
Appeal Decision

Site visit made on 22 September 2014

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: 3 October 2014

Appeal Ref: APP/N1350/A/14/2217854
45 St Johns Crescent, Darlington DL1 4DT

- 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 S Rees against the decision of Darlington Borough Council.
 - The application Ref 13/00782/FUL, was refused by notice dated 6 February 2014.
 - The development proposed is a second floor extension, bedrooms and bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 23, 25 and 27 Neasham Road with regard to outlook.

Reasons

3. The proposal would result in increases in the heights of the built elements that make up the rear of the side elevation that faces properties on Neasham Road. These properties have high rear boundary walls which enclose their rear yards. They are separated from the development by a narrow access. The existing outlook from each of the neighbouring properties differs because of the size of their yards, the detail of their windows and the scale of the existing works. However, they all have an outlook beyond their yards and towards the new development.
4. The new works to the rear of 23 Neasham Road would result in only a limited addition to the existing high wall of the side elevation. However, the rear amenity space of number 23 is very close to the proposed new structure. The higher wall would be much more imposing than the existing. It would result in an unacceptable loss of outlook from the rear yard area of that property.
5. The dwelling has first and second floor windows that face the proposal. The second floor windows would retain an adequate outlook because of their height. The outlook from the clear glazed first floor window is already constrained by existing development but this proposal would reduce this further because of the proximity and increased height of the proposed works. This adds to my

concern with regard to the unacceptable harm to the outlook from ground level.

6. The outlook from the yard area of 25 Neasham Road is already extremely constrained due to the combination of its very limited size and the high boundary walls. The first floor windows appear to be obscure glazed. The rear of number 25 predominantly faces the lower element of development to the rear of the appeal property. The lower height of the proposed eaves in this location and the pitch of the roof would have only a limited impact. However, given the already very constrained outlook, any further reduction would result in unacceptable harm for resident when within the yard area of number 25.
7. The outlook from the rear yard of 27 Neasham Road is primarily towards the high side wall of the building to the rear of 45 St Johns Crescent. It does however have an outlook over the existing rear roof of the appeal property. This proposal would reduce that outlook. As with number 25, although the changes would be quite limited, because the existing outlook is so constrained, I find that this further reduction would result in unacceptable harm to the living conditions of the existing residents.
8. Even though the design has sought to limit the eaves heights and the overall roof heights of the proposed works, the new building would be an imposing feature when viewed from the rear of the Neasham Road properties. I was not able to enter these properties to assess the outlook from ground floor windows. It would appear however from the information submitted, including the photographs, that because of the way that the properties are laid out and as a number of windows are obscure glazed or set close to existing high walls, the impact on the actual accommodation within the houses would in some instances, be negligible. However, the proposal would undoubtedly have an unacceptable impact on the outlook from the outdoor amenity spaces of all three properties and from some habitable rooms, particularly with regard to 23 Neasham Road.
9. I do not agree that the impact on the rear amenity areas is unimportant. The sizes of the rear yards are quite limited, as is the outlook from each of them. Whilst they offer only limited amenity, they are important to the overall quality of each property. I find that further reductions in outlook, even relatively limited changes, would in these particular circumstances, result in significant harm to the living conditions of the residents. Being in such close proximity, the new structures would, because of the increases in heights, reduce the outlook from the neighbouring properties. The works would unacceptably harm the living conditions of the residents.
10. The proposal would be contrary to Policy H12(5) of the Borough of Darlington Local Plan 1997 as this requires that extensions are not overbearing when viewed from neighbouring properties. As this policy accords with the amenity requirements of the *National Planning Policy Framework*, I afford it considerable weight.
11. I acknowledge that the position and design of the works would ensure that the extension would be visually contained and have no significant impact on the character of the area. The absence of windows, other than roof lights, in the elevation facing the Neasham Road properties, would also ensure that there

would be no loss of privacy. The main part of the house and the height of the neighbouring building, together with the aspect of the properties, would also limit any further loss of direct sunlight.

12. The works would result in improved accommodation for the appellant and his family and I have had regard to their particular personal circumstances. These matters provide significant weight in favour of the proposal. I also note the concerns expressed with regard to the handling of this case by the Council. However, I have to consider the proposal on its own merits. Overall, I conclude that the matters in favour of the development are insufficient to outweigh my concerns with regard to the main issue. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR

