



Appeal Decision

Site visit made on 4 February 2009

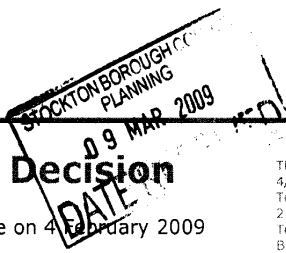
by **D R Cullingford BA MPhil MRTPI**

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.gov.uk

Decision date:
9 March 2009



Appeal Ref: APP/H0738/A/08/2089009

Land at 529 Yarm Road, Eaglescliffe, Stockton-on-Tees, TS16 9BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is by Mr D Craig against the Stockton-on-Tees Borough Council.
- The application (ref: 08/0689/FUL) is dated 23 March 2008.
- The development is described as 'erection of 2 no. dormer bungalows'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The appeal property is a bleak and rambling semi-detached Edwardian villa, the back garden of which extends to the edge of the more modern estates in Muirfield Road and, in the form of an 'L' shape, behind the adjacent large dormer bungalow at Churchill House. A thick beach hedge, some 3.5m tall, stands hard against the rear elevation of the adjacent bungalow, separating it from the rear garden at No.529. The proposal would result in 2 dormer bungalows being erected in the rear garden facing, and with accesses on to, Muirfield Road.
3. I saw that a similar arrangement exists nearby with a dormer bungalow standing behind a larger dwelling further south on Yarm Road but creating a new frontage on to Muirfield Road; such a pattern of development could well be acceptable at the appeal site and I note that the planning officer recommended that permission should be granted. However, it seems to me that a crucial difference here is that both No.529 and Churchill House are set noticeably further back from Yarm Road than the property to the south with the result that there is noticeably less rear garden in which to accommodate a new dwelling; also, the overall distance between Yarm and Muirfield Roads narrows across the plot at Churchill House. The consequence is that barely 14-16m would separate the rear elevation of No.529 and the facing rear elevation of the southerly dormer bungalow proposed here while a distance of barely 12m would intervene between the rear elevations of Churchill House and the bungalow proposed to the north. Given the size of the property at No.529, I think that the proximity of the proposed bungalows would appear incongruous, cramping the surroundings commensurate with that solid traditional dwelling. Moreover, given the number of windows in the rear elevation of No.529, together with the patio doors and modest garden at the nearest proposed

bungalow, I consider that the potential for surveillance at close quarters would be sufficient to seriously intrude into the privacy that might be expected here. And, although I agree that the intervening hedgerow would mask the juxtaposition of Churchill House and the new dwellings to some extent, the concentration of activity into what would become the small back garden of a new dwelling would be particularly intrusive, since it would be confined to an area so close to the rear elevation of the existing property. I conclude that this scheme would result in a cramped form of development that would impair the peace and privacy that neighbouring residents might reasonably expect to enjoy in a suburban area such as this.

4. I appreciate that only a few ground floor windows or patio doors are shown in the rear elevations of the 2 dormer bungalows proposed, but I do not consider that such a device would be sufficient to overcome the harmful effects that I have identified. And, in the absence of detailed plans to convince me otherwise, I think that additional screening would simply emphasise the cramped nature of the scheme. Moreover, the fact that a distance of 14m between 2 storey rear extensions could be allowed under the terms of the current versions of the Town and Country Planning (General Permitted Development) Orders, does not make render such arrangements acceptable everywhere. These proposals do not relate to extensions and, in any case, other restrictions apply to limit the applicability of the freedoms bestowed by the Orders. Hence, and having considered all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR