



Appeal Decision

Site visit made on 22 May 2009

by **Graham Garnham BA BPhil MRTPI**

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

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Decision date:
1 June 2009

Appeal Ref: APP/H0738/A/09/2097882

Roxby, 24 Junction Road, Norton, Stockton-on-Tees, TS20 1PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Jeremy Spooner against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 08/3225/OUT), dated 20 October 2008, was refused by notice dated 7 January 2009.
- The development proposed is 'construction of 4 no. semi detached dwellings & associated new access road'.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application is made in outline, with access and layout to be considered at this stage. Appearance, landscaping and scale are reserved for subsequent approval. The application includes some indicative drawings to show what the final development may look like.

Main issues

3. I consider that these are the effects of the proposal on firstly, the character and appearance of the area; and secondly, the living conditions of the occupiers of adjoining residential properties.

Reasons

First main issue – effect on character and appearance of the area

4. The proposal would place 2 pairs of semi-detached houses in the rear garden of no.24, with a new access alongside the house to connect to Junction Road. The local street scene is characterised by large detached properties with well planted front gardens and open gaps between the buildings. Views through these gaps vary in extent. That between no.s 24 & 22 to the east is partly filled by an existing tree, while from the south west there are clear views of the rear elevations of houses in North Albert Street. The new development would add to the enclosing effect when viewed from a more easterly direction. To the other side, the gap is more open. Views through from a westerly direction are prevented by planting in the front garden of no.26. However, nearer to the access point there would be a clear view of development in depth behind no.24. I consider that the combined effect would reduce the sense of openness along Junction Road, albeit along only relatively short lengths of the road.
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5. No.24 is a large detached Edwardian 2 storey house standing in extensive grounds. Its character and appearance have warranted its inclusion on a local list of buildings worthy of protection. This does not give the same degree of protection as statutory listing, but it is a material consideration. The new access point would require an opening in the original front wall. I consider that planning conditions could ensure that the new opening would match the existing one and that the adjoining protected tree would not be harmed, thereby safeguarding the frontage of the plot. To the rear, however, there would be 2 large buildings which, with associated access and turning areas, would occupy much of the garden. The southern block in particular would be close to the back of no.24, harming the setting of the original house by leaving it with a disproportionately small rear garden. The overall scale of development would very significantly intensify the built up appearance of an expanse of open space that many other properties also look towards.
6. From the information submitted, the proposal would seem to represent a significant reduction in the amount of development that was rejected by a previous Inspector. Nonetheless, I consider that amount of development proposed would detract from the distinctive openness that the site currently provides for the area, both from the main road and adjoining properties, and in relation to the host property itself. Taken together, I conclude that these impacts would significantly detract from the character and appearance of the area. This would be contrary to the provisions of saved policies GP1, HO3 & HO11 in the Stockton-on-Tees Local Plan (1997). It would also fail to meet the expectations of good design that is appropriate in its context contained in more recent national planning policy, for example in PPS3 *Housing*.

Second main issue – effect on the living conditions of neighbours

7. The Council is concerned that the new houses would draw additional pedestrian and vehicular traffic into the site. It is said that this would introduce noise and disturbance into part of the site that is at present secluded from noise along Junction Road, to the detriment of the living conditions of adjoining neighbours.
8. The rear garden of no.24, with those that adjoin it, provides a particularly secluded oasis of quiet off the busy main road. The new access would pass close to the side of no.26, which contains several ground and first floor windows to habitable rooms. At the far end of the site, the back of houses in Ripley Road would experience the noise of vehicles manoeuvring on the site and, at night, the direct glare of headlights. Other surrounding properties would be largely shielded by the masses of the new buildings. Nonetheless I consider that the effect of movements generated by 4 large dwellings on the properties adjoining to the west and north would be significant and represent an unacceptable loss of amenity to their occupiers.
9. The Council has not included impacts on privacy, outlook or light within its reason for refusal. There have been several detailed representations on these matters from adjoining residents. As a consequence, I took time on site to consider the siting of the new buildings, and visited the rear of 5 adjoining properties in order to look towards the site. The new development is likely to impinge on the living conditions in most of the adjoining properties. In most cases, I consider the impacts to be less severe than the residents expect.

10. However, I consider that more deleterious effects would occur in 2 situations. Firstly, the upper floor windows of the southern block would directly overlook the rear garden of no.26, from quite a close distance, resulting in loss of privacy there. Secondly, I consider that the northern block would, by virtue of its closeness to the eastern boundary of the site and the relatively short rear gardens of no.s 8-12 North Albert Road, harm both outlook from and privacy in those properties. While the distance between the facing rear elevations would meet current standards, more than half that separation would be in the gardens of the existing dwellings. This would cause an unreasonable loss of amenity to the existing residents. Neither of these particular circumstances would of themselves warrant refusal, but they add weight to other matters of concern.
11. Overall, I consider that the quantity and arrangement of development would not allow the proposal to be integrated acceptably into a very tranquil backland site that is adjoined by several secluded rear gardens. I conclude that the proposal would cause material harm to the living conditions of the occupiers of adjoining residential properties. This would be contrary to the provisions of saved local plan policies GP1, HO3 & HO11.

Overall conclusion

12. Unlike the previous scheme, this proposal would retain the existing house at no.24 and insert less new development into its rear garden. Nonetheless I consider that it would not be as reflective of the quality of its surroundings as is now expected of new development, in respect of both the character and appearance of the area and the living conditions of adjoining residents. Consequently I conclude that planning permission should be withheld.
13. I viewed the Yarm Road site referred to by the appellant as an example of backland development. I am not aware of the details of this case, but the arrangement of the frontage and existing rear development and the character of the area did not seem to be directly comparable to the appeal site. I have also considered the other concerns raised by residents, including the effect on traffic and highway safety on Junction Road and the wildlife benefits of the existing garden.
14. I find that neither these nor any other matters raised materially add weight to or detract from my conclusions on the main issues or cause me to alter my decision.

G Garnham

INSPECTOR