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## Appeals Received South Sunderland

Between 01/02/2010 and 28/02/2010

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Ref No	Address	Description	Date Appeal Lodged
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# Appeals Determined Sunderland South

## Between 01/02/2010 and 28/02/2010

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00030/CONDS	43 Ashdown Road Sunderland SR3 3HU	Variation of condition4 of planning permission 01/00480FUL to extend permitted opening hours from 20.00hours to 23.00hours and to allow trading on bank holidays.	DISMIS	25/02/2010
	09/00039/REF	207 Chester Road Sunderland SR4 7TU	Change of use from A1 ( Retail ) to mixed use A1 ( Retail ) and A3 ( Cafe with double garage to the side.	APPC	02/02/2010
	09/00045/REF	Silksworth Video Centre Unit 1 Tunstall Village Road Sunderland SR3 2AZ	Change of use to hot food takeaway (Use Class A5) to include extraction facilities to rear elevation.	APPC	25/02/2010
	09/00046/REF	28 Bishops Way Sunderland SR3 2SJ	Erection of 2 storey front extension and increase in height of dwelling	DISMIS	03/02/2010
	09/00047/REF	12 Estuary Way Sunderland SR4 0RS	Erection of a conservatory to the rear.	APPC	16/02/2010



# Appeal Decision

Site visit made on 8 February 2010

by Kevin Ward BA (Hons) MRTPI

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

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Decision date:  
25 February 2010

**Appeal Ref: APP/J4525/A/09/2110321**

**43 Ashdown Road, Sunderland, Tyne and Wear SR3 3HU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Mandeep Gill against the decision of Sunderland City Council.
- The application Ref 09/01259/VAR, dated 31 March 2009, was refused by notice dated 19 June 2009.
- The application sought planning permission for the change of use from bakers/cold sandwich shop (A1) to a hot food takeaway (A3) without complying with a condition attached to planning permission Ref 01/00480/FUL, dated 17 May 2001.
- The condition in dispute is No. 4 which states that: The premises shall not be operated for the purposes hereby approved between the hours of 8.00pm and 8.30am on weekdays and Saturdays nor at any time on Sundays or Bank Holidays.
- The reason given for the condition is: In order to protect the amenities of the area and to comply with policy S12 of the UDP.

## Decision

1. I dismiss the appeal.

## Main Issue

2. The main issue is whether condition No.4 is reasonable and necessary in order to protect the living conditions of the occupiers of nearby dwellings in relation to noise and disturbance.

## Reasons

3. The appellant is seeking the extension of opening hours to 23.00 hours Monday to Saturday and to be able to open on Bank Holidays.
4. Policy S12 of the City of Sunderland Unitary Development Plan (UDP) allows for hot food takeaways in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety.
5. The Supplementary Planning Guidance: Development Control Guidelines (SPG) was subject to public consultation and formally adopted by the Council. It therefore carries significant weight. Section 9 of the SPG provides guidance on hot food takeaways and other uses which at the time were in Use Class A3. In predominantly residential areas, Paragraph 9.1a (ii) of the SPG seeks to avoid

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such uses in shopping parades of 10 or less units where the nearest dwellings are less than 50m away.

6. The appeal property sits within a parade of 6 units. A general store/off licence occupies two of the units. Ashdown Road and the surrounding area generally are predominantly residential and there are a number of dwellings within 50m of the appeal property, including flats above the shops. Under such circumstances a hot food takeaway would be contrary to the guidance in the SPG.
7. There are no other hot food takeaways in the parade. It appears that the general store/off licence closes at 21.00 hours and that none of the other units are likely to generate late night activity. Given this context, the extension of opening hours at the appeal property until late at night would introduce additional activity at times when the parade of shops is likely to be otherwise relatively quiet. Whilst there is no evidence of particular problems of noise and disturbance associated with the appellant's business, the extension of opening hours sought would inevitably lead to customers coming and going late at night when background noise levels are likely to be lower and local residents are entitled to expect a reasonable level of tranquillity. Given the close proximity of a number of dwellings, the potential for noise and disturbance to affect the living conditions of those living nearby is therefore significant.
8. Although some of the other businesses in the parade may operate on Bank Holidays, it is likely that the overall level of activity outside the shops and along the street in general would be reduced on such days and the additional activity associated with the hot food takeaway would be noticeable. Again, I consider that those living in a predominantly residential area are entitled to expect a reasonable level of peace and quiet on Bank Holidays.
9. I note the appellant's argument that extended opening hours would assist the viability of the business and that there is competition from a mobile catering unit. I also note the support for extended opening hours from a significant number of local residents. However, these factors do not outweigh the harm that is likely to occur as a result of extended opening hours.
10. I find nothing in terms of the particular circumstances of the appeal that justify relaxing the current restrictions on opening hours therefore.

### **Conclusion**

11. For the above reasons and taking account of other matters raised I find that condition No.4 is reasonable and necessary in order to protect the living conditions of the occupiers of nearby dwellings in relation to noise and disturbance and in the light of Policy S12 of the UDP and guidance within Section 9 of the SPG. I conclude therefore that the appeal should be dismissed.

*Kevin Ward*

INSPECTOR





# Appeal Decision

Site visit made on 12 January 2010

by Kevin Ward BA (Hons) MRTPI

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Decision date:  
2 February 2010

**Appeal Ref: APP/J4525/A/09/2115541**

**207 Chester Road, Sunderland, Tyne and Wear SR4 7TU**

- 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 Christopher Davies against the decision of Sunderland City Council.
- The application Ref 09/01826/FUL, dated 13 May 2009, was refused by notice dated 7 July 2009.
- The development proposed is a change of use to mixed use for the purposes of retail and food preparation for consumption on and off the premises. ~~Construction of a 2-car garage.~~

## Decision

1. I allow the appeal and grant planning permission for the change of use from A1 (Retail) to mixed use A1 (Retail) and A3 (Café) with double garage to the side at 207 Chester Road, Sunderland, Tyne and Wear SR4 7TU in accordance with the application Ref 09/01826/FUL, dated 13 May 2009, 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 plans submitted with the application Ref 09/01826/FUL.
- 3) The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing building. Where matching materials are not available, no development shall take place until samples of the materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

## Procedural Matter

2. The description of the proposed development set out in the heading above is taken from the application form. In the interests of clarity I have used the description set out in the Council's decision.

## Main Issue

3. The main issue is the effect of the proposed development on highway safety.



## Reasons

4. The ground floor of the appeal property is currently in use as a newsagent with an area of seating for the consumption of food and drinks purchased on the premises. Some outdoor seating is also provided in front of the premises. The Council accepts that the existing sale and consumption of food and drink is ancillary to the main retail use. Given the information submitted with the application, the Council appears to have assessed the proposal on the basis that it could result in an increase in the number of internal seats from 8 to 20. As the proposal relates to a change to mixed use, retaining some retailing, and taking account of the size of the premises, I consider that this is a reasonable basis to determine the potential increase in activity relating to the sale and consumption of food and drink.
5. There are parking restrictions along this stretch of Chester Road, including immediately outside the appeal property. At the time of my site visit I saw that on street parking was prevalent along the side streets, including on Grindon Terrace close to the appeal property, with little capacity to accommodate additional vehicles.
6. The Council's parking standards for A3 uses relate to either floorspace or the number of seats. The Council's appeal statement refers to a parking requirement for the A3 use of either 5 or 2.5 spaces. It is not clear from the information before me how the Council calculated the parking requirement of 5 spaces. Taking the parking standard of 1 space per 8 seats, the potential increase of 12 internal seats would result in an additional requirement for 1.5 spaces.
7. I agree with the Council that, given the configuration of the proposed garage and its door, it is unlikely to realistically accommodate more than one vehicle. The first floor of the appeal premises is currently used for storage. Whilst it may be that residential use could return I understand that there is no dedicated off street parking for the premises at present. The proposed garage would result in one additional off street parking space, regardless of the use of the first floor. I find therefore that, whilst not available for customers, the garage is likely to have some benefits in terms of reducing demand for on street parking in the immediate area.
8. I accept that the proposed change of use would be likely to result in increased demand for on street parking in the immediate area. However, the existing retail and ancillary A3 use of the premises is already likely to be generating demand for parking. I consider that the proposed increase in the internal space dedicated to A3 use is not such that it is likely to result in a significant increase in demand for on street parking compared with the existing situation. Furthermore, the increased demand would be offset to some extent by the provision of the garage. I note the Council's concern over potential parking along Chester Road. However, there is no evidence that the proposed change of use would increase the tendency to park in the restricted area to any significant extent compared with the existing use. In any case I see no reason to suggest that parking restrictions would not be enforced.



9. I find therefore that the proposed development is not likely to result in any significant adverse effect on highway safety and it is therefore in accordance with Policy T14 of the City of Sunderland Unitary Development Plan.
10. I note the Council's reference to an appeal decision relating to 177/179 Chester Road. I am not aware of the detailed circumstances that applied in the case of that appeal. However, it appears to have concerned an expansion of a hot food takeaway (A5 use) into an adjacent shop unit. The current proposal at No.207 involves the reconfiguration of the internal space of an existing unit to increase the proportion of A3 use whilst retaining A1 use, along with the provision of off street parking space in a garage. I have therefore considered the appeal on its own merits in the light of the particular circumstances that apply in this case.

### Conditions

11. The Council has suggested conditions should the appeal be allowed. I agree that for the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with approved plans is necessary. I also agree that a condition to ensure that the materials of the proposed garage match those of the existing building is required in the interests of the character and appearance of the area.
12. The application is clear that an element of retail use would remain. Along with the size of the premises, this would inevitably limit the capacity of the A3 use and the amount of floorspace taken up by it. A marginal increase in the number of seats above the indicative figure of 20 would not in my view have any significant effect on highway safety. A condition to restrict the number of tables and seats would therefore be unnecessary and unduly onerous.

### Conclusion

13. For the above reasons and taking account of other matters raised I conclude that the appeal should succeed.

*Kevin Ward*

INSPECTOR





# Appeal Decision

Site visit made on 8 February 2010

by Kevin Ward BA (Hons) MRTPI

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

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Decision date:  
25 February 2010

**Appeal Ref: APP/J4525/A/09/2118240**

**Unit 1, Tunstall Village Road, Silksworth, Sunderland, Wearside SR3 2AZ**

- 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 Martin Oppenheimer (Thrower Stone Group) against the decision of Sunderland City Council.
- The application Ref 09/03759/FUL, dated 4 October 2009, was refused by notice dated 27 November 2009.
- The development proposed is a change of use to hot food takeaway (Use Class A5).

## Decision

1. I allow the appeal and grant planning permission for a change of use to hot food takeaway (Use Class A5) at Unit 1, Tunstall Village Road, Silksworth, Sunderland, Wearside SR3 2AZ in accordance with the terms of the application Ref 09/03759/FUL, dated 4 October 2009 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) Notwithstanding any details shown on the approved plans, the use hereby permitted shall not take place until a scheme to control odours and fumes has been submitted to and approved in writing by the local planning authority and the scheme has been implemented. The equipment to control odours and fumes shall be thereafter retained as approved, operated during opening hours and maintained in accordance with the manufacturer's specifications.
  - 3) The use hereby permitted shall not take place outside the following times:  
08.00 to 23.30 Hours

## Main Issues

2. The main issues are the effects of the proposed change of use on:
  - a) The living conditions of the occupiers of nearby dwellings in terms of odours, noise and disturbance.
  - b) Highway safety.



## Reasons

### *Living conditions*

3. Policy S12 of the City of Sunderland Unitary Development Plan (UDP) allows for hot food takeaways in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety.
4. The Supplementary Planning Guidance: Development Control Guidelines (SPG) was subject to public consultation and formally adopted by the Council. It therefore carries significant weight. Section 9 of the SPG provides guidance on hot food takeaways and other uses which at the time were in Use Class A3. In predominantly residential areas, Paragraph 9.1a (ii) of the SPG seeks to avoid such uses in shopping parades of 10 or less units where the nearest dwellings are less than 50m away.
5. The appeal property sits within a parade of 4 units. The surrounding area is largely residential in character although this stretch of Tunstall Village Road itself has a mix of residential, commercial and community uses. There is a dwelling adjoining the appeal property and others within 50m.
6. I accept that the proposed change of use would be likely to increase the level of activity in front of the parade and in the immediate area, particularly in the evening. This would include some customers inevitably visiting the premises by car and parking in nearby residential streets.
7. However, there are two existing hot food takeaways in close proximity to the appeal property. One at the other end of the parade (Unit 4) and the other on the corner of Aline Street and the access road to the rear of the shop units and Londonderry Mews. I am not aware of any restrictions on the opening times of these other businesses and it appears that they remain open well into the evening. I have also taken account of the fact that an A1 use could be operated from the appeal property and that it was previously run as a video rental shop. Again I am not aware of any restrictions on the opening hours for an A1 use and it could potentially operate into the evening.
8. The existing hot food takeaways and an A1 use at the appeal property are therefore likely to generate a certain level of activity through the coming and going of customers and parking in nearby residential streets. This activity is already likely to extend well into the evening.
9. Furthermore, Tunstall Village Road appears to be reasonably well trafficked and is a bus route with a bus stop in front of Londonderry Mews. This is likely in itself to generate a degree of activity and background noise into the evening. In addition, the houses in Londonderry Mews are set back by some 9m from the frontage of the appeal property. I consider that this would reduce the impacts of any additional noise and disturbance from the proposed change of use.
10. I consider therefore that the additional activity associated with the proposed change of use is not likely to result in a noticeable increase in noise and disturbance to the occupiers of Londonderry Mews or other nearby properties



compared with the existing situation, particularly if opening hours are controlled through a condition. The application plans show an extraction outlet to the rear of the appeal property. This would be set back from the rear elevation of 5 Londonderry Mews however. In addition I see no reason why a system to adequately control odours and fumes could not be installed. This is a matter that can be dealt with by a condition.

11. I find that the proposed change of use would not cause any significant harm to the living conditions of the occupiers of nearby dwellings in terms of odours, noise and disturbance. In the light of the above I find that the particular circumstances of the appeal proposal justify departing from Paragraph 9.1a (ii) of the SPG, particularly given that the appeal premises appear to have been vacant for some considerable time.

#### *Highway safety*

12. There are parking restrictions in front of the appeal property along Tunstall Village Road and around the junction with Blind Lane and Aline Street. These prohibit parking at any time. However, on street parking is unrestricted further along Aline Street and the streets leading from it, including the access road to the rear of the shop units and Londonderry Mews. This rear access road is linked to Tunstall Village Road by a footpath running between Unit 4 of the parade and Marquis Court. In my view, there is adequate unrestricted space available on streets in close proximity to the appeal property to accommodate additional demand for parking as a result of the proposed change of use, particularly bearing in mind that an A1 use would itself generate some demand for parking.
13. I accept that parking near the junction on Tunstall Village Road and in the bus lay-by would have an adverse effect on highway safety and the effective operation of the bus stop. I also note the history of personal injury accidents in the vicinity of the junction. I acknowledge that some customers of the proposed hot food takeaway may be tempted to park in front of the appeal property. However, the parking restrictions are clear and I see no reason to suggest that they would not be enforced. In my view, it is likely that the availability of unrestricted on street parking nearby would be apparent to most of those familiar with the area. Furthermore, there is no substantive evidence that the proposed change of use would increase the tendency of customers to park in the restricted area to any significant extent compared with an A1 use.
14. I find therefore that the proposed change of use would not cause any significant harm to highway safety.

#### **Conditions**

15. The Council has suggested conditions should the appeal be allowed. I agree that given the information submitted with the application and in order to safeguard the living conditions of those occupying dwellings adjacent to the appeal property, a condition relating to a scheme to control odours and fumes is required. I have amended the suggested wording in the interests of clarity however.
16. I also agree that the operating hours of the hot food takeaway should be controlled in order to safeguard the living conditions of local residents.



However, in my view, requiring the use to cease operating at 21.00 hours on weekdays and 22.00 hours on Saturdays and Sundays would be unduly onerous and unnecessary given the apparent unrestricted opening hours of the existing hot food takeaways. Whilst I appreciate that the appellant has sought operating hours up to midnight, I have taken account of the guidance in the SPG which refers to premises ceasing to trade at 23.30 hours at the latest. I have therefore imposed a condition to this effect. The condition refers to the use permitted and as such covers all activities associated with it, including deliveries. A separate condition controlling the time of deliveries taken at or despatched from the premises is not therefore necessary.

### **Conclusion**

17. For the above reasons and taking account of other matters raised I find that the proposed change of use complies with Policies B2, S12 and T14 of the UDP and Section 9 of the SPG. I conclude that the appeal should succeed.

*Kevin Ward*

INSPECTOR



09/00046/REF. Pme

# Appeal Decision

Site visit made on 26 January 2010

by Louise Crosby MA MRTPI

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for Communities and Local Government

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Decision date:  
3 February 2010

**Appeal Ref: APP/J4525/D/09/2118275**  
**28 Bishops Way, Sunderland, SR3 2SJ**

- 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 J Hamilton against the decision of Sunderland City Council.
- The application Ref: 09/03527/FUL, dated 15 September 2009, was refused by notice dated 11 November 2009.
- The development proposed is extension to front of property.

## Decision

1. I dismiss the appeal.

## Main issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area and on living conditions at 1 Vicarsholme Close (No1) by reason of loss of outlook and overshadowing.

## Reasons

3. No 28 is a detached dwelling located on the corner of Bishops Way and Vicarsholme Close. It is set back considerably from 30 Bishops Way (No 30), to the south, and positioned significantly forward of No 1, to the north. Also, Bishops Way gradually slopes up and I saw when I visited the site that the dwellings appeared to follow this gradual increase in height, thus No 30 appears higher than No 28.
4. The proposed two storey front extension would result in an increase in the depth of the dwelling of approximately 3 metres, thus bringing the whole of the front elevation almost in line with that of No 30. The nearby dwellings are clearly positioned in a stepped manner. Bringing this property closer to the road, to such a degree, would significantly alter this harmonious staggered effect and the resultant dwelling would appear unduly prominent and incongruous in the streetscene. This would be compounded by the proposed increase in height of about 0.8m, which would increase its prominence further. Consequently, I consider that the proposal as a result of its scale and mass would have a significant adverse effect on the character and appearance of the surrounding area.
5. Turning to consider the effect on living conditions at No 1, I saw that the front of this dwelling and its front garden area are already overshadowed and have their outlook reduced, to some degree, by No 28. The proposal would result in a much larger blank gable end abutting the boundary with No 1. I consider

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that the level of projection, forward of No 1, would increase the level of overshadowing and loss of outlook to a significantly harmful degree. The overshadowing effect would be further compounded by the orientation of the dwellings, since No 28 is south of No 1. In my opinion, the proposal would have a major detrimental effect on living conditions at No 1.

6. For the reasons I have set out above, I find that the proposal would be contrary to Adopted City of Sunderland Unitary Development Plan (UDP) Policy B2 in so far as it seeks to ensure that the scale and massing of extensions to existing buildings respect and enhance the best qualities of nearby properties and the locality. Conflict would also arise with Section 3 of the Council's Supplementary Planning Guidance in so far as it advises that front extensions will normally be limited to a forward projection of 1.2 metres and that two storey front extensions will not be permitted.
7. The proposal would also conflict with the Council's Household Alterations and Extensions Supplementary Planning Document Consultation Draft (SPD), which encourages the positioning of extensions to the rear of dwellings, in order to reduce the visual impact on the street and discourages two storey front extensions and those which do not maintain the existing building line within the street. I realise that both of these latter documents are intended to provide design guidelines and that the SPD is only at draft stage and thus carries only very limited weight. Nevertheless, the proposal would fail to accord with both documents to a significant degree and also UDP Policy B2, which carries significant weight.
8. Moreover, the proposal would fail to accord with Planning Policy Statement 1: *Delivering Sustainable Development* in so far as it advises that 'good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted'.
9. I have had regard to the other front extensions in the locality, which have been drawn to my attention. However, as the appellant accepts in her grounds of appeal, none of these are directly comparable with this proposal and, in any event; I have dealt with this case on its individual merits.
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Louise Crosby*

INSPECTOR





# Appeal Decision

Site visit made on 8 February 2010

by Kevin Ward BA (Hons) MRTPI

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Decision date:  
16 February 2010

**Appeal Ref: APP/J4525/D/09/2119058**

**12 Estuary Way, Sunderland SR4 0RS**

- 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 Hagan against the decision of Sunderland City Council.
- The application Ref 09/02751/FUL, dated 22 July 2009, was refused by notice dated 24 September 2009.
- The development proposed is a conservatory to the rear.

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## Decision

1. I allow the appeal and grant planning permission for a conservatory to the rear at 12 Estuary Way, Sunderland SR4 0RS in accordance with the application Ref 09/02751/FUL, dated 22 July 2009, 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 plans submitted with the application Ref 09/02751/FUL.

## Main Issue

2. The main issue is the effect of the proposed conservatory on the living conditions of the occupiers of the appeal property in terms of daylight, sunlight, outlook and private amenity space.

## Reasons

3. The Supplementary Planning Guidance: Development Control Guidelines (SPG) was subject to public consultation and formally adopted by the Council. It therefore carries significant weight. It appears from the information before me that the Supplementary Planning Document: Household Alterations and Extensions (SPD) has not been formally adopted by the Council following public consultation. Therefore whilst I have taken account of the Council's reference to Section 7 of this SPD, I can only give it relatively limited weight.
4. As a result of the previous extension to the appeal property, the remaining outdoor space to the rear is small. Furthermore it is very enclosed given the projection of the utility room, the high rear boundary wall and the garage to No.10. It offers little in terms of outlook and the amount of daylight and sunlight is likely to be significantly affected by the surrounding walls. Given the open plan nature of the front garden, the rear yard provides the only



secluded private amenity space for the dwelling. However, I find that given its size and the degree of enclosure, it is of limited benefit to the occupiers of the property. Whilst the outlook from the conservatory would be poor, it would be no worse than currently exists from the open yard. In comparison, the conservatory would at least provide some additional, usable space for the enjoyment of the occupiers of the property.

5. I accept that the conservatory would reduce the outlook from and the amount of daylight and sunlight entering the rooms to the rear of the property to some extent. However, as these are bedrooms I consider that this would not have a significant effect on living conditions.
6. The conservatory would be well screened and have a minimal effect on the overall perception of space around the dwelling from the surrounding area. It would not affect the character and appearance of the area, nor would it have any adverse effect on the living conditions of the occupiers of neighbouring dwellings.
7. I find therefore that the proposed conservatory would not represent an over-intensive development of the site. It would not have a significant adverse effect on the living conditions of the current or future occupiers of the appeal property in terms of daylight, sunlight, outlook and private amenity space.
8. I have considered the Council's argument that the appeal proposal could set an undesirable precedent. However, each application and appeal must be determined on its individual merits and I see no reason to suggest that my decision would set a precedent as the Council fear, particularly given the specific circumstances that exist with the appeal property in terms of its positioning in relation to other dwellings in the street and the extensions that have already taken place. In any case, I consider that the development does not harm the living conditions of the occupiers of the property or the character and appearance of the area.

#### **Conditions**

9. For the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with approved plans is necessary. Given that the appeal concerns a conservatory and the proposed materials are set out clearly on the application form, a condition relating to the use of materials to match the existing dwelling would be inappropriate and unnecessary.

#### **Conclusion**

10. For the above reasons and taking account of other matters raised I find that the proposed conservatory would accord with Policy B2 of the City of Sunderland Unitary Development Plan and relevant guidance in the SPG. I conclude that the appeal should succeed.

*Kevin Ward*

INSPECTOR