



# Appeal Decision

Hearing held on 8 March 2005

by Mrs K. A. Ellison BA, MPhil, MRTPI

an Inspector appointed by the First Secretary of State

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Date

07 APR 2005

**Appeal Ref: APP/H0738/A/04/1151872**

**5 Foreland Point, Ingleby Barwick, Stockton TS17 0FN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs M Gibson against the decision of Stockton-on-Tees Borough Council.
- The application Ref 04/0203/OUT, dated 20 January 2004, was refused by notice dated 12 March 2004.
- The development proposed is a detached dwelling.

**Summary of Decision: The appeal is dismissed.**

## Procedural Matters

1. The application is made in outline with all matters reserved. Whilst the application form describes the proposed development as a detached dwelling, it was confirmed at the Hearing that the dwelling would be in the form of a bungalow so that I have determined the appeal on this basis. For illustrative purposes, four drawings were submitted at the Hearing showing levels, layout and elevations of a bungalow on the appeal site.

## Main Issue

2. I consider that the main issue in this appeal is the effect of the proposal on the character and appearance of the surrounding area with particular regard to the Leven Valley Special Landscape Area.

## Planning Policy

3. The development plan includes the Stockton-on-Tees Local Plan 1997 and the Tees Valley Structure Plan 2004. Local Plan policy EN7 does not permit development which would harm the landscape value of the Leven Valley Special Landscape Area. In the Structure Plan, policies SUS2 and STRAT1 encourage the efficient use of previously developed land in the urban area for housing. This accords with national objectives set out in Planning Policy Guidance note 3: *Housing* (PPG 3).

## Reasons

4. The appeal site is the side garden to a detached house which is situated at the south eastern end of Foreland Point, a cul de sac on a large estate of modern properties. At this point, Ingleby Barwick extends to the edge of the Leven Valley. The Valley mainly comprises open countryside. It has steeply sloping sides and the River Leven and a footpath run along the valley floor. On the opposite ridge is an area of further residential development.
5. Although the houses along the ridge can be seen from within the valley, they sit to the rear of the ridge line with only the gardens extending into the valley. As a result, the valley

sides remain largely open and free from development. The northern part of the appeal site is at the same level as the adjacent house but beyond this the land begins to fall away steeply. Thus even though the site, by virtue of its status as a garden, may be regarded as lying within the Ingleby Barwick urban area it also, to my mind, forms part of the upper slope of the Leven Valley.

6. Because of the point at which the land begins to fall away, any dwelling on the site would require some form of retaining system. I appreciate that a system could be designed so as to blend with its surroundings and, indeed, such an example was referred to at the Hearing. However, it seems to me that the structure required to support even a modestly sized bungalow would still need to be quite extensive, owing to the difference in levels and the steep gradient from the centre of the appeal site southwards. Consequently, its engineered form would be clearly visible from within the valley so that, in my opinion, it would appear out of keeping with the natural contours of the valley side.
7. Foreland Point comprises substantial two storey houses set in a formal arrangement to either side of the road. I recognise that the proposed dwelling might be positioned to reflect the building lines of the existing houses. However, it would be a prominent feature in the streetscene due to its position at the head of the cul de sac and on the edge of open countryside. Whilst the change in built form might achieve some softening of the urban edge and introduce some variety in terms of housing choice, a single storey bungalow in this location would in my view appear completely at odds with the present streetscene.
8. I note that the Structure Plan and national planning guidance both give encouragement to the more efficient use of previously developed land in the urban area for residential development. However, PPG 3 also requires that this should be achieved without compromising the quality of the environment. Despite the appeal site's apparent capacity in spatial terms, I consider that a dwelling on the site would amount to an unacceptable encroachment into the open countryside of the Leven Valley. Also, in the terms envisaged in the illustrative plans, it would be out of keeping with the streetscene. Whilst some built development might occur under existing permitted development rights this would not, in my opinion, be as intrusive as the construction of a separate dwelling.
9. On my main issue therefore, I conclude that the proposal would have a significant adverse effect on the character and appearance of the Leven Valley and the surrounding area and so would conflict with policy EN7.

### **Conclusions**

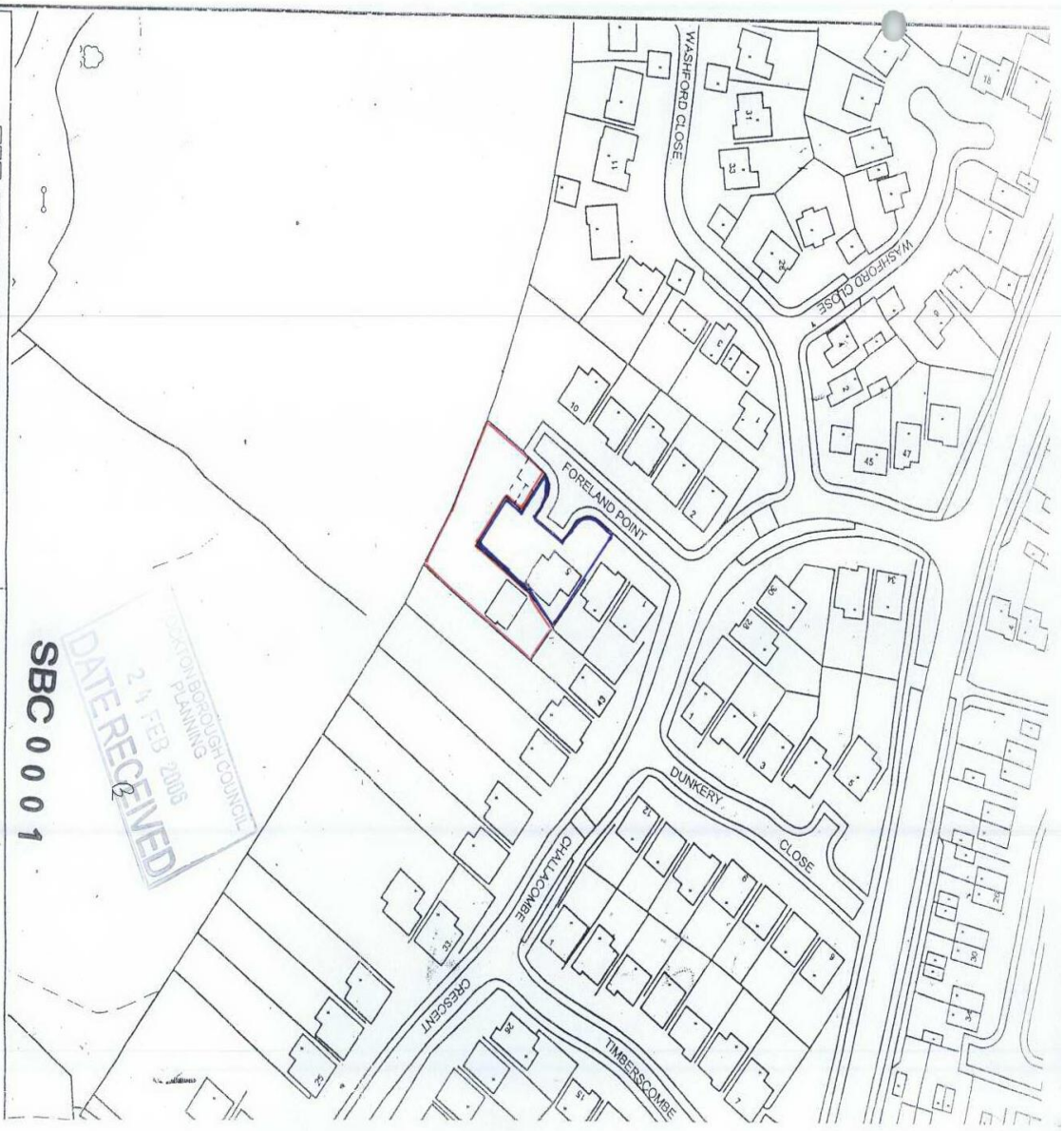
10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

### **Formal Decision**

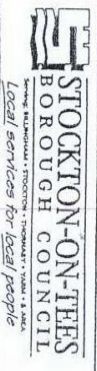
11. I dismiss the appeal.



Inspector



SBC 0001



**STOCKTON-ON-TEES  
BOROUGH COUNCIL**  
*Local services for local people*

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06 / 0586 / --

Project:  
PROPOSED BUNGALOW,  
SITE AT 5 FORELAND  
POINT, INGLESBY BARWICK

Drawing:  
EXISTING SITE PLAN

Client:  
MRS M GIBSON

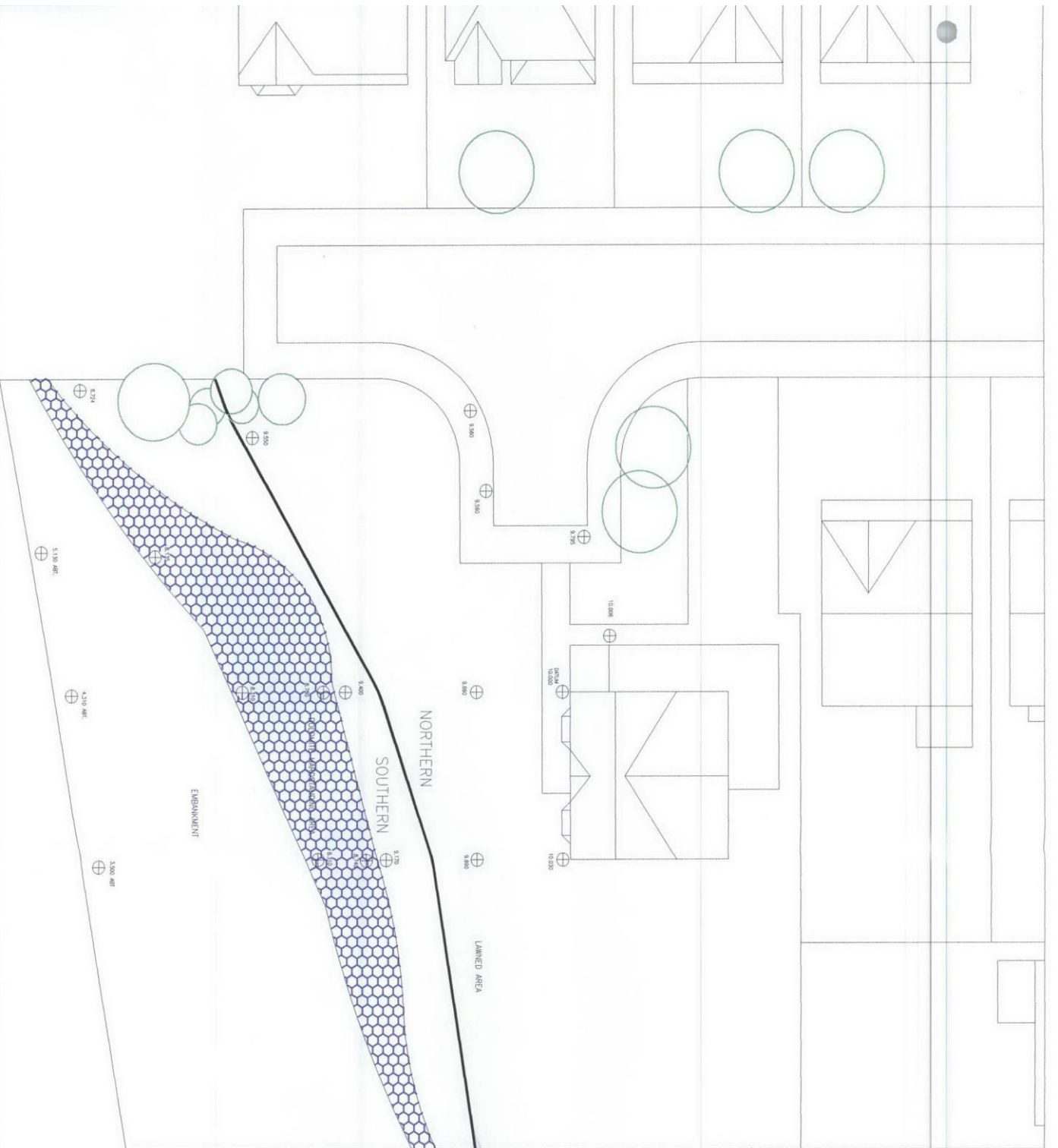
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Revisions:  
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Date:  
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Stovell

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Planning & Building  
development consultants  
2006  
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06 / 0586 /

Project:  
PROPOSED BUNGALOW,  
SITE AT 5 FORELAND  
POINT, INGLEBY BARWICK

Drawing:  
PROPOSED FLOOR PLAN &  
ELEVATIONS

Client:  
MRS M GIBSON

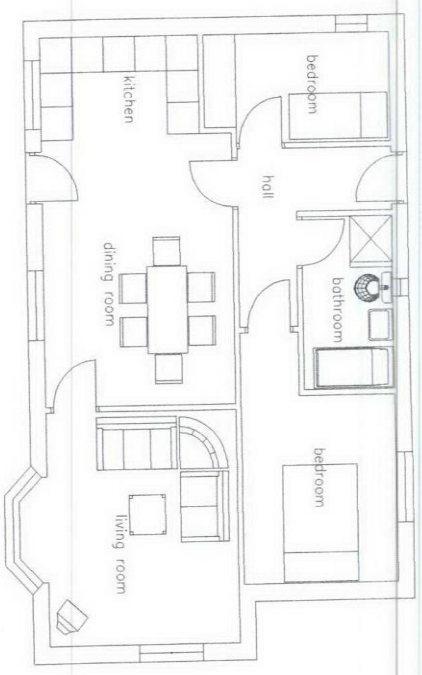
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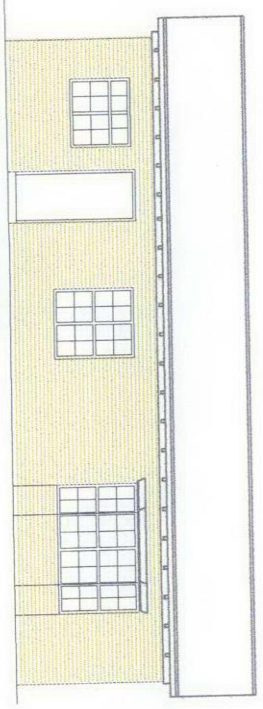
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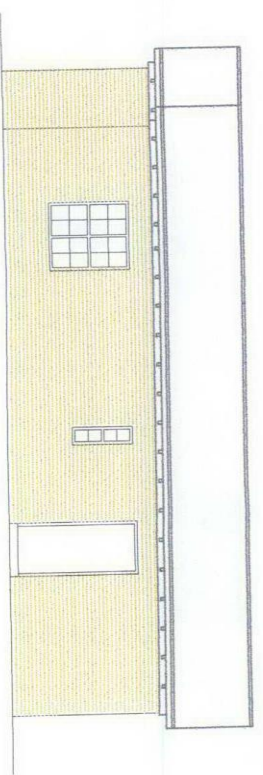
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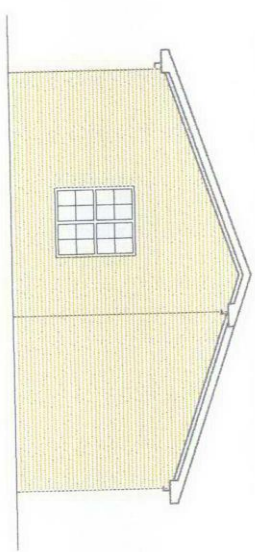
FLOOR PLAN AS PROPOSED



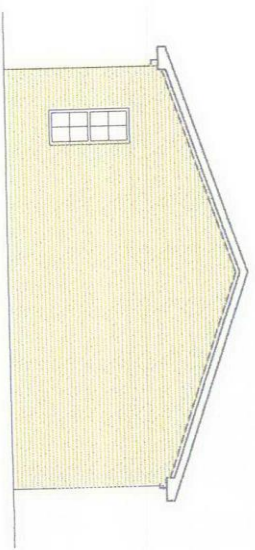
FRONT ELEVATION AS PROPOSED



REAR ELEVATION AS PROPOSED



SIDE ELEVATION AS PROPOSED



SIDE ELEVATION AS PROPOSED

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**Project:**  
PROPOSED BUNGALOW,  
SITE AT 5 FORELAND  
POINT, INGLEBY BARWICK

**Drawing:**  
PROPOSED SITE PLAN  
SHOWING GROUND FLOOR

**Client:**  
MRS M GIBSON

**Drawing No:**  
SN/04/011/01/c

**Revisions:**  
c: 21.02.06

**Scale:**  
1:200

**Date:**  
AUGUST 2005

**Drawn By:**  
PF

