The Planning Inspectorate

Appeal Decision

Site visit made on 23 May 2023

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/A4520/D/23/3317731
5 Woodlands Terrace, South Shields NE33 2ET

- 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 Imran Uddin against the decision of South Tyneside Metropolitan Borough Council.
- The application Ref ST/0011/23/HFUL, dated 29 December 2022, was refused by notice dated 2 March 2023.
- The development proposed is two storey extension over existing kitchen offshot – bathroom & shower room to first floor with balcony above. New side window to existing rear offshot.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been amended in the banner heading above to omit wording that is not a description of development.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 4 Woodlands Terrace (No.4) with particular regard to overshadowing, outlook, day light impacts and any overbearing impact.

Reasons

4. The appeal property is a terraced residential dwelling. It is situated within a traditional and well-established residential area of terraced properties set on a pattern of main streets and rear lanes with small back yards.

5. The properties appear to have commonly been developed to extend outwards towards the rear lanes, particularly at ground floor level and this is the case at the appeal site and No.4

6. The proposal appears to have been revised from a previous submission (ST/0167/22/HFUL) and subsequent refusal which was the subject of an unsuccessful appeal (APP/A4520/D/22/3304604). Whilst I have not been supplied with full details of that scheme, the evidence indicates that the proposed extension has been set back further away from No.4, such that it would be in line with the main full height off shot as opposed to the existing single storey ground floor off shot at the appeal property.

7. However, even accounting for this set off, the proposal would be very apparent and would rather loom over the neighbouring property in views from both the window and French doors which serve the kitchen/dining room within the rear off shot of that property at ground floor level, obscuring a significant section of the existing outlook towards the sky. This would particularly be the case by reason of its depth and extension out towards the back lane.

8. The extension, in the form proposed, by reason of its bulk, mass, design and positioning would result in significant adverse impacts on the living conditions of the occupiers of No.4 by reason of the significant reduction in outlook and overbearing effect that would arise. The same characteristics are likely to result in a reduction of daylight to the neighbouring property, as well as a reduction in sunlight, particularly during the latter part of the day which would further harm the living conditions of the occupiers of No.4.

9. Subsequently, the proposal would conflict with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (2011) which amongst other things requires that the development is acceptable in relation to any impact on residential amenity. There would also be conflict with SPD[1] guidance which states that amongst other things it is important that objectives are met including that there is no unacceptable impact on the amenity of neighbours in relation to outlook and over dominance.

Other Matters

10. I was able to observe the extensions at No.2 and No.3 Woodlands Terrace during my visit to the site. However, I noted that both first floor elements on the off-shots were set back from the rear lane. I also noted that both of these properties which have elements facing each other incorporate similar extensions which is likely to have a balancing effect in terms of the respective impacts on living conditions. I therefore afford the presence of these extensions limited weight.

Planning balance and conclusion

11. There is nothing to indicate that the decision should me made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR

[1] South Tyneside Local Development Framework SPD 9: Householder Developments - December 2010.