
Appeals Received South Sunderland

Between 01/10/2009 and 31/10/2009

Ref No	Address	Description	Date Appeal Lodged
09/00038/REF	44 Gayhurst Crescent Sunderland SR3 2TB	Erection of single storey extension to front and side and new boundary wall.	16/10/2009
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.	26/10/2009

Appeals Determined Sunderland South

Between 01/10/2009 and 31/10/2009

TEAM	Ref No	ADDRESS	Description	Decision	Date of Decision
	09/00022/REF	Cedars Cottage Belford Road Sunderland SR2 7TJ	Erection of single storey and two storey extension to front (south elevation), rear (north elevation) and sides (east/west elevation) to include alterations to existing roofline.	DISMIS	28/10/2009
	09/00027/REF	8 Colchester Terrace Sunderland SR 4 7RY	Part two storey and part first floor rear extension	DISMIS	22/10/2009
	09/00032/REF	15 Bristlecone Sunderland SR3 2NS	Erection of two storey extension to side.	DISMIS	15/10/2009



Appeal Decision

Site visit made on 6 October 2009

by Peter Eggleton MRTPI

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

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Decision date:
28 October 2009

Appeal Ref: APP/J4525/A/09/2106757

Cedars Cottage, Belford Road, Sunderland SR2 7TJ.

- 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 Colin Maginn against the decision of Sunderland City Council.
- The application Ref 08/03930/FUL, dated 16 October 2008, was refused by notice dated 22 December 2008.
- The development proposed is a front, side and rear extension.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

Reasons

3. The proposal includes a front two storey and single storey addition and also further additions and alterations to the side and rear. The appellant has submitted plans which omit the front elements and has asked that these form the basis of the appeal. Given that the front additions are distinct from the remaining development proposed, I have considered these elements separately.
4. The property lies within the conservation area which is characterised by the many street trees and mature gardens. There are a number of buildings that have a scale or appearance that does not add to the quality of the local environment but there are also a number of individual buildings and terraces which do contribute positively to the architectural quality and character of the area. I consider that the appeal property and its setting add significantly to the character and appearance of the wider area but more particularly to this specific part of the conservation area.
5. The public perception of the property relates largely to the simple appearance of the south facing elevation and the distinctive form of the east facing gable. The remainder of the development to the north and along the eastern boundary appears subordinate within the public domain. This is a result of the set-back of the highest elements, the screening provided by street trees and the height of the boundary wall in comparison to the limited height of the parts of the building closest to the eastern boundary.



6. This proposal would introduce a substantial additional gable, forward of the existing. Although set-back from the road junction and screened to some extent by trees, it would dominate the original gable and detract from its important and distinctive proportions and appearance. The proposed gable would entirely change the character of the property. I do not consider that the juxtaposition of these two gables would result in an improvement in the appearance of the dwelling. Furthermore, the gable would link with the side elevation of the addition to the rear which would add substantial additional bulk at first floor level. I consider that this combination would destroy the simple and pleasing qualities of the dwelling. In addition, the bulk and design of the new elements would fail to achieve a cohesive or attractive overall appearance.
7. The addition to the front of the property would bring an element of two storey development close to the road. This would increase substantially its prominence in the street scene. It would compete visually with the simple form of the dwelling and detract from the distinctive appearance of the gable. I find that this element would detract from the existing character and appearance of the building and would not result in new design interest.
8. The existing street trees and the high wall would to some extent reduce the impact of the side and rear additions. However, I do not agree that these elements would have a neutral impact as they would detract from the character of the building and they would be visible from the public realm. I consider that both the front and the rear elements would, by destroying the attractive and individual character of the existing property, detract from the wider appearance and character of the area. I conclude therefore that both individually and together the two elements of the proposal would fail to preserve or enhance the character or appearance of the conservation area.
9. The proposal would be contrary to Policies B2 and B4 of the City of Sunderland Unitary Development Plan (UDP) which relate to the need for design quality and the preservation or enhancement of conservation areas. Policy B6 seeks to preserve or enhance conservation areas and sets out a number of measures to assist in achieving this. Whilst I agree with the appellant that the development would not conflict with these measures, I have found that it would fail to meet the primary objective of the policy. The proposal does not gain support from *Planning Policy Guidance 15: Planning and the Historic Environment* (PPG15) as it would not make a positive contribution or leave the character or appearance of the conservation area unharmed.
10. The appellant has submitted a legal agreement relating to the future management of the street trees which form part of a Tree Preservation Order. This has not been signed by the Council who I understand are the owners of the land. I do have some concerns with regard to the scale of works required, particularly to the nearest ash tree (numbered T7), and also in relation to the proximity of its lifted and reduced crown to the development. However, even if I were to accept that the necessary works would result in a satisfactory relationship between the development and this tree, it would not address my concerns relating to the design and scale of the proposal.

11. I have had regard to the character and appearance of other properties in the vicinity. I accept that there is a wide range of styles and that some buildings, including some more recent developments, do not positively contribute to the wider conservation area. However, this proposal is not directly comparable with any of these. In any event, I have to consider this proposal on its own particular merits and in the light of policies relating to conservation areas. I have taken into account the family circumstances of the appellant and also the difficulties that result from the piecemeal alterations to this property that have occurred over the years. Although the proposal would result in improved accommodation, I do not consider that it gains support from either *Planning Policy Statement 1: Delivering Sustainable Development* (PPS1) or *Planning Policy Statement 3 - Housing* (PPS3) due to my concerns with regard to the overall design.
12. Reference has been made to Supplementary Guidance entitled *Development Control Guidelines* and as this has been adopted and is generally in conformity with the UDP, I can afford it significant weight. However, I do not find that it supports the proposal as it lists as an important consideration the design of extensions or alterations and the effect on the appearance of the house or the street scene. I have also been provided with limited extracts from *The Cedars Proposed Conservation Area: Character Appraisal and Management Strategy*. I understand that this document was adopted in 2008 in conjunction with the designation of the conservation area. The extract provided by the appellant shows a photograph of both the gable and the boundary wall. The text states that the gabled house makes a positive contribution to the conservation area, although it advises that this is largely by virtue of the high quality wall. I do not have a full copy of this document but although I have had regard to the appellant's commentary relating to its contents, I have no reason to believe that it offers any encouragement for development which would be harmful to the conservation area.
13. Whilst I have considered all the matters put forward by the appellant, including the lack of objections to the proposal, I do not consider that these are sufficient to outweigh my concerns that both the front element and the side and rear elements would individually and together fail to preserve or enhance the character or appearance of the conservation area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR



Appeal Decision

Site visit made on 18 September 2009

by **Keith Manning** BSc (Hons) BTP MRTPI

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for Communities and Local Government

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Decision date:
22 October 2009

Appeal Ref: APP/J4525/A/09/2108443 8 Colchester Terrace, Sunderland SR4 7RY

- 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 Pauline Forster against the decision of Sunderland City Council.
- The application Ref 09/00820/FUL, dated 1 March 2009, was refused by notice dated 28 April 2009.
- The development proposed is double storey rear extension.

Decision

1. I dismiss the appeal.

Main issues

2. I consider the main issues to be the effect of the proposed development on the character and appearance of the area with regard to the street scene and its effect on the living conditions of neighbouring occupiers with regard to outlook, privacy and loss of light.

Reasons

3. The appeal site is part of a terrace of houses with a distinctive stepped arrangement of two and one storey projections to the rear built as part of the original development. Some have been altered, including the immediately neighbouring property at No 6, the rendered extension to which I understand to be unauthorised. However, for the most part, the overall character and appearance of the rear elevation to the terrace remains as originally intended. Although its visibility in the public domain of the street is confined primarily to the access way between Colchester Terrace and Dunbar Street, its distinctiveness contributes to the cohesiveness and overall quality of the dense residential environment of the area nonetheless.
4. The proposed development would project significantly further at two storeys than the existing two storey projection and noticeably more so than the extension at No 6, the incongruity and dominance of which would be reproduced as a consequence, compounding the overall detriment to the street scene. Development of the scale proposed, particularly if replicated in broadly similar fashion at a number of points along the rear of the terrace, would significantly diminish the distinctiveness of the area as designed and in that sense conflict with the intentions of saved policy B2 of the Council's Unitary Development Plan (UDP). Amongst other things, this seeks to ensure that

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extensions respect and enhance the best qualities of nearby properties, a theme reflected in both longstanding and more recent supplementary guidance produced by the Council, which seeks to prevent visually intrusive extensions.

5. It seems to me that the original design of the rear of Colchester Terrace achieves a balance between the need for internal space on the compact sites of the individual dwellings and the need for outdoor amenity space that is not unduly overlooked, overshadowed or dominated by the height and depth of adjacent property. The proposed development is ambitious in respect of the additional internal space it seeks to achieve, but I consider that this would be at the expense of the living conditions of adjacent neighbouring residents to either side, whose outlook from their outdoor space and certain windows would be dominated by the mass of the extension. The orientation and topography of the site is such that No 6 would, I consider, in winter months at least suffer from a reduction in sunlight. Again, such effects are contrary to the general intentions of saved policy B2 and associated guidance.
6. I accept that the direct overlooking of the yard of No 6 from the proposed study could be avoided by obscured glazing, certainly if combined with restricted window opening, notwithstanding that this would reduce the utility of that room for many purposes. However, the proposed development must necessarily be considered as a whole and, bearing in mind my conclusions concerning its effect on the street scene and the other concerns regarding the living conditions of neighbouring occupiers that I have identified, together with the thrust concerning rear extensions of the Council's longstanding Supplementary Planning Guidance to the UDP, I consider that the balance of planning advantage lies with rejection of the scheme of extension as currently conceived.
7. I acknowledge that the existence of the extension at No 6 and the lack of objection from that quarter and others might seem to be persuasive factors but my starting point has to be the development plan and such considerations do not outweigh the conflict with its intentions that I have identified. Nor can I place significant weight upon the appellant's apparent unawareness of opportunities to engage with the Council prior to finalising the details of the proposed development. I am obliged to determine the appeal as I find it.
8. For the reasons given above, and having taken all other matters raised into account, including the appellant's stated need to improve the available space within the house, I conclude that the appeal should be dismissed.

Keith Manning

Inspector



Appeal Decision

Site visit made on 5 October 2009

by **Robin Brooks BA (Hons) MRTPI**

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

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Decision date:
15 October 2009

Appeal Ref: APP/J4525/D/09/2112439

15 Bristlecone, Burdon Vale, Sunderland SR3 2NS

- 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 Stephen McNay against the decision of Sunderland City Council.
- The application Ref 09/02499/FUL, dated 2 July 2009, was refused by notice dated 26 August 2009.
- The development proposed is erection of a two storey side extension.

Decision

1. I dismiss the appeal.

Policy Context and Main Issues

2. Policy B2 of the Sunderland Unitary Development Plan (UDP) states that extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality. The Council have also published a range of guidelines on residential extensions. In summary these advise that extensions should be in keeping with the existing property and its surroundings and should not harm neighbours' living conditions; that outlook is an important amenity; and that a minimum distance of 14 m should separate the main windows in one house from the side elevation of another.
3. Bearing in mind the aims of this policy and guidance, the determining issues in the appeal are the effects that the proposed extension would have on:
 - (i) the character and appearance of the street scene; and
 - (ii) the living conditions of occupants of 33 Englemann Way in terms of possible loss of open outlook.

Reasons

The Street Scene

4. Although there is only limited room between the side elevations of houses in and around Bristlecone, the general appearance of the street scene is balanced and harmonious. A garage has evidently been added to the side of the adjacent house to No. 15 but it is set well back from the road so that the pair of houses seen from the front appears symmetrical. However, the front elevation of the proposed extension would be almost as wide as that of the existing property; the ridge of its roof would be as high; and its ground floor would project forward to the face of the present porch. As such it would in my

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view unbalance the appearance of the pair of houses and would look unduly bulky and overbearing. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the street scene.

Neighbours' Living Conditions

5. I do not interpret the Council's 14 m separation figure, referred to above, as a standard to be applied rigidly but rather as a guideline to be used pragmatically in the light of the situation at any particular site. In the present case too, it is evident that one of the purposes of the separation guidelines, to safeguard privacy, is not relevant as there would be no windows in the end elevation of the proposed extension. However, the standard also has a broader purpose of safeguarding space around dwellings and the figure of 14 m appears to me to be broadly appropriate in this case. The proposed extension would in fact be only some 10 m from the rear windows of 33 Englemann Way, and closer still to the large conservatory of that property that extends for about half the length of its garden. I consider that the height and width of the extension, seen at such close quarters from the neighbouring house and its garden, would appear dominant and overbearing. I conclude on the second main issue that it would unacceptably harm the living conditions of occupants of 33 Englemann Way in terms of loss of open outlook.

Other Extensions

6. On my visit I also saw the side extensions at 11 Monterey and 9 Englemann Way that have been referred to. The former appears to be somewhat smaller than what is proposed here, being set back from the main house and with a lower ridge line. It also has less impact on the street scene and there is a greater sense of space between it and 27 and 29 Englemann Way.
7. The latter extension is akin to the appeal proposal in size but stands at something of an angle to 1 Whitebark so that its apparent bulk, seen from that property, would be reduced to the point where it would not appear unduly overbearing. For these various reasons neither of these extensions has close parallels with the appeal proposal or lends support to it.

Conclusion

8. The harm I have identified under the two main issues would run counter to the aims of UDP Policy B2 and the Council's guidance. Accordingly, for the reasons given above and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Robin Brooks

INSPECTOR