

Between _____ and _____

Team	Ref No	Address	Description	Date Appeal Lodged
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Appeals Determined Hetton Houghton and Washington

Between 01/01/2011 and 31/01/2011

Team	Ref No	Address	Description	Appeal Decision	Date of Decision
HE	10/00030/REF	Garage/Barn/Store To Rear Of 1-3 Doxford Avenue Hetton le	Change of use from old garage/barn to residential dwelling to include single storey extension to front, increase in height of building to provide second storey and various alterations to all elevations (amended description, 26/02/2010).	DISMIS	25/01/2011



The Planning
Inspectorate

10/00030/REF ABR

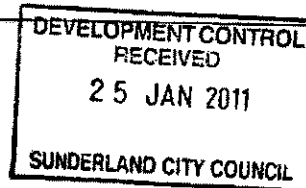
Appeal Decision

Site visit made on 20 December 2010

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

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

Decision date: 25 January 2011



Appeal Ref: APP/J4525/A/10/2137470

**Garage/Barn/Store to rear of 1-3 Doxford Avenue, Hetton-le-Hole,
Sunderland, Tyne and Wear, DH5 9PX**

- 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 Peter Ruddick against the decision of Sunderland City Council.
- The application Ref 10/00447/FUL, dated 3 February 2010, was refused by notice dated 1 April 2010.
- The development proposed is conversion of existing garage/barn/store to residential dwelling and change of use to residential.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of neighbouring residents having particular regard to outlook, light and privacy; and
 - the living conditions of occupants of the proposed dwelling itself, having regard to outlook and light.

Reasons

3. The flat roofed, parapet topped main body of the dwelling would have a 1930s moderne-style, almost castellated, appearance. Whilst such a design would contrast with the surrounding built form, the dwelling would not be part of an existing residential frontage and could appear, in its backland position, as a quirky but attractive addition to the neighbourhood. However, the building's single storey front projection, with its hipped roof and asymmetrical windows/door, would be entirely out of keeping with the style and symmetrical frontage of the rest of the building. Thus, overall, the proposal would have a highly incongruous appearance, more harmful to the character and appearance of the area, despite its lack of any particular architectural or townscape merit, than the existing building. It is therefore contrary to the requirement of policy B2 of the adopted *City of Sunderland Unitary Development Plan* that extensions to existing buildings respect and enhance the best qualities of the locality.
4. The building is located in close proximity to the rear of 1 and 2 Doxford Avenue. Much of the elevation of the building facing these properties would be

increased by around 2.5m in height. Given its proximity and increased height the altered building would be very dominant in the outlook from the upstairs rear windows of nos 1 and 2. An even greater effect would result in the ground floor rear rooms of no 2 and this property's rear garden, whose own small outbuildings currently have minimal adverse impact on the outlook from these locations. I consider that this loss of outlook would cause material harm to the living conditions of the occupants of nos 1 and 2 and means that the proposal also conflicts with policy B2's requirement that extensions to buildings respect the best qualities of nearby properties. I accept that it could be argued that the main body of the proposed dwelling would be more attractive than the existing building in the view from the rear of nos 1 and 2, although this does not mean that the presence of the enlarged building would not be a dominating one. Nor does the fact that the proposal is a conversion of an existing building, rather than a new build scheme, alleviate the harm which would be caused.

5. The increased height of the building would also be likely to overshadow certain parts of the rear gardens of 1 and 2 Doxford Avenue and 9 and 10 Elmfield for part of the day at certain times of year. However, whilst it is a legitimate consideration in the determination of a planning application, I envisage that the impact of this on the residents of any particular property would not be sufficient to cause significant harm to their living conditions and would thus not justify the refusal of permission. Given the height of the side wall of the proposal's balcony, I am not persuaded that any significant loss of privacy would be caused to neighbouring residents.
6. Although the ground floor front window of the dwelling would be relatively close to the retaining wall and fence of 11 Elmfield, this large window would have a relatively open aspect towards the north-west across Doxford Terrace. With this in mind, and noting the roof light that would also serve the kitchen and lounge area, I consider that the property would have an outlook and levels of light sufficient to ensure satisfactory living conditions for the occupants of the dwelling and thus it would have no conflict with the requirement for such conditions set out in section 2.7 of the Council's *Development Control Guidelines Supplementary Planning Guidance*.
7. I appreciate that national and local policy supports the re-use of derelict land although I am not persuaded that this outweighs the harm I have found the proposal would cause, despite the cited potential loss of an area of greenery if the appeal does not succeed. I accept that the building's re-use for the keeping of livestock could have adverse impacts on the neighbourhood but I have seen nothing to convince me that this would be a likely outcome of refusal of permission for the scheme.
8. Whilst I have found the proposal to be acceptable in relation to the privacy and light of neighbouring residents and in terms of its own occupants' living conditions it would result in harm to the outlook of the occupants of 1 and 2 Doxford Avenue and to the character and appearance of the area. Having regard to all other matters raised, including the appellant's pre-application discussions with the Council and his comments about land ownership, I consider that this harm justifies the refusal of permission for the scheme.
9. For the above reasons I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR