



## Appeal Decision

Hearing held and site visit made on  
3 February 2009

by **Robin Brooks BA (Hons) MRTPI**

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

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Decision date:  
17 February 2009

### Appeal Ref: APP/H0738/A/08/2081517

#### 1 Easby Grove, Thornaby, Stockton-on-Tees TS17 8BU

- 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 Mr Ian Browning against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/0563/FUL, dated 9 February 2008, was refused by notice dated 1 May 2008.
- The development proposed is erection of a two bedroom detached house.

#### Decision

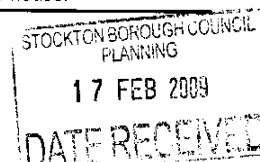
1. I dismiss the appeal.

#### Main Issues

2. The Council's decision notice cites Policies GP1, HO3 and HO11 from the Stockton-on-Tees Local Plan (LP). In summary these seek to ensure that new development is satisfactorily related to its surroundings; that the amenities of adjacent landowners are safeguarded; and that proposals for new housing incorporate open space, ensure satisfactory privacy and amenity for residents and avoid any unacceptable effects in those respects upon neighbours.
3. Bearing in mind the aims of these Policies, the determining issues in the appeal are whether the proposal would provide:
  - (i) sufficient usable outdoor space for both the new house and for 1 Easby Grove; and
  - (ii) acceptable living conditions for occupants of both new and existing houses in terms of outlook, privacy and freedom from undue noise and disturbance.

#### Reasons

4. The proposed house would stand within the curtilage of 1 Easby Grove, next to that house and on land currently occupied by 2 garages and a store. The greater part of the rear garden to No. 1 would be transferred to the new house, leaving the existing property with a rear yard of some 10 sq m and a front garden of some 78 sq m plus a new parking area for 2 cars.
5. The Council have no formal standards or guidelines for what constitutes an adequate garden so this is essentially a matter of judgement, bearing in mind, among other things, the nature of the proposal, the character of the surrounding area and provision that has been made in other developments



locally. Whilst different people will have different expectations and requirements of gardens, it seems to me reasonable to assume that prospective occupants of both the existing and proposed houses would be looking for more private outdoor space than would normally be found with one bedroom flats or houses, and that they could reasonably expect it to provide for some outdoor recreation with a degree of privacy. In my view what is proposed here for both properties falls short against these yardsticks.

6. The rear garden of the proposed house would be just over 7 m long at its longest, reducing to around 4 m. Even by the standards of the surrounding area, where there are a good number of small gardens, I consider this to be small indeed and below the level of space that might reasonably be expected with a two bedroom house. Given that the forecourt would be given over entirely to parking, it represents an inadequate level of amenity space.
7. The remaining space to the rear of 1 Easby Grove would be small and awkwardly shaped and could only be used for storage, as the Appellant accepted. The only area available for anything approaching outdoor recreation would be that part of the front garden between the parking areas of the two houses, less than 5 m wide and bounded by Easby Grove. Whilst I accept that the hedge provides some screening, and that Diamond Road does not carry heavy flows of traffic, there is still a good deal of coming and going of both vehicles and pedestrians along the road. In my view to provide as the only effective garden area such a small space, to the front of the house and so close to the highway, would be neither adequate nor reasonable by modern standards.
8. There was considerable discussion at the Hearing on provision of open space in other developments and the Council did not challenge the Appellant's argument that these had smaller gardens than what is proposed here, and in some cases for 3 and 4 bedroom houses. However, numerical comparisons are not decisive in themselves. Much depends on how space in and around a development as a whole is handled, including the balance between back and front gardens, private and public areas. In this respect I have insufficient information on these other examples to judge how comparable they might be with the appeal proposal. Taking that proposal on its merits, and bearing in mind that one property would rely solely on a back garden and one only on a front space, I conclude on the first main issue that neither the proposed house nor 1 Easby Grove would have sufficient usable outdoor space, contrary to the aims of LP Policies GP1, HO3 and HO11.
9. Although the outlook from the first floor bedroom window of 53 Diamond Road is currently flanked in part by the rear wall of 1 Easby Grove, it is open over the roofs of the single storey buildings within the curtilage of the latter. The proposed house, standing only some 5m from No. 53, would remove any such sense of openness and would in my opinion appear unduly overbearing seen from that property. The same effect would arise in reverse though less severely. The 1.8 m high fence to the site boundary would prevent any overlooking at ground floor level, and the obscure glazed windows to the rear of the proposed house would do likewise from the first floor there. However, the first floor window of 53 Diamond Road already directly overlooks the adjacent garden at very close quarters and that situation would be exacerbated by the proposed division of the garden into two separate spaces. In addition,

the fact that there would be three such spaces very close to each other and to neighbours' windows would mean that any significant activity there would create noise and disturbance likely to be intrusive and annoying to neighbours.

10. In addressing effects on neighbours I have again taken account of the various new developments referred to but I have seen no cogent evidence that any overlooking or likelihood of disturbance there would be as severe as in the case of the appeal proposal. I conclude on the second main issue that that proposal would fail to provide acceptable living conditions for occupants of both the new and existing houses in terms of outlook, privacy and freedom from undue noise and disturbance and would thus fail to meet the aims of LP Policies GP1, HO3 and HO11.
11. I have taken account of all the other matters raised, including the fact that neighbours do not object, the contribution that the proposed house would make to meeting the need for affordable housing in an area undergoing some regeneration and the appearance of the existing buildings on the site. However in my view none of these matters outweigh the deficiencies of the proposal under the two main issues I have identified. For the reasons given above I conclude that the appeal should be dismissed.

*Robin Brooks*

**INSPECTOR**

**APPEARANCES**

**FOR THE LOCAL PLANNING AUTHORITY:**

Andrew Bishop DipTP MRTPI      Senior Planning Officer; Planning Services,  
Stockton-on-Tees Borough Council

**FOR THE APPELLANT:**

Ian Browning      Appellant; 21 Marton Grove, Brotton, Saltburn-  
by-the Sea, Cleveland TS12 2RF

Ivor Heard      North Lodge, Wynyard Park, Billingham TS22  
5NQ

**DOCUMENTS**

- 1 Attendance list
- 2 List of Council's suggested conditions