

## Appeals Received North Sunderland

Between 01/09/2009 and 30/09/2009

<u>Ref No</u>	<u>Address</u>	<u>Description</u>	<u>Date Appeal Lodged</u>
09/00035/REF	7A Crosthwaite Grove□Hylton Castle□Sunderland□SR5 3SR□	Erection of single storey extension to rear.	21/09/2009

## Appeals Determined North Sunderland

Between 01/09/2009 and 30/09/2009

Team	Ref No	ADDRESS	Descriptio	Appeal Decision	Date of Decision
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08/00055/ENF	15 Victoria Avenue□South Hylton□Sunderland□SR4 0QZ□	□□Without planning permission the erection of a concrete sectional garage.□□Reason for the Notice□□It appears to the Council that the breach of planning control has occurred within the last four years.□□The garage introduces an obtrusive element into the streetscene and is detrimental to the visual amenities of neighbouring dwellings, contrary to policy B2 of the council's adopted Unitary Development Plan and topic 8.0 of the Supplementary Planning Document Household Alterations and Extension (2007)□□□□	DISMIS	21/09/2009
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# Appeal Decision

Site visit made on 25 August 2009

by **J D Waldron MCD BArch Architect**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
**21 September 2009**

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## Appeal Ref: APP/J4525/C/08/2092963

### 15 Victoria Avenue, South Hylton, Sunderland SR4 0QZ.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Paul Thompson against an enforcement notice issued by Sunderland City Council.
- The Council's reference is 08/00055/ENF.
- The notice was issued on 8 December 2008.
- The breach of planning control as alleged in the notice is **Without planning permission the erection of a concrete sectional garage.**
- The requirements of the notice are **Dismantle the garage to the level of the concrete sub base and remove it from the land together with all waste and materials arising.**
- The period for compliance with the requirements is two calendar months from the date on which the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

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## Appeal Ref: APP/J4525/A/08/2092951

### 15 Victoria Avenue, South Hylton, Sunderland SR4 0QZ.

- 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 Paul Thompson against the decision of Sunderland City Council.
- The application Ref: 08/03306/FUL dated 19 August 2008 was refused by notice dated 10 November 2008.
- The development is **Erection of garage to the side of property (Retrospective).**

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## Appeal on ground (a), the deemed application for planning permission and the appeal against the refusal of planning permission

### *Visual considerations*

1. The garage is very prominent in the streetscene at the head of the cul-de-sac. As a prefabricated structure with roughcast sides, it appears mean and out-of-place in relation to the attractive brick-built houses with tiled roofs in the locality. It does not **"respect and enhance the best qualities of nearby properties and the locality"**, as referred to in Policy B2 of the Unitary Development Plan. It is contrary to the aims of policy in Planning Policy Statement 1 which encourages good design. It does not accord with the guidance in "Household Alterations and Extensions (2007)" which states that **"Detached garages should reflect the design, materials, character and style of the existing property"**. However, although this guidance appears to accord with Policy B2, it can be given limited weight until the full consultation process is completed and the document is formally adopted as Supplementary Planning Guidance.



2. The garage is between two pairs of semi-detached houses at right angles to each other. It is aligned at about 45 degrees to both houses. Although it projects in front of No 15, its positioning satisfactorily reflects its corner location. I am not persuaded that it is **"detrimental to the amenities of adjacent residents by reason of its size and position"** as referred to in the second reason for the refusal of planning permission.

#### *Highway safety considerations*

3. No 15 appears to have been built in the 1950s. Unless outhouses are demolished (that appear to be part of the original development) limited space is available on-site that is accessible from the highway. In "Household Alterations and Extensions (2007)" dimensions are given for useable garage space and for minimum driveway length in front of a garage. Using these dimensions, there is space for only one car to be parked or garaged on-site.
4. The development enforced against enables the two small cars of the appellant to be accommodated on-site, one in the garage and one on the driveway in front. Therefore, in present circumstances, the development cannot be said to have **"lead to an increase in on-street parking within the vicinity of the property, creating conditions prejudicial to highway safety and contrary to Policy T14 of the adopted UDP"** as referred to in the third reason for the refusal of planning permission.
5. However a larger car could neither be accommodated within the garage nor on the driveway in front (unless the garage door is left open). The Council points out that, in the future, a resident may well have a larger car because No 15 is a family-sized house. It follows that such car would most probably be parked on the highway.
6. While not disputing the Council's argument, a number of factors indicate against it happening. A prospective occupier would be aware of the situation. Cars are generally getting smaller in order to reduce emissions in response to global warming. No 15 is near to a Metro station and could well be attractive to those who do not own a car for whatever reason.
7. In assessing the extent to which highway safety might be compromised by an increase in on-street parking, it is relevant that vehicles are likely to be travelling relatively slowly as they approach the head of the cul-de-sac.
8. On balance, highway safety considerations do not provide sound planning justification for dismissing these appeals.

#### *Conclusion*

9. In conclusion, the development is contrary to the aims of Policy B2 of the development plan. I have taken into account the appellant's wish to garage his car during the extended periods when he works away from home and that no local resident has objected to the garage. However none of the matters raised changes my conclusion that, on balance, the appeal should fail on ground (a). Planning permission will not be granted on the deemed application. The appeal against the refusal of planning permission also fails.

#### **Appeal on ground (g)**

10. The appellant has put forward no sound reason why the period for compliance with the requirements of the notice is unreasonably short. I agree with the Council that two months is a reasonable period in which to demolish and remove this prefabricated structure. The appeal fails on ground (g).

**FORMAL DECISION**

**Appeal against the enforcement notice**

11. I dismiss the appeal, uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

**Appeal against the refusal of planning permission**

12. I dismiss the appeal.

*J D Waldron*

Inspector



# PUBLIC NOTICE

SUNDERLAND CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

## NOTICE OF PLANNING APPLICATION

Proposed development at;

Mill Hill Road Doxford Park Sunderland

I give notice that Gentoo Homes Ltd

is applying to the Local Planning Authority for:

Redevelopment of land to provide 76no. dwellings, including stopping up of highway and change of use to residential and landscaped areas.

**Application Number 09/03839/FUL**

The Local Planning Authority has received the above application.

Copies of the application and plans are available for inspection at The Office of the Chief Executive, Civic Centre, during normal office hours or via the internet at <http://www.sunderland.gov.uk/online-applications/>. Should you have any comments on the proposal please make them in writing to the Head of Planning and Environment, P.O.Box 102, Civic Centre, or return your comments to [dc@sunderland.gov.uk](mailto:dc@sunderland.gov.uk) within 21 days beginning with the date of publication of this notice.

D SMITH  
CHIEF EXECUTIVE

DATE POSTED

AGJ

PLEASE QUOTE THE APPLICATION NUMBER IN ALL CORRESPONDENCE

21D

# Memo

My ref 09/03839/FUL  
Your ref

<b>From</b>	Mrs Joanne Angus	<b>Date</b>	20th Oct 2009
<b>Title</b>	DC Officer Manager	<b>Ext</b>	1558
<b>Service</b>	Development Control		
<b>Subject</b>	<b>Public Notice</b>		

**To** Head of Legal and Democratic Services

**Copied to**

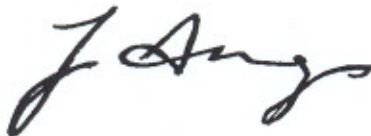
## TOWN AND COUNTRY PLANNING ACT

I enclose a copy of an advertisement relating to proposed development. I would be obliged if you would arrange to have the advert placed in the Sunderland Echo on or near to 24th October 2009

**APPLICATION NUMBER** 09/03839/FUL

**ADDRESS** Mill Hill Road Doxford Park Sunderland

We have authorisation to use the cost centre code DR1239/50804 for these adverts, should you have any queries please contact Joanne Angus on the above extension.



Development Control Office Manager

FILE COPY



# Memo

My ref 09/03839/FUL  
Your ref

<b>From</b>	Mrs Joanne Angus	<b>Date</b>	20th Oct 2009
<b>Title</b>	DC Officer Manager	<b>Ext</b>	1558
<b>Service</b>	Development Control		
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**ADDRESS** Mill Hill Road Doxford Park Sunderland

We have authorisation to use the cost centre code DR1239/50804 for these adverts, should you have any queries please contact Joanne Angus on the above extension.

A handwritten signature in black ink, appearing to read 'J Angus'.

Development Control Office Manager



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## Appeals Determined North Sunderland

Between 01/08/2009 and 31/08/2009

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Team	Ref No	ADDRESS	Descriptio	Appeal Decision	Date of Decision
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09/00023/REF	5 Shincliffe Avenue Sunderland SR5 5UB	Erection of two storey extension to rear of property.	APPC	21/08/2009
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# Appeal Decision

Site visit made on 3 August 2009

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
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2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
21 August 2009

**Appeal Ref: APP/J4525/D/09/2106812**

**5 Shincliffe Avenue, Sunderland, Tyne and Wear, SR5 5UB**

- 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 Alan Smith against the decision of Sunderland City Council.
- The application Ref 09/01413/FUL, dated 15 April 2009, was refused by notice dated 29 May 2009.
- The development proposed is two storey extension to rear of property - proposed dining room and wc extension with first floor bedroom and bathroom.

DEVELOPMENT CONTROL  
RECEIVED  
21 AUG 2009  
SUNDERLAND CITY COUNCIL

## Decision

1. I allow the appeal, and grant planning permission for two storey extension to rear of property - proposed dining room and wc extension with first floor bedroom and bathroom at 5 Shincliffe Avenue, Sunderland, Tyne and Wear, SR5 5UB in accordance with the terms of the application, Ref 09/01413/FUL, dated 15 April 2009, and drawings nos 1, 2 and 3, 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

## Main issue

2. The main issue of the appeal is the effect of the proposal on the living conditions of the occupants of 4 Shincliffe Avenue, with particular regard to outlook and light.

## Reasons

3. The appeal property as it exists projects some distance beyond the rear of the neighbouring property, no 4, and the proposal would extend this projection by around 4m. However, given its distance from the rear windows of no 4, I consider that the proposal would be unlikely to have a significant effect on the outlook from, or the light in, the neighbouring dwelling itself.
4. I accept that the extension would, to some extent, have an enclosing effect on the west side of no 4's rear garden, although a degree of open aspect towards the west would remain through the space between the proposal and the appeal property's garage. Given this and the extension's distance from the shared boundary I consider that, despite the difference in levels between the two



properties, the proposal would cause only limited harm to the outlook from, and the light available in, no 4's rear garden. In my view this would cause some minor, although not unacceptable, harm to the living conditions of no 4's occupants. I note that the current residents of the property have not objected to the scheme and this has reinforced my view on this point.

5. The Council has indicated that an extension of 3m projection would be permitted development and it appears highly likely to me that such a scheme would be implemented if I were to refuse permission for the appeal proposal. I envisage that the difference in the effect, between a 3m and 4m extension, on the outlook from, and light in, no 4's garden, would not be readily perceptible.
6. Policy B2 of the adopted *City of Sunderland Unitary Development Plan* indicates that extensions should respect and enhance the best qualities of nearby properties and section 3.3c of the Council's *Development Control Guidelines Supplementary Guidance* advises that two storey rear extensions will not normally be permitted unless there will be no visual intrusion and no unacceptable reduction in sunlight/light for adjoining occupiers. The proposal would conflict with policy B2 and the supplementary guidance to the extent that it would not enhance the neighbouring garden and would cause some visual intrusion. However, given that I have found that, overall, the scheme would not have an unacceptable effect on the living conditions of the neighbours, and bearing in mind the "fallback" position of a 3m projection extension, I consider that this does not justify refusing permission for the scheme.
7. The Council also refers to its *Household Alterations and Extensions Supplementary Planning Document*, although I note that this is a consultation draft document and, therefore, this has carried little weight in my decision.
8. For the above reasons I conclude that the appeal should be allowed. In addition to the standard implementation time limit, a condition is necessary concerning materials to ensure the satisfactory appearance of the development.

*Malcolm Rivett*

INSPECTOR