



Appeal Decision

Site visit made on 13 May 2008

by **D R Cullingford BA MPhil MRTPI**

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

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Decision date:
5 June 2008

Appeal Ref: APP/H0738/A/08/2065326/WF

5 Wear Crescent, Eaglescliffe, Stockton-on-Tees, Cleveland, TS16 0JP

- 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 by Mr Neil Edwards against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 07/1492/FUL and dated 18 May 2007) was refused by notice dated 31 July 2007.
- The development is described as a 'change of use from open space to garden and 2 storey extension to side and single storey extension to front'.

Decision

1. For the reasons given below, I allow the appeal, and grant planning permission to change the use of open space to garden and to construct a 2 storey extension to side and a single storey extension to the front of 5 Wear Crescent, Eaglescliffe, Stockton-on-Tees, Cleveland in accordance with the terms of the application (ref. 07/1492/FUL) dated 18 May 2007, and the plans submitted therewith, 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) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the plans, hereby approved, No.46PP02, unless otherwise agreed in writing by the local planning authority.
 - 3) Details of the materials to be used in the construction of the external surfaces of the development, hereby permitted, shall match those used in the existing building and shall be submitted to and approved in writing by the local planning authority before development commences. The works shall be carried out in accordance with the approved details.
 - 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development; specifications of the type and species to be planted; details of finished contours and surfaces; and, details of the means of enclosure.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the extension or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reasons

2. The appeal property is a modest semi-detached dwelling at the end of a small cul-de-sac on an extensive estate. The few dwellings within the cul-de-sac stand on the southern side of the road with 2 blocks of lock-up garages forming the northern frontage. An area of grassed open space with a few trees lies

beyond the turning head. That open space, somewhat disappointingly, leads nowhere, as thick hedges prevent access to the main road just beyond and fencing around gardens at the appeal property and at 1 Field Close (to the north) similarly curtail movement. The proposal would involve a 2 storey side addition, extending the width of the appeal property by about 3.5m, and a small single storey extension beneath a sloping roof across part of the front elevation. The intention is also to enclose part of the open space at the end of the cul-de-sac within a slightly enlarged side garden. The new garden area would align to the existing front elevation, instead of some 2.5m back along the side elevation.

3. The Council object to this scheme because, without any on-site parking provision, the creation of a larger dwelling here could exacerbate the incidence of on-street parking. They are also concerned that the proposal would serve as a precedent for further incursions of private gardens on to areas of incidental open space so denuding the 'softening' effect of such greenery and creating a more urban character to this suburban estate. The side extension would itself result in built development being closer to the main road. For those reasons it is claimed that the project would be contrary to the requirements of 'saved' policies GP1 and HO12 of the Local Plan, as well as to the principles contained in their supplementary guidance on 'parking provision'. I consider that those are the main issues in this case.
4. On the first issue, although I accept that a 4-bedroom house might generate a requirement for more car parking than one with only 3 bedrooms, it seems to me that any such additional car parking is unlikely to cause significant problems here. First, parking is provided by the lock up garages and their respective 'forecourts' opposite. The appellant rents one of those garages. Although that arrangement cannot be guaranteed in perpetuity, it is clearly one way in which parking provision is intended to be achieved on this estate. Second, even were that provision to prove inadequate, this cul-de-sac contains only 4 dwellings and could accommodate some cars on the street. And third, if problems were to arise they would tend to occur within the confines of a very quiet cul-de-sac and thus be most unlikely to cause traffic hazards to other road users.
5. On the second issue, I think that this particular incursion of a private garden on to an area of incidental open space would be very modest. Moreover, it would take place at the head of a cul-de-sac screened from the main road frontage by thick hedges and trees and well away from the more noticeable thoroughfares on the estate. In itself it would not denude the verdant ambience of the place, subject to appropriate landscaping and means of enclosure. On the contrary, the new area of garden could contribute to the sylvan character of this small corner and make use of a somewhat unused open enclave behind the side elevation of the appeal property. Of course, the side extension would result in built development being closer to the main road. But the extension would remain some 4.5m from the pavement not only behind thick hedges and trees, but also with sufficient space to accommodate additional landscaping.
6. I appreciate why the Council are concerned and I saw that some prominent open areas have been enclosed behind close boarded fencing, thereby creating a severe and somewhat forbidding aspect to the street scene. However, I

consider that the appeal proposal would be quite different. The site is not in a particularly prominent position: an open area would remain at the head of the cul-de-sac: and, the new garden could, subject to appropriate conditions, contribute to the verdant character of the area. There are no objections to the design of the proposed extensions. I agree that, provided matching materials were to be used in the construction, the proposal would blend in well with the existing dwelling and reflect the character of the area. Hence, I do not agree that the project would contravene the requirements of 'saved' policies GP1 and HO12 . Indeed, I find no reason why the proposal should not be allowed, subject to the conditions set out above.



INSPECTOR