



Appeal Decision

Site visit made on 23 October 2007

by **Anthony Lyman** BSc(Hons) DipTP
MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
20 November 2007

Appeal Ref: APP/H0738/A/07/2047979

1 Baffin Court, Thornaby, Stockton-on-Tees, Cleveland, TS17 0DQ

- 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 Peter & Julie Higginbotham against the decision of Stockton-on-Tees Borough Council.
- The application Ref 06/3436/COU, dated 7 November 2006, was refused by notice dated 5 January 2007.
- The development proposed is a change of use from public open space to private garden and driveway facilities.

Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect that the proposed development would have on the appearance of the surrounding area.

Reasons

3. 1 Baffin Court is the end property in a terrace of similar houses. Each dwelling has been built with a single entrance reached from a pedestrian public footpath via a small private garden. To the rear of the terrace is a wide area of grassed open space which separates the houses from a busy main road. This open grassed area continues along the side of the terrace. The rear windows of the houses overlook the open space but the residents have no planned direct access to it. The grassed area which is owned and maintained by the Council provides a pleasant outlook from the houses and creates a green open setting for the terrace.
4. The appellants wish to purchase from the Council the area of open space to the side of their property to create a private, fenced and gated garden with a driveway for parking cars.
5. These green open spaces are an essential feature of this housing area contrasting with the small enclosed areas of private space within the estate. To enclose this prominent corner area of open space with paling fencing would be detrimental to the appearance of the estate as a whole and deprive other residents of this facility. I also consider that to allow the enclosure of this space would set a precedent which in time would lead to a significant change in the estate's pleasant open setting.

6. In their Appeal Statement, the appellants argue the need for the new space because their existing garden is very small and looks directly at a gable wall of a nearby house. From my site visit I agree that the private amenity space to 1 Baffin Court is extremely limited and I have sympathy with the appellants' situation. This argument however does not outweigh the harm that would be caused to the area by enclosing this open space.
7. The appellants in support of their appeal have cited the fact that the front gardens of a nearby pair of semi detached properties have been enclosed as private space. I saw this on my site visit but I have no information about the circumstances relating to these properties. I observed that the paths to their front doors cross these enclosed gardens.
8. I conclude that the proposed development would be detrimental to the appearance of the area and the enjoyment of this green space by other residents and would therefore be contrary to policy GP1 of the Stockton-on-Tees Local Plan.
9. For the reasons outlined and having considered all other matters raised, I dismiss the appeal.

Anthony Lyman

INSPECTOR