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## Appeal Decision

Hearing held on 27 August 2008  
Site visit made on 27 August 2008

by **Kevin Ward BA (Hons) 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](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
16 September 2008

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**Appeal Ref: APP/H0738/A/08/2071071**  
**690 Yarm Road, Eaglescliffe, Yarm TS16 0RN**

- 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 Yarm Homes Ltd against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 07/1698/FUL, dated 5 June 2007, was refused by notice dated 21 September 2007.
  - The development proposed is residential development comprising 10 No. new build apartments and conversion of existing dwelling into 4 No. apartments together with associated access, parking and landscaping.
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### Decision

1. I dismiss the appeal.

### Procedural Matters

2. The application was originally for 16 dwellings. The plans were revised prior to determination by the Council and the proposed number of dwellings was reduced to 14. I have determined the appeal on the basis of these revised plans therefore and have amended the description of the proposed development set out above accordingly.
3. The Council's reason for refusal includes reference to Policy HO13 of the Stockton-on-Tees Local Plan; it should in fact have referred to Policy H03.

### Main Issue

4. The main issue is the effect on the living conditions of the occupiers of properties on Croft Road in terms of privacy and outlook.

### Reasons

5. Although the Council's reason for refusal includes reference to the character of the area, it confirmed at the hearing that this reflected its concern in relation to the impact on living conditions. It accepted that there would be no significant harm to the character and appearance of the area. I agree that given the retention of much of the tree cover, including all of the protected trees along the frontage, the positioning of the new development within the site and its overall design, there would be no harm to the character and appearance of the area.
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6. The Council does not have any specific guidance relating to appropriate separation distances between new and existing dwellings. Supplementary Planning Guidance No.2 (SPG) approved in February 2004 deals with householder extensions. This was approved following consultation and therefore carries considerable weight. Both main parties agreed that some aspects of this SPG could be applied to new dwellings. The SPG seeks a minimum separation of 21m where the windows of main habitable rooms of an extension would face those of neighbouring properties or 11m where the side of the new or existing dwelling would be affected. These separation distances are related to the need to prevent overlooking and maintain privacy and do not specifically address the issue of outlook.
7. The proposed block of 8 apartments would be situated in the corner of the site, closest to properties on Croft Road. The design and layout of this block is such that windows directly facing 59 and 60 Croft Road would be some 21m from those in these neighbouring properties, sufficient to avoid any significant overlooking. Other windows would be closer to neighbouring properties but these would be at angles to the dwellings on Croft Road and their rear gardens. The use of obscure glazing which could be secured through a condition would further reduce the potential for overlooking, as would landscaping along the boundary. I consider therefore that there would not be a significant loss of privacy for the occupiers of properties on Croft Road. The proposed development would comply with the guidance in the SPG insofar as it relates to the issue of privacy.
8. There is currently a substantial line of trees along the boundary of the appeal site and the rear of properties in Croft Road. These would be removed as part of the proposed development, although they are not specifically protected and could be removed or reduced in height at any time. Two storey rear extensions have been approved at 57, 58, 61 and 62 Croft Road, although these have not yet been built. The rear gardens of the properties along Croft Road are relatively short.
9. Given the position of the proposed block of 8 apartments, the staggered nature of the design and the degree of setting back from the boundary, it would not have a significant effect on the outlook from the rear of 57-59 Croft Road. Likewise, it would not significantly affect the outlook from No.62 given that it would drop to a single storey at this point and turn away from the boundary.
10. The block would project to within approximately 2m of the boundary with the rear gardens of Nos.60 and 61. This would involve a blank gable elevation some 5m wide, over 5m to the eaves and nearly 9m to the ridge. It would directly face the gap between Nos.60 and 61 and be set behind their garages. However, given the height and overall scale of the proposed gable elevation, its solid nature and close proximity to the boundary, it would be a dominant and imposing feature and would have an overbearing effect on the outlook from the rear of Nos.60 and 61 and their gardens. There would be very little scope for landscaping to screen or soften the impact of the blank elevation given the proximity to the boundary.
11. Although the outlook from the rear of Nos.60 and 61 is already affected by the existing trees which are higher than the proposed block of apartments, they at least provide a green and semi-naturalistic backdrop to the properties. They

are subject to some movement through wind and although very dense, they are not a completely solid feature. The solid and imposing nature of the proposed gable elevation would have a significant adverse effect on the outlook, compared with this existing situation. Whilst the effect on outlook would be even more pronounced should the rear extension approved at No.61 be built, I have determined the appeal in the light of existing circumstances. The proposed development would therefore have a significant adverse effect on the living conditions of the occupiers of 60 and 61 Croft Road in terms of outlook, contrary to Policies GP1, HO11 and HO13 of the Local Plan.

12. The appellant submitted extracts from documents produced by Leeds City Council (Residential Design Guide 4: Space about dwellings and Guide for Residential Design: Neighbourhoods for living) which include standards for separation distances between windows and blank elevations. Whilst in this case these standards may be met, they refer to minimum distances and given the relationship of the proposed gable elevation to Nos.60 and 61 and their rear gardens, would still, in my view, result in a significant adverse effect on outlook. In any event, although these documents provide an indication of separation standards applied elsewhere, they have not been replicated by the Council and do not form part of the development plan or supplementary planning guidance. I have given them little weight therefore.
13. The proposed development would make efficient and effective use of a previously developed site in a sustainable location relative to facilities and transport links. The appellant submitted a duly executed planning obligation in the form of a unilateral undertaking concerning a contribution to off site recreational space. I am satisfied that this would be necessary to overcome the effects that the proposed development would have on local recreational facilities in line with part ii) of Policy HO11 of the Local Plan and the Supplementary Planning Document on Planning Obligations (May 2006). It meets the tests set out in Circular 05/2005 and I have therefore given it significant weight in reaching my decision. However, these factors are not sufficient to outweigh the harm to the living conditions of the occupiers of 60 and 61 Croft Road, nor is the lack of harm to the character and appearance of the area.
14. For the above reasons and taking account of other matters raised, including the nature of pre-application advice and the officer recommendation to the Planning Committee, I conclude that the appeal should be dismissed.

*Kevin Ward*

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R Smith	Peacock and Smith, Suite 2A, Josephs Well, Hanover Walk, Leeds LS3 1AB
Mr R Burt	Richard Burt Design, 33 Red Hall Avenue, Leeds LS17 8NQ
Mr R Baird	Yarm Homes Ltd, The Old Offices, Urray Nook, Eaglescliffe TS16 0LA

FOR THE LOCAL PLANNING AUTHORITY:

Mr S Grundy	Senior Planning Officer, Stockton-on-Tees Borough Council
Cllr M Rigg	4 Monmouth Drive, Eaglescliffe TS16 9HU
Cllr J Beaumont	3 St Martins Way, Kirklevington, Yarm TS15 9NR

DOCUMENTS

- 1 *Additional drawings submitted by appellant showing elevations from properties on Croft Road*
- 2 *Unilateral undertaking submitted by appellant relating to contribution to recreational space*
- 3 *Supplementary Planning Document 6: Planning Obligations*