



Appeal Decision

Site visit made on 30 April 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 May 2018

Appeal Ref: APP/J4525/W/17/3187622

12 Craven Court, North Haven, Sunderland SR6 0RQ

- 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 D White against the decision of Sunderland City Council.
 - The application Ref 17/00897/FUL, dated 2 May 2017, was refused by notice dated 27 June 2017.
 - The development proposed is the erection of balcony to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the development upon:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to privacy.

Reasons

Character and appearance

3. No. 12 is a two storey property located within a crescent-shaped two and three storey residential block within the North Haven development. The proposed balcony would be on the rear elevation of the property but face towards the seafront promenade. The form and layout of the block within which the appeal site sits mirrors that of the block opposite, lying opposite each other on either side of a footpath link from the seafront into the estate.
4. The residential blocks that back on to the seafront are heavily articulated with broken rooflines created by a mix of one-and-a-half, two and three storey building elements, staggered facades, projecting hanging bay windows at first and second floors and varying forms of single storey extensions. Despite these variations in scale, roofline and façade, the bay windows are a constant, and consistent, feature across the development. Although the fenestration patterns of these bays vary to a degree, they retain a broad similarity in terms of glazing size and frame pattern.
5. The proposal seeks to construct a first floor balcony in place of the hanging first floor bay at No. 12. The appellant disputes the Council's assertion that the proposal would result in the removal of the existing window, but the plans do

not support this. Rather, the distinctive projecting hanging bay window would be removed and a balcony platform, supported by two slender legs, would be constructed in its place. A replacement window would be fitted into the wall opening leading to the proposed balcony.

6. The balcony would have a greater projection than the existing bay. Whilst it would replicate the dog-leg kink of the existing bay as it turns the corner of the building's façade, its greater projection would mean that it would have a significant visual presence, despite its relatively slender supporting legs. Moreover, the form and siting of the balcony and its balustrade would be such that it would appear markedly different to the bay window that it would replace. In such a prominent and visible location, and departing so clearly from a key element of the established character and appearance of the host property and the development as a whole, the proposal would appear uncomfortably and incongruously at odds with that character and the appearance of both the host property and the surrounding development.
7. Thus, the proposal would fail to respect or enhance the best qualities and distinctive characteristics of the nearby properties and would cause harm to the character and appearance of the host property and the surrounding area. There would be clear and harmful conflict with policy B2 of the Adopted Unitary Development Plan (1998) (UDP). Despite its age, I find the provisions of UDP policy B2 to be broadly consistent with the National Planning Policy Framework (the Framework) in seeking to secure high quality design, something the Framework recognises as one of its core planning principles.

Living conditions

8. The balcony would be located in a broadly central position on the kinked rear elevation of No. 12. It would thus be some distance from the garden walls that separate No. 12 from its adjoining neighbours. Moreover, the existing projecting hanging bay already provides scope for a greater level of inter-visibility than would be possible from flush-fitted windows, and does so with all-weather capabilities that a balcony would not. Furthermore, the existing tile-roofed conservatory adjacent to the proposed balcony's position would impede views across to the neighbouring property.
9. I am not persuaded therefore that the proposal would result in materially greater, or more harmful, incidences of inter-visibility than currently exist as a consequence of the projecting hanging bay window at the appeal property, or would otherwise be expected in a residential setting of this type. The proposal would therefore retain an acceptable level of privacy and there would be no conflict with UDP policy B2 in this respect.
10. I have noted that the occupier of a nearby property raised concerns regarding the potential for noise generation from the use of the balcony. However, this did not form part of the Council's reasons for refusal and I have not been presented with any substantive evidence to persuade me otherwise.

Conclusion

11. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR