



Appeal Decision

Site visit made on 5 February 2008

by **R R LYON** MA CEng MICE MRTPI FIHT

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

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Decision date:
26 February 2008

Appeal Ref: APP/H0738/A/07/2057838

The Wainstones, 18 Leven Road, Yarm TS15 9JE

- 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 TC Developments (NE) Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2442/FUL, dated 15 August 2007, was refused by notice dated 11 October 2007.
- The development proposed is construction of 5 detached dwellings (& demolition of existing dwelling).

Decision

1. I dismiss this appeal.

Main issues

2. I consider the main issues in this case to be the effect of the proposal on the character and appearance of the area and on the living conditions of neighbours and prospective residents with particular regard to overlooking and privacy.

Reasons

Character and appearance

3. There is strong local feeling that The Wainstones, an Arts and Crafts style suburban villa, should be retained; and it has been nominated for a Local List of buildings. However, such a list has not been produced, nor is there any formal protection for the building. It is one of a number of detached dwellings standing in large plots on Leven Road. The party boundaries here are not perpendicular to the highway edge. Some dwellings align with the highway, and others with the party boundaries, resulting in a staggered appearance which, combined with the lack of uniformity in building style, imparts an informal feeling about the street which appears low density in character.
4. No.18 is set well back into the site, whereas the proposed dwellings on plots 1 and 2 would lie between the dwellings at Nos. 16 and 20. Plots 1 and 2 would occupy a total width of about 29m in a site some 39m wide (74%), compared to about 18m in a 25m plot for No. 16 (72%). Thus the apparent frontage density proposed would not be out of place. Whilst elements of the new buildings would be somewhat taller than neighbouring properties, there is such variation already in the design of dwellings in the street that the proposed

designs would not be so different that they would be inappropriate in the context of this neighbourhood.

5. The dwellings on Plots 1 and 2 would be some 20m or so from the edge of the carriageway. The side elevation of plot 3 would be some 55m back from the edge, and plots 4 and 5 some 80-90m back. Seen in perspective, dwellings on the back plots would have little impact on the view into the site from the road; such impact would be further diminished because the public highway is somewhat below the level of the front plots. From my observations of the positions of the houses relative to the hedges and trees near the party boundaries, I consider that the imposition of appropriate planning conditions would protect the existing planting at boundaries and soften the development to enhance the quality of the site.
6. *Planning Policy Guidance 3: Housing* indicates that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. In this case, I consider that the design and layout of the proposal strikes a balance that would lead to a more efficient use of land without compromising the quality of the local environment. I conclude that the proposal would not harmfully affect the character and appearance of the area.

The living conditions of residents

7. The distance between properties within the site would be such that the Council's standards for minimum distances between habitable rooms would be exceeded. The Hemmingford Gardens properties would be some 40m from the nearest dwelling on plot 5, with an intervening boundary comprising an evergreen hedge/tree line some 6m high. I consider that the proposal would have no adverse effect on the living conditions of Hemmingford Gardens.
8. The houses on plots 1 and 2 would lie between the end elevations of Nos. 16 and 20, and again I consider that no material overlooking or loss of privacy would take place between habitable rooms. The rear elevation at plot 3 would be some 10m from the garden of No.16, but would be about 30m from the house. There is significant vegetation cover at the boundary and the potential to strengthen it further. I do not consider that any materially harmful effect on living conditions would arise from that relationship.
9. The submitted plans do not show the extension to No.20 forming a wing behind the rear elevation on the east part of the house. That extension includes a raised square balcony/patio area outside the main bedroom at first floor level, below which is a ground level patio; both face No.20's own rear garden and the house at Wainstones. The location of the proposed dwelling on plot 2 is such that I do not consider it would materially harmfully affect the ground floor patio by reason of overshadowing or domination. However, I am concerned about the relationship between the raised patio and the proposed garden of plot 2.
10. Wainstones is set well back in the site and the side of the property containing the garage provides a secluded area some 8m deep along the boundary to accommodate the neighbouring raised patio area. The proposal would reduce this overlap to some 2m, taking away the seclusion. Furthermore, the ground floor room at plot 2 here would be a sun lounge, with the only direct access from the property to the rear garden. This would be the area where one would

expect maximum activity and enjoyment of the garden of plot 2. Despite the presence of a 3m hedge at the boundary, there would be direct and close intervisibility between this garden and the raised patio with overlooking and considerable loss of privacy to both sides. I do not believe that this could be overcome by the imposition of planning conditions.

11. Whilst the residents at No.20 could not expect to have a permanent untrammelled view over the Wainstones site, the situation that would arise would cause significant harm to the living conditions both of the residents of No.20 and the prospective residents of plot 2 by way of overlooking and loss of privacy. This would conflict with saved policies GP1(ii.), HO3(v.) and HO11(iii) & (iv.) of the Stockton-on-Tees Local Plan. My conclusion on the first issue does not overcome my conclusion that the appeal should fail on the second issue.

Other matters

12. I have considered all other matters raised in the written representations including comments on highway safety. I have also taken account of the previous decision relating to an appeal on this site (ref. APP/H0738/A/07/2036383).

R.R.Lyon
INSPECTOR