The Planning Inspectorate

Appeal Decision

Site visit made on 6 February 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st February 2024

Appeal Ref: APP/A4520/D/23/3332957
28 Duchess Crescent East, Jarrow NE32 5QR

- 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 David Taylor against the decision of South Tyneside Council.
- The application Ref ST/0552/23/HFUL, dated 18 July 2023, was refused by notice dated 10 November 2023.
- The development proposed is first floor extension.

Decision

1. The appeal is allowed and planning permission is granted for proposed first floor extension at 28 Duchess Crescent East, Jarrow, NE32 5QR in accordance with the terms of the application, Ref ST/0552/23/HFUL, dated 18 July 2023, 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 approved plans: Site Location Plan, Existing Plans Drawing. No. A1 Revision 01 and Proposed Plans Drawing no. A2 Revision 02; and

   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.

Preliminary Matters

2. The description of development on the application form makes reference to the submitted plans. I have removed this wording in the banner heading above as this is not an act of development in itself. During the appeal, a new version of the National Planning Policy Framework (the Framework) came into effect but there are no material changes relevant to the substance of the appeal.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 26 Duchess Crescent East, with regard to outlook and daylight.

Reasons

4. The semi-detached appeal property has an existing ground floor extension at the shared boundary with 26 Duchess Crescent East. The proposed first floor extension would result in a noticeable difference in built form in views from the rear facing windows of No 26. South Tyneside Local Development Framework

SPD9: Householder Developments (revised 2014) (SPD) provides generalised advice on the effect of extensions on neighbouring properties and states that a reasonable outlook from habitable room windows should be maintained.

5. The kitchen at No 26 is served by two windows. The outlook from the patio doors nearest the appeal property is partially obscured by the existing extension, but otherwise has an open outlook towards the surrounding rear gardens. The roof pitch would angle away from No 26, however the proposal would not be set away from the shared boundary, introducing a blank brick wall in proximity to the upstairs bedroom window of No 26. Nonetheless, despite the visual change the proposal would not be dominant in views or have an overbearing effect given that the predominantly open aspect would be largely preserved. A reasonable outlook for the occupiers of No 26 from the ground and first floor windows would be maintained and the proposal would be in line with the guidance in the SPD as a consequence.

6. The Council has concerns regarding daylight levels at No 26 in reference to Building Research Establishment (BRE) guidance to achieving good daylighting within buildings. The BRE guidance provides advisory standards which should be interpretated flexibly and in relation to site specific circumstances. It is not disputed that there would be no over shadowing owing to the orientation of the appeal property to the north of No 26. Even if the proposal would break the 45-degree rule, No 26 has east facing windows that are not unduly small and have an open aspect. While the proposal would obscure more of the sky than the existing situation, the reduction in the amount of daylight the ground and first floor rooms at No 26 would receive would not be significant and would not diminish the living conditions of the occupiers.

7. Accordingly, the proposal would not have an unacceptable effect on the living conditions of the occupiers of 26 Duchess Crescent East, with regard to outlook and daylight and accords with Policy DM1 of the South Tyneside Local Development Framework Development Management Policies (2011). Amongst other things this policy requires development to be acceptable in relation to any impact on residential amenity.

Conditions

8. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable in the interests of certainty. I have also imposed a materials condition in the interests of the character and appearance of the area.

Conclusion

9. For the reasons given above the proposal accords with the development plan, read as a whole. There are no material considerations that indicated that I should take a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR