 5.25 metres in length to broadly match the extent of the existing rear two-storey offshoot, with a height to eaves of 3 metres, and a maximum height also of 3 metres.
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4. The Council has assessed the proposed extension against the provisions of Schedule 2, Part 1, Class A of the GPDO, and has concluded that in respect of the limitations of development allowed by paragraph A.1(g) that the proposals would be in compliance with the restrictions. I do not disagree with this conclusion. However, my attention has been drawn to the conditions set out in A.4, and in particular at A.4(7), which states *'Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises'*. In this respect, an objection was received from a neighbouring occupier within 21 days of notification, and the prior approval of the local planning authority was therefore required in this instance.
5. Turning to the question of amenity, I observed at the site visit that the appeal dwelling and the neighbouring property at No. 203 Sunderland Road are set at the same level, and that the neighbouring property possesses French Doors to a habitable room on the main rear elevation of the dwelling, as well as additional windows facing towards the appeal site on the rear offshoot. I have also had regard to the Council's assessment of the height of the existing boundary wall between the neighbouring properties as being 2 metres, albeit that it was evident from my observations on site that the wall was in excess of 2 metres height along its length parallel to the rear off-shoot, sloping up to in excess of 3 metres height within the first 2 metres abutting the rear of the appeal property.
6. On the basis of my observations of the disposition of windows on the neighbouring property, I consider that these windows would undoubtedly be affected by the scale and proximity of the proposed extension along the boundary. However, in noting the scale and height of the existing boundary wall, the proposed extension would not result in a substantial increase above the existing boundary treatment, particularly where the boundary wall slopes up towards the main rear elevation. Whilst I accept that there would be the potential for some additional impact on the daylight afforded to the neighbouring ground floor habitable room windows, I am satisfied that this would be relatively limited in the context of the existing situation, and that this would not result in an overall unacceptable impact on light. I also note the Council's conclusion regarding the orientation of the extension from neighbouring windows not resulting in the potential for overshadowing, which is a conclusion with which I would agree. In respect of outlook, I accept that this would alter from habitable rooms through the affected windows, but again due to the existing context, that overall it would remain acceptable.
7. Neither the Council nor interested parties have raised any concern over the potential for a loss of privacy as a consequence of the proposal, and on the basis of the design of the proposed extension I am also satisfied that there would not be an unacceptable impact on privacy.

## **Conclusion**

8. For the reasons given above, I conclude that the appeal should be allowed and approval granted. In granting approval the Appellant should note that the GPDO requires at Paragraphs A4 (13), (14) and (15) that the development shall be completed on or before 30th May 2019 and that the developer shall notify the local planning authority in writing of the completion of the

development as soon as reasonably practicable after completion. Such notification shall include the name of the developer; the address or location of the development, and the date of completion.

*M Seaton*

INSPECTOR