

Item No.4

Appeals Received North Sunderland

Between 01/03/2009 and 31/03/2009

<u>Ref No</u>	<u>Address</u>	<u>Description</u>	<u>Date Appeal Lodged</u>
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NONE

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## Appeals Determined North Sunderland

Between 01/03/2009 and 31/03/2009

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Team	Ref No	ADDRESS	Descriptio	Appeal Decision	Date of Decision
N	08/00053/REF	104 Baltimore Avenue Sunderland SR5 4QX	Erection of conservatory to front of dwelling and new boundary fence and wall to front and side of property.	DISMIS	05/03/2009



# The Planning Inspectorate

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Mr K Scott  
 Sunderland City Council  
 Development And Regeneration  
 Po Box 102  
 Civic Centre  
 Sunderland  
 SR2 7DN

Your Ref: 08/02138/FUL  
 Our Ref: APP/J4525/A/08/2090209/WF  
 Date: 5 March 2009

Dear Mr Scott

**Town and Country Planning Act 1990**  
**Appeal by Mr Mark Liddle**  
**Site at 104 Baltimore Avenue, Town End Farm, Sunderland, SR5 4QX**

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm) - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
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Yours sincerely

Amanda Baker



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# Appeal Decision

Site visit made on 10 February 2009

by **Anthony Lyman BSc(Hons) DipTP  
MRTPI**

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

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Decision date:  
5 March 2009

**Appeal Ref: APP/J4525/A/08/2090209**

**104 Baltimore Avenue, Sunderland, Tyne and Wear, SR5 4QX**

- 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 Mark Liddle against the decision of Sunderland City Council.
- The application Ref 08/02138/FUL, dated 21 May 2008, was refused by notice dated 24 September 2008.
- The development proposed is a Victorian conservatory to be built to the front of dwelling. Removal of existing side fence and front fence to be replaced by:- side fence – 5 brick columns with wrought iron railings in between; front fence – 100mm wood planks with 25mm spacing.

## Decision

1. I dismiss the appeal.

## Main issues

2. I consider that the main issues relating to this appeal are the effects of the proposed development on, i) the character and appearance of the local area; ii) the living conditions of neighbours.

## Reasons

### *Character and appearance*

3. The appeal property is in a prominent position at the corner of two rows of modern terraced houses at right angles to one another. The front of the house faces Beatty Avenue which is a pedestrian only thoroughfare flanked by rows of similar houses. The side elevation of the property faces Baltimore Avenue. There are small gardens to the side and front of the dwelling which are very open to public view. However, because of the juxtaposition with the terraces to either side, the house has no rear access or private rear garden. The proposal is to erect a conservatory on the front elevation and to build a brick and wrought iron boundary fence to Baltimore Avenue and a timber fence to the front.
4. The two rows of terraces fronting onto Beatty Avenue are only approximately 18m apart, separated by small front gardens and the central pathway. None of these houses has been extended significantly to the front and the avenue retains its original planned appearance with strong building lines, as replicated in neighbouring roads on this housing estate. The proposed conservatory would project about 3.1m from the front of the house and would look visually



intrusive in this largely unaltered streetscene of Beatty Avenue. The impact would be exaggerated by the building's prominent corner position.

5. The existing fencing to the property is approximately 1.2m high and is similar to most of the boundary treatments throughout the area, especially in Beatty Avenue. The proposed fencing to the front of the house would match the existing fence in style and materials although it would be about 1.7m high. Along the boundary with Baltimore Road the brick pillars would be 1.8m high with wrought iron railings between the columns. The appellant argued that the increased height of the boundary treatments would enhance privacy and security for his family. I have sympathy for the appellant on this point especially as the property, unlike most neighbouring houses, lacks private rear space. However, I consider that the fencing, particularly that facing Beatty Avenue, would appear incongruous and harm the appearance of the area.
6. The appellant supplied photographs of other properties in the same area, which had extensions and in some cases had boundary walls similar to that proposed. I saw many of these examples on my site visit. However, the majority of extensions appeared to be on the side of the houses. The Council also argued that many were erected before the adoption of the City of Sunderland Unitary Development Plan (UDP), the Supplementary Planning Guidance - Development Control Guidance (SPG) and the Supplementary Planning Document - Householder Alterations and Extensions (SPD). Furthermore, the Council confirmed that a nearby similar boundary wall, which the appellant claimed set a precedent, had not been authorised. Therefore, I conclude on this issue that the proposed development, by virtue of its scale and siting would be detrimental to the character and appearance of the area, contrary to Policy B2 of the UDP and the provisions of the SPG and the SPD.

*Living conditions of neighbours*

7. The proposed conservatory would be about 15m from the front windows of the house on the opposite side of Beatty Avenue. The 1.7m high wooden fence would be even closer. Although the proposal would involve the removal of large conifers which currently dominate the neighbour's outlook, the proximity of the tall fence and the conservatory would be visually intrusive. The existing distance between the facades is already less than the 21m required in the SPG. The further reduction caused by the conservatory would be unacceptably harmful to the neighbour's outlook and privacy and would be contrary to the SPG and Policy B2 of the UDP.

**Conclusion**

8. I have considered the appellant's arguments in favour of the proposal including energy conservation, security and the need for more space. However, the harm that would be caused to the streetscene and the neighbour's living conditions would outweigh these benefits. Therefore, for the reasons given, and having considered all other matters raised, I dismiss the appeal.

*Anthony Lyman*

INSPECTOR