
Appeal Decision

Site visit made on 15 March 2016

by Roy Merrett BSc (Hons) DipTP MRTPI

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

Decision date: 06 April 2016

Appeal Ref: APP/A4520/D/15/3141036
7 Marsden Road, Cleadon, South Tyneside SR6 7RA

- 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 and Mrs Bal Kandola against the decision of South Tyneside Metropolitan Borough Council.
 - The application Ref ST/1046/15/HFUL, dated 27 October 2015, was refused by notice dated 15 December 2015.
 - The development proposed is resubmission of previous refusal for the demolition of the existing garage, and flat roofed rear offshoots, extending the existing bungalow to both sides and rear and constructing additional rooms in the new roofspace. A new garage will be constructed with store cupboard, shower room, utility, kitchen, familyroom/dining room, lounge and living room extension with associated internal alterations to the ground floor, and en-suite bedrooms to first floor level. There will be a new front bay window to the living room, 3 no. new front dormers with a front rooflight to the staircase, 2 no. rooflights to the side elevation (facing no. 9 Marsden Road) and 3 no. new dormers with 6 no. rooflights to the rear. A new chimney will be constructed to the side elevation facing no. 5 Marsden Road. The existing concrete driveway will be replaced with block paving.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the dwelling and the Cleadon Conservation Area (CA) and ii) the living conditions of the residents of 9 Marsden Road in terms of outlook and daylight.

Reasons

Character and Appearance

3. The dwelling is situated within the Cleadon Plantation part of the CA which is generally characterised by dwellings of various types and sizes set within spacious landscaped plots. Although the properties along Marsden Road vary in form and appearance, these defining characteristics are evident in terms of spacious plots and mature boundary trees and hedges.
 4. Whilst the proposal would incorporate a hipped roof, in keeping with the design of the existing bungalow and would retain plenty of garden space to the rear, it
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- would constitute a major alteration to the appearance of the dwelling in what is a prominent location. The extensions would take up most of the plot width and result in a marked increase in the height and bulk of the roof. The combination of these effects would result in the dwelling appearing cramped and excessively dominant within its plot. The proposal would therefore be in conflict with the South Tyneside Local Development Framework CA Management Plan (SPD 14) 2009 which states that extensions should not dominate the scale of the existing building. It would also visually jar with the shorter bungalows on either side to the detriment of the street scene.
5. In addition the lack of alignment between the proposed front dormer windows and ground floor fenestration would be detrimental to the existing symmetry of the main front elevation.
 6. The appellants have referred to various sites within the CA where they consider significant changes have been permitted. I noted during my visit that No 23 The Crescent is substantially set back from the highway, No 58 Whitburn Road is a two storey dwelling situated opposite other dwellings of similar height and that the land to the rear of 4 Boldon Lane is a very substantial plot, well screened from the northern approach by tall conifer trees. It is undisputed by the parties that 1 Marsden Road is not as tall as the proposal in this case.
 7. I have not been provided with information explaining how the development of these sites was found to be acceptable however the dwellings in question differ from the appeal site in various ways depending on the case including orientation, scale, prominence and context. As such they are not directly comparable to the proposal currently before me. These cases therefore have very limited weight in terms of supporting the proposed development.
 8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, the development would cause non-substantial harm to the character and appearance of the CA and I must give this significant weight in my decision.
 9. In such circumstances, where harm is identified to the significance of a designated heritage asset, the National Planning Policy Framework requires that this harm is weighed against the public benefits of the proposal. In this case additional living accommodation would be provided, however this is not sufficient to outweigh the harm I have identified. Neither is the existing bungalow, with the neat symmetry of its frontage, of such run down appearance that it would justify the introduction of fresh materials associated with the new development.
 10. The proposal would therefore be in conflict with Policies DM1 (criterion A) and DM6 of the South Tyneside Local Development Framework 2011 (LDF) which amongst other things seek to ensure high quality design which conveys sensitive consideration to its surroundings and which supports and enhances the character and appearance of heritage assets.

Living Conditions

11. The windows in the side elevation of No 9 are very close to the boundary fence and beyond this the appellants' garage wall. Whilst this close relationship

limits outlook from and daylight available to the neighbour's habitable room, the extensions to the roof, notwithstanding the hipped design, and rear elevation would noticeably worsen the standards of outlook and light currently experienced. The proposal would therefore have a detrimental impact on the enjoyment of this room.

12. Accordingly the development would be in conflict with Policy DM1 (criterion B) of the LDF insofar as it seeks to protect the living conditions of residents.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR