



## 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:  
19 June 2008

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**Appeal Ref: APP/H0738/A/08/2066103/WF**  
**35 Grays Road, Stockton-on-Tees, Cleveland, TS18 4LL**

- 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 James Wilson against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 07/1397/FUL and dated 9 May 2007) was refused by notice dated 1 August 2007.
- The development is described as the 're-siting of existing detached garage and concrete base'.

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### Decision

1. For the reasons given below, I allow the appeal, and grant planning permission for the re-siting of the existing detached garage and concrete base at 35 Grays Road, Stockton-on-Tees, Cleveland in accordance with the terms of the application (ref. 07/1397/FUL) dated 9 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) Notwithstanding the submitted plans, the re-sited garage, hereby approved, shall be positioned at least 3m from the boundary with the adjacent property at 33 Grays Road.
  - 3) No part of the garage shall be re-sited until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping on the rear boundary between Nos.33 and 35 Grays Road. The scheme shall include indications of all existing trees and hedgerows within 3m of the boundary, 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; and, details of finished contours and surfaces.
  - 4) 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 building 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 semi-detached dwelling within a larger than average garden beside a stream that drains into the nearby flood plain of Lustrum Beck. The house has been hugely extended, mainly into the ample side garden, but there is also a rear extension projecting some 3m beyond the rear elevation. It is proposed to re-site a substantial pre-fabricated garage structure some 3m beyond that rear extension and about 1m from the close-boarded fence on the boundary with the adjoining property to the north. The building, which currently stands beside the water course, consists of grey pebble-dash panels beneath a flat (very gently sloping) roof. The structure is about 5.9m wide,

7.8m deep and 2.6m high. I saw that the concrete base for the building was already in position. It lies on land nearly 1m above the level of the adjoining garden beneath the foliage of shrubs and elder.

3. The Council object to this scheme because, due to the size and location of the garage, they consider that the structure would have a sufficiently overbearing affect on the neighbouring property to impair amenity there. It would thus contravene the requirements of 'saved' policies GP1 and HO12 of the Local Plan. That is the issue on which this case turns.
4. I appreciate that the re-sited garage would fail the 60° rule used as a guide to assess the acceptability of single storey rear extensions (as set out in the Council's SPGN2). But the garage is not an extension and, if it were to be positioned some 2m further from the extended dwelling at No.35, planning permission would not be required due to the operation of the Town and Country Planning (General Permitted Development) Orders. Although the new position of the garage would be immediately to the south of the garden at No.33, a fence, some 2m high, together with trees and shrubs, already casts a shadow across that neighbouring property. The garage wall adjacent to that fence (unlike a typical residential extension) would be barely more than 2m in height and, although the roof would slope upwards (reaching about 2.6m), the highest point would be almost 7m away. In those circumstances, and in spite of the difference in the garden levels, it is difficult to see that the proposal would, on its own, significantly add to the overshadowing likely to be experienced in the adjacent garden. Moreover, the site intended for the garage would lie below the level of both semi-detached dwellings and, provided the intervening foliage were to remain, the pleasant sylvan prospect, typical of this suburban street, would not be greatly impaired. My one concern is that the intended proximity of the building to the boundary foliage could make maintenance difficult and even hasten the demise of the shrubs and trees there. However, I think that there is more than sufficient room to site the building slightly further away and secure appropriate intervening foliage. Although that might involve some reconfiguration of the existing concrete slab, that was installed without the benefit of planning permission. I shall thus impose a appropriate conditions. In those circumstances, I consider that the structure would not seriously impair the prospect that neighbouring residents might reasonably expect to enjoy in a pleasant suburban area such as this. It would not, therefore, contravene the requirements of policies GP1 or HO12.
5. I have considered all the other matters raised, but I find no compelling reason to alter my conclusion that this proposal should be allowed, subject to the conditions set out above.



INSPECTOR