

# Item 9

## DEVELOPMENT CONTROL COMMITTEE

5<sup>th</sup> December 2008

### Report of the Director of Neighbourhood Services

#### RECENT PLANNING APPEAL DECISION

The following planning appeal decision is reported for information purposes:

128 HIGH STREET, BYERS GREEN

#### APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse the erection of a two-storey extension to the rear of number 128 High Street, Byers Green (*planning reference: 7/2008/0021/DM*).



The application was refused for the following reasons:

- 1. The proposed development would, by virtue of its position and size, contravene the 45-degree code, which is enshrined within the February 2006 adopted 'Residential Extensions Supplementary Planning Document'. In the opinion of the Local Planning Authority, the consequent reduction of natural day lighting to number 126 High Street would be likely to lead to an unacceptable adverse impact upon the residential amenities of the present and future occupiers of that dwelling, contrary to Policy H15 (Extensions to dwellings) of the Sedgfield Borough Local Plan.*
- 2. In the opinion of the Local Planning Authority, the proposed flat roof construction of the extension would result in an unsatisfactory design. Notwithstanding the presence of other flat roofed extensions in the locality, the proposed development would perpetuate poor design, contrary to the February 2006 adopted 'Residential Extensions Supplementary Planning Document', which states that flat roofs are especially inappropriate on two storey extensions. As*

*such, the proposal would be contrary to Policies H15 (Extensions to dwellings), and D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.*

This appeal was heard by way of a written representation.

## **APPEAL DECISION**

In the inspector's decision letter dated 12 November 2008 (a copy of which is attached to this report), the appeal was dismissed.

## **ANALYSIS OF THE APPEAL DECISION**

The inspector in dismissing this appeal considered that:

- The main issues were the effect of the proposed extension on the character and appearance of the terrace, and on the living conditions of the occupiers of number 126 High Street in terms of outlook and overshadowing,

### *Character and appearance of the terrace:*

- Almost all rear extensions in this rear street scene extend for only half the width giving some rhythm and uniformity. The only other full width extension (at no.130) appears incongruous, and does not represent a precedent which would be desirable to follow,
- The appeal proposal would have a detrimental effect open the character and appearance of this terrace, conflicting with the requirements of Policy H15,

### *Living conditions of the occupiers of 126 High Street:*

- Whilst neighbours have not objected to the proposal, this does not provide justification for accepting a substandard and harmful arrangement which would conflict with Local Plan Policies D1 and H15, as well as the Councils RESPD.
- The proposal would have a detrimental effect on the living conditions of occupiers of 126 High Street in terms of outlook and overshadowing.
- The applicant's desire for additional space to accommodate growing family needs does not represent sufficient reason to override the aforementioned planning objections.

## **CONCLUSION**

In conclusion, the inspector is considered to have rightly identified the harmful effect this rear extension would have on the character and appearance of this setting and on the living conditions of the occupiers of number 126 High Street. This decision is an important one in that it strengthens the role of the authority's adopted RESPD and Local Plan Policies H15 and D1 for use in future applications of this nature, as well as reaffirms any doubt that lack of neighbour objections and family needs does not overrule poor, unacceptable design contrary to adopted planning policy.



# Appeal Decision

Site visit made on 10 November 2008

by **Graham E Snowden** BA BPhil Dip  
Mgmt MRTPI

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

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Decision date:  
12 November 2008

**Appeal Ref: APP/M1330/A/08/2081170**

**128 High Street, Byers Green, Spennymoor, County Durham DL16 7NP**

- 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 Mrs Pamela Green against the decision of Sedgefield Borough Council.
- The application Ref 7/2008/0021/DM, dated 22 December 2007, was refused by notice dated 6 March 2008.
- The development proposed is a two storey rear extension.

## Decision

1. I dismiss the appeal.

## Main Issues

2. The two main issues are the effect of the proposed extension on, firstly, the character and appearance of the terrace and, secondly, the living conditions of the occupiers of 126 High Street in terms of outlook and overshadowing.

## Reasons

### *Character and appearance of the terrace*

3. High Street is lined with two storey terrace housing, typical of the Durham Coalfield area. Most of the dwellings in the adjacent terrace of 13 units take off the back of the footway, but the appeal property is one of an end of terrace grouping of three, which is set back behind a shallow front garden. The terrace is much altered and most of the properties have rear extensions, nine of which are two storey in height and are nearly all flat-roofed.
4. The Council has adopted in 2006, as a Supplementary Planning Document (SPD), Guidance on Residential Extensions. This recommends that roofing design should match that of the existing dwelling and I can fully appreciate the Council's preference, in this instance, for a pitched roof. However, in my view, such a design solution, in the context of a predominance of flat roofed extensions would introduce a jarring feature in the rear street scene and I consider that insistence on such a solution could not necessarily be justified here. Nevertheless, almost all the rear extensions extend for only half the width of the rear elevation of the unit in question and this gives some rhythm and uniformity to the otherwise rather haphazard rear elevation of the terrace. Although the unit to the south of the appeal property (no 130) has a two storey extension extending the full rear width, this is the only exception and, in my

view, looks incongruous. It does not represent a precedent, which it would be desirable to follow.

5. I, therefore, consider that the appeal proposal would have a detrimental effect on the character and appearance of the terrace and, in this respect, would conflict with the requirements of Policy H15 in the Sedgefield Borough Local Plan (Local Plan).

*Living conditions of the occupiers of 126 High Street*

6. The main rear elevation of 126 High Street is set back from the appeal property. This, combined with the existing projecting single storey extension at the appeal property, its own existing two storey extension and single storey outhouse, which extends to the rear boundary, creates a somewhat oppressive and overbearing outlook from the existing ground floor window on the rear elevation. The proposed two storey extension, which would project beyond the existing single storey extension, would increase the sense of enclosure for occupants of the neighbouring property and, being located to the south-east, would restrict light available to both the ground and first floor rear windows.
7. Whilst I appreciate that the neighbours have not objected to the proposal, I do not consider that this provides justification for accepting a substandard and harmful arrangement, which, in my view, would conflict with the requirements of Local Plan Policies D1 and H15, as well as departing from advice in the Council's SPD.
8. On this issue, therefore, I conclude that the proposal would have a detrimental effect on the living conditions of the occupiers of 126 High Street in terms of outlook and overshadowing.

*Conclusion*

9. I have sympathy with the appellant's desire for additional space to accommodate growing family needs, but this does not represent sufficient reason to override the planning objections I have identified. Therefore, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G E Snowdon*

INSPECTOR