



## Appeal Decision

Site visit made on 8 July 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:  
16 July 2008

### Appeal Ref: APP/H0738/A/08/2073346

#### Carlton Green, Thorpe Road, Carlton, Stockton on Tees TS21 1DX

- 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 J R Byres against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/3206/FUL, dated 5 November 2007, was refused by notice dated 14 January 2008.
- The development proposed is a single detached house and separate garage.

#### Decision: I allow the appeal in the terms set out below.

##### Main issues

1. The main issues are: whether the proposal would accord with national policy objectives aimed at limiting new residential development to sustainable locations; and the effect of the proposal on the character and appearance of the surrounding area and the living conditions of adjacent residential occupants in terms of visual impact and sunlight.

##### Reasons

2. The appeal site is a large grassed area that is part of the extensive rear garden of Carlton Green, a traditional detached house. It is completely surrounded by several other dwellings, which mainly back onto it. These include two pairs of semi-detached houses, a pair of semi-detached bungalows, a large detached bungalow and a former farmstead conversion. The proposal is for a large detached 'butterfly' plan house.
3. A main national policy objective set out in both PPS1<sup>1</sup> and PPS3<sup>2</sup> is to reduce the need for private car use and focus new residential development in locations with good public transport and close to existing services and facilities. The Council is concerned that the village is not in a sustainable location for further development. However, no evidence has been provided in relation to the Council's strategy, in relation to sustainability, for either planned locations for new housing or a settlement hierarchy. The appeal site is at the heart of Carlton, a substantial settlement a little over 2km from Stockton on Tees with an hourly bus link to it. I note that, whilst there is no school in the village there is one shop, a public house, church, village hall and around four locally based small business employers. The local hospital and a large supermarket

<sup>1</sup> Planning Policy Statement 1: Delivering Sustainable Development

<sup>2</sup> Planning Policy Statement 3: Housing

are just over 3km away. The appeal site lies within the development limit for the village, where saved policy HO3 of the Stockton on Tees Local Plan (LP) allows residential development, subject to other criteria. On the basis of the information before me I find little national policy objection sufficient to outweigh this current development plan policy.

4. I conclude that the proposal would not be contrary to national policy objectives aimed at limiting new residential development to sustainable locations.
5. Saved LP policies GP1, HO3 and HO11 all seek to safeguard the character and appearance of the area and the amenities of adjacent land users. The properties around the site are extremely varied in appearance; they include attractive traditional brick and render dwellings, probably Victorian or earlier, and more recent buildings dating from the 1960s onwards. In this context I can see little visual objection to the proposal, which would be two stories (similar to some others around the site) and of brick with pitched hipped roofs. The brick window head and corbelled eaves details would reflect the traditional style of the host building and the adjacent farmstead.
6. Site levels would be adjusted such that the proposed house would sit at the lowest level of the site, at the same level as adjacent houses. It would have hip-roofed single storey elements at each end, closest to the high boundary fences to neighbouring dwellings and this would reduce its visual impact on these properties. Whilst large, the building mass would be broken down; its scale would be reduced by the narrow span roofs, the central double height glazing and the winged plan-form. Consequently, it would fit in with the general pattern of development and would not appear overbearing viewed from adjacent properties. Separation distances would be sufficient to prevent excessive overshadowing during a significant part of the day and the layout would ensure little direct overlooking of existing windows.
7. I note that two trees on the site are subject to a Tree Preservation Order (Ref 00.8.5.15). However it has not been suggested that these would be affected by the proposal and as the building would be sited away from the trees and outside their canopies I am satisfied that it would not harm them.
8. I conclude that the proposal would not harm the character and appearance of the surrounding area or the living conditions of adjacent residential occupants in terms of visual impact and sunlight. It would, therefore, comply with development plan policies.
9. I have been referred to other recent approvals for houses in the vicinity and to previous appeal decisions nearby. Few of the planning circumstances relating to these are available to me and I have reached my decision in this appeal on the individual merits of the case.
10. Further approval of the proposed materials and detailed levels information is necessary to ensure continuity with the neighbouring buildings. In the context of the mature gardens around it, the requirement for soft landscaping of the site is reasonable. In view of the proximity to surrounding dwellings on all sides, any future extension should be subject to a further application. The existing trees on the site should be protected during construction. In the light of existing land drainage problems the requirement for drainage provision is necessary. As the village dates from mediaeval times, an archaeological

watching brief during excavation work is necessary. In this residential environment working hours should be controlled.

**Formal Decision**

11. I allow the appeal, and grant planning permission for a single detached house and separate garage at Carlton Green, Thorpe Road, Carlton, Stockton on Tees TS21 1DX in accordance with the terms of the application Ref 07/3206/FUL, dated 5 November 2007, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until details or samples of the materials to be used in the construction of the external surfaces of the building 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 details of finished floor levels of the building hereby permitted, related to existing and proposed finished ground levels, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
  - 4) No development shall take place until a scheme for the provision of land drainage of the site has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme.
  - 5) No development shall take place until a scheme for soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. The scheme details shall include: a planting plan, which records existing trees to be retained with measures for protective fencing during the work and construction techniques for tree pits in hardsurfacing and tree root barriers; and written specifications indicating soil depths, grass establishment, schedules of plants, noting species, plant sizes and proposed numbers and densities. All work shall be in accordance with the Councils Design Guide Specification (residential and industrial estates development) current edition, BS4428:1989, code of Practice for General Landscape Operations, and the Horticultural Trades Association (2002) Code of Practice. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The works shall be carried out prior to the occupation of the development or in accordance with a programme agreed with the local planning authority. Changes in levels near the branch spread of the trees should be avoided. Only hand digging will be allowed in the vicinity of tree roots.
  - 6) In this condition "retained tree" means an existing tree which is to be retained in accordance with the scheme referred to in condition 5) above. Retained trees on site shall be protected strictly in accordance with BS 5837:2005 Trees in relation to Construction and with the following:

- i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).
  - ii) The erection of fencing for the protection of each retained tree 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.
- 7) No construction or building operations shall be carried out on the site outside the hours of 08:00 – 18:00 Mondays to Fridays and 08:00 – 13:00 Saturdays and none shall take place on Sundays or statutory Bank Holidays.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Class A (the enlargement, improvement or other alteration of a dwellinghouse) shall take place, other than as expressly authorised by this permission, without the prior written permission of the local planning authority.
- 9) The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow that person to observe the excavations and record items of interest and finds.

*Wenda Fabian*

Inspector

