

APPENDIX B – Planning Application Reference Number 05/0800/FUL

Appeal decision notice - dated 15th January 2007



The Planning Inspectorate

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Mr J Ward
Stockton - on - Tees Council
Legal & Admin Services
PO Box 34
Municipal Buildings
Church Road
Stockton-On-Tees
TS18 1TW

Your Ref: 05/0800/FUL
Our Ref: APP/H0738/A/06/2023698/WF
Date: 15 January 2007

Dear Mr Ward

**Town and Country Planning Act 1990
Appeal by Mr S Carter
Site at 1 & 3 Langdale Close, Egglecliffe, Stockton-on-tees, TS16 9DN**

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

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Yours sincerely

Amanda Baker

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You can now use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>





Appeal Decision

Site visit made on 12 December 2006

by **Wenda Fabian** BA Dip Arch RIBA

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

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Date: 15 January 2007

Appeal Ref: APP/H0738/A/06/2023698

1 & 3 Langdale Close, Eggescliffe, Stockton-on-Tees TS16 9DN

- 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 Carter against the decision of Stockton-on-Tees Borough Council.
- The application Ref 05/0800/FUL, dated 10 March 2005, was refused by notice dated 26 June 2006.
- The development proposed is new rear stairs, alteration to change from 2 to 4 flats.

Procedural Matter

1. Notwithstanding the description shown above, the appellant has confirmed on the appeal form that the proposal is for the 'erection of pitched roof extension to incorporate one additional flat, including dormer windows to front and rear, two-storey extension to the rear (to incorporate staircase) with associated car parking'. The appellant's statement refers to four dwelling units on the appeal site. The drawing no (204-02)02 rev C submitted with the appeal shows one flat at ground floor, two flats at first floor and an additional flat at roof level. However the amended description relates to only one additional flat. The Council has confirmed that the current authorised use of the appeal building is for two residential units only. The amended layout drawing, also shown as drawing no (204-02)02 rev C, considered by the Council in reaching its decision is hand annotated SBC002. This drawing shows only one flat at first floor. I have reached my decision on the basis of the amended description and the drawing annotated SBC002 as well as the amended car-parking layout annotated SBC001.

Decision

2. I allow the appeal in the terms set out in the formal decision below.

Reasons

3. The appeal property is not characteristic of the surrounding residential area, which includes mostly well spaced modest bungalows and some semi-detached houses. It is a substantial, brick, two storey flat-roofed block probably dating from the inter-war years, which now comprises one flat on each floor – each reached by a separate ground floor entrance door. It has a horizontal linear arrangement of windows, surrounded overall by a thin raised cast surround, typical of the period. One flat-roofed porch constructed of glass bricks remains; the other has been replaced by a more conventional timber framed porch. The proposal is to construct a conventional pitched roof on the block with front and rear flat roofed dormers, to accommodate a third flat at second floor level.
4. Whilst the proposal would increase the stature of the block in relation to the adjacent bungalows, planning permission for the addition of a pitched roof of similar dimensions to the roof proposed has already been granted and is still extant (Ref 04/0898/FUL, dated 17

September 2004). The proposed dormers and extension would not, therefore, in my opinion, add substantially to the physical presence of the building, in terms of the form already approved, or significantly increase its prominence in relation to nearby dwellings. Visually they would reflect the existing window style and layout of the block and would appear as natural additions to the pitched roof form previously approved. I have also seen that a substantial two storey dwelling nearby already has a large dormer, which is visible from the cul-de-sac at the front of the appeal building and I consider that the proposed ones would not look out of place in this context.

5. The proposed third flat would be reached via a side entrance, with a new separate staircase housed in the proposed first floor extension above an existing rear single storey store at one end of the block. To my mind this would be in keeping with the overall form of the building and would be preferable to the current approved construction of a side staircase extension at its other end; it would lessen the potential proximity of the block to the adjacent bungalow. The proposed dormer windows would be at a sufficient distance from the surrounding dwellings such that, in my judgement, any additional overlooking (in addition to that already arising from existing windows in the block) would be minimal and daylight would not be perceptibly diminished.
6. Existing mature trees in front of the block and in the rear garden are the subject of a Tree Preservation Order. It has not been suggested that the proposed pitched roof, dormers or rear extension would affect these and I see no reason why they would. Protection measures to prevent damage to the trees during construction could be ensured by condition. The proposed parking bays would be via an extension, into the rear garden, to the existing driveway access to a former garage at the side of the block. Whilst they would be close to one of the TPO trees, I note the professional arboricultural advice (submitted by the appellant) that tree T2 is affected by decay fungus and may require felling. This has not been challenged by the Council. In any event, the amended parking layout submitted prior to the Council's decision, annotated SBC001 and dated 30/03/2006, indicates that the parking bays would be constructed of 'Golpla' – a plastic interlocking cellular matting system – and any excavation beneath the branch spread would be hand dug. I am satisfied that the trees would, therefore, not be harmed by implementation of the parking bays as proposed.
7. I conclude that the proposal would not harm the character and appearance of the surrounding area or the living conditions of adjacent or future residential occupants in terms of privacy or visual outlook. It would therefore comply with policy H011 of the *Stockton-on-Tees Local Plan (LP)*, which seeks to ensure a high quality of built environment and protect the privacy and amenity of existing nearby residential occupants as well as that of future occupants of the proposed development.
8. I have considered the suggested conditions in accordance with the advice in DoE Circular 11/95: *The Use of Conditions in Planning Permissions*. Amended drawings were submitted during the planning process; for clarity I shall refer to these in the formal decision below. A condition listing them and requiring compliance with them is not necessary as any deviation from the approved details would not be in accordance with the permission. To ensure continuity with the existing building, further details of the proposed materials should be submitted for approval. The control of sound transmission between dwellings is subject to other legislation. The Council's supplementary design guidance requires bicycle parking provision. Although this does not carry the full weight of adopted policy, it accords with the government's aim to promote alternatives to car use and is therefore reasonable.

9. Any unauthorised subdivision of the first floor flat would not accord with this approval and it would be open to the Council to take action in relation to it. The suggested condition is therefore unnecessary. Construction work using machinery should be restricted to normal working hours to ensure a reasonable level of peace and quiet for neighbouring residential occupants. A requirement for covered refuse storage provision would be reasonable for visual reasons. To avoid on-street parking the proposed parking should be provided prior to occupation of the additional flat.
10. I allow the appeal, and grant planning permission for 'erection of pitched roof extension to incorporate one additional flat, including dormer windows to front and rear, two-storey extension to the rear (to incorporate staircase) with associated car parking' at 1 & 3 Langdale Close, Egglecliffe, Stockton-on-Tees TS16 9DN in accordance with the terms of the application, Ref 05/0800/FUL, dated 10 March 2005, and the plans submitted with it, as amended by the drawings annotated SBC001 and SBC002, subject to the following conditions:
- 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) No development shall take place until a scheme showing fencing details and erection methods for the protection of existing trees, in accordance with BS 5837, 1991, has been submitted to and approved in writing by the local planning authority. This shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
 - 4) Parking provision in accordance with the drawing annotated SBC001 shall be implemented prior to the occupation of the additional residential unit hereby approved.
 - 5) During construction of the development hereby permitted no on-site work shall take place using machinery before 08:00 on weekdays and 09:00 Saturdays, nor after 18:00 on weekdays and 13:00 on Saturdays, nor at any time on Sundays or Bank Holidays.
 - 6) No development shall take place until a scheme showing full details of covered provision for refuse storage bins and secure parking for two bicycles has been submitted to and agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details prior to the occupation of the additional residential unit hereby approved.

Wenda Fabian
Inspector

