



Appeal Decision

Site visit made on Tuesday 7 July 2009

by **Roger P Brown** Dip Arch ARIBA Dip TP
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

Decision date:
24 July 2009

Appeal Ref: APP/H0738/A/09/2102598

44 Lingfield Drive, Eaglescliffe, Stockton-on-Tees TS16 0NU

- 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 M Upson against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 09/0008/OUT, dated 6 January 2009, was refused by notice dated 4 March 2009.
 - The development proposed is residential development.
-

Application for costs

1. An application for costs was made by Mr Upson against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Procedural matters

3. Although the application for outline planning permission indicated that all matters were reserved, it was accompanied by three alternative indicative site layouts. Consequently I shall determine this appeal in the context that matters of siting are before me.

Main issues

4. These are the impact of the proposed development on firstly car parking and highway safety. Secondly on the character and appearance of the area, and thirdly on the level of residential amenity enjoyed by the occupiers of the adjacent housing.

Planning Policy

5. The development plan includes the Stockton-on-Tees Local Plan (LP). Within this document, Policies GP1 and HO3 establish criteria pertaining to proposals for development, and residential development, respectively. Policy HO11 provides further guidance regarding new residential development, whilst amongst other matters Policy TR15 seeks to ensure that the off-street parking accords with the Council's adopted standards.
 6. In support of the Local Development Framework, the Stockton-on-Tees Borough Council Supplementary Planning Document 3: Parking Provision for New Developments (SPD3) was adopted in November 2006. Although
-

reference is also made to the Design Guide & Specification: Residential and Industrial Estates Development, because it is unclear whether this document has been subject to consultation and formally adopted it is afforded limited weight.

7. Both parties have made reference to national guidance within Planning Policy Statement (PPS)1: Delivering Sustainable Development; PPS3: Housing, and Planning Policy Guidance(PPG)13: Transport.

The appeal site

8. The appeal site lies within the settlement of Eaglescliffe, being the side garden to no. 44 Lingfield Drive. This semi-detached two storey property is located on an inside bend on the eastern side of Lingfield Drive shortly before the junction of this highway with Mayfield Crescent.
9. No. 44 is set back some 8m from the public footpath and road, having an open plan front lawn with a path leading to the front door. As a consequence of the dwelling being on the inside of the bend, the rear garden narrows towards the furthest boundary which is bounded by rear gardens to properties in both Lingfield Drive and Mayfield Crescent. A detached single garage abuts the eastern boundary with 37 Mayfield Crescent; within the curtilage to no.37 a number of trees overhang the appeal site.

The indicative site layouts

10. As stated, three alternative indicative layouts accompanied the outline planning application; these are identified as Options 1-3 and I shall adopt this nomenclature. Following the demolition of the aforementioned detached garage and the sub-division of the existing garden area, the appeal site would be of triangular proportions narrowing towards the rear boundary. The application for outline planning permission records the area as 0.04ha.
11. Within the appeal documentation reference is made to two bedroom dwellings. As a matter of clarification at the site visit the appellant confirmed that all proposals relate to the construction of a three bedroom two storey detached dwelling, with the main habitable room windows being to the front and rear. Whilst the appellant alludes to parking provision for both the existing and proposed dwellings, this is not identified on the indicative layouts. None of these layouts would allow for vehicular access to the rear gardens of either no 44 or any of the proposed dwellings.
12. Option 1 would consist of a detached dwelling with an integral garage orientated so that the front elevation would face Lingfield Drive. Reference is made to the creation of an area of hardstanding in front of no.44 sufficient to accommodate two cars, whilst the existing driveway adjacent to the boundary with 37 Mayfield Crescent would remain.
13. Option 2 would consist of a detached dwelling aligned with the existing semi-detached properties (42 & 44 Lingfield Drive). Again reference is made to the parking of two cars in front of no. 44. Two spaces would be provided in association with the proposed dwelling by retaining the existing driveway and constructing a new garage adjacent to the boundary with 37 Mayfield Crescent.

14. Option 3 would comprise a detached dwelling with an integral garage fronting onto Lingfield Drive. The appellant contends that this option would have the flexibility to provide up to three parking spaces for the proposed dwelling. Again two parking spaces would be provided for no.44, but a revision to the proposed boundary of the appeal site would afford the opportunity to retain an area of front lawn.

Reasons

The first issue

15. Notwithstanding the aforementioned lack of detail, within the Planning Appeal Statement the appellant confirms that the indicative layouts were designed to incorporate up to 2no off street parking spaces per dwelling. In general the SPD requires 2 parking spaces per 3 bed house. However the appeal site falls within the Western Area where an Area Transport Strategy-Specific Adjustment requires an additional space; a total of 3 spaces. With the possible exception of the new dwelling in Option 3, the appeal proposals would not accord with this requirement.
16. Turning now to highway safety, as stated both the appeal site and adjacent no 44 are on the inside of what is almost a right angled bend in Lingfield Drive. Again with the possible exception of the new dwelling in Option 3, it is likely that the additional parking space required by the SPD would result in vehicles parking in the highway and on the bend in Lingfield Drive. Such a situation, together with the manoeuvring of vehicles entering and leaving the areas of hardstanding, would be detrimental to highway safety.
17. For these reasons the appeal proposal would not accord with the requirements of the SPD3, and would be at odds with the relevant criteria of LP Policies GP1, HO3 and HO11 pertaining to access and parking arrangements, and the main thrust of Policy TR15.

The second issue

18. The appeal site is within an established development of detached and semi-detached properties fronting the highway. In the main, driveways to these properties lead to garages at the rear. In addition, the alignment of the dwellings on the inside of the curve on Lingfield Drive affords a pleasing spacious appearance and character to the immediate vicinity of the proposed development. The trees within the rear garden to 37 Mayfield Crescent also add a pleasing sylvan character to the locale.
19. In this context, and having regard to the location and proportions of the appeal site and the proximity to no 44, all of the proposed dwellings in Options 1-3 would result in a close juxtaposition of development which would be unacceptably at odds with the overall ambience of the locale. Indeed, because it would have a similar alignment to no's 42 and 44, one corner of the proposed dwelling in Option 2 would project to what the Council estimates as being within some 2m of the pavement. Consequently, and in addition to the above circumstances, a building in such a location would also be unacceptably visually intrusive within the street scene.

20. With regard to parked cars, the appellant contends that these are established features within the curtilages of dwellings fronting Lingfield Drive. However, as I observed during my site visit, whilst a number of vehicles are parked in front of the dwellings, most are parked on the aforementioned driveways. By way of contrast the proposed development would require vehicles to be parked both in front of no 44 and (to a greater or lesser degree) all of the proposed dwellings. Such a concentration of parked vehicles would be visually intrusive within the street scene.
21. For the above reasons the appeal proposals would be unacceptably harmful to the character and appearance of the area, and at odds with the relevant criteria of LP Policies GP1, HO3 and HO11.

The third issue

22. The orientation and proposed siting of the proposed dwellings in Options 1-3 has been described. Notwithstanding my concerns pertaining to the first two issues as recorded above, arising from its orientation the dwelling in Option 2 would be unlikely to give rise to problems of overlooking of adjacent rear gardens. However, because it would be located hard up against the boundary with 37 Mayfield Crescent, the proposed garage might well result in the heavy pruning or removal of the existing trees to the detriment of the overall attractiveness of the area and the residential amenity of the occupiers of no 37.
23. Arising from their siting and orientation the proposed dwellings within Option 1 and 3 would overlook the rear garden of no 44 Lingfield Drive. In addition, because both properties would closely abut the boundary with no 37 Mayfield Crescent, it is reasonable to anticipate that this could result in either the heavy pruning or removal of the existing trees; again to the detriment of the overall attractiveness of the area and the residential amenity of the occupiers of no 37.
24. For these reasons, and with the possible exception of Option 2, the appeal proposals would be unacceptably harmful and intrusive upon the level of residential amenity enjoyed by the occupiers of the adjacent housing. They would not accord with the relevant criteria of LP Policies GP1, HO3 and HO11.

Other matters

25. I have given careful consideration to all other matters raised, including reference to recent residential development on Lingfield Drive. However, having regard to the area of land associated with this building, it is not directly comparable to the appeal proposal, which in any case must be determined on its individual merits. Therefore nothing persuades me from the above conclusions with regard to the main issues.

Roger P Brown

INSPECTOR



Costs Decision

Site visit made on Tuesday 7 July 2009

by **Roger P Brown** Dip Arch ARIBA Dip TP
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

Decision date:
24 July 2009

Costs application in relation to Appeal Ref: APP/H0738/A/09/2102598 44 Lingfield Drive, Eaglescliffe, Stockton-on-Tees TS16 0NU

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr Upson for a partial award of costs against Stockton-on-Tees Borough Council.
- The appeal was made against the refusal of planning permission for residential development.

Summary of Decision: The application fails and no award of costs is made.

Reasons

1. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and therefore caused another to incur or waste expense unnecessarily.
 2. The appellant contends that when determining the appeal application, with regard to refusal reasons 1, 3 and 4 the local planning authority acted unreasonably.
 3. Refusal reason 1 related to parking provision. To my mind, this was correctly determined in the light of guidance within Supplementary Planning Document 3: Parking Provision for New Development (SPD3). This document had been produced in support of the Local Development Framework and adopted in November 2006. Consequently it post dates advice in both Planning Policy Statement (PPS)1: Delivering Sustainable Development and Planning Policy Guidance (PPG)13: Transport, and is of a similar age as PPS3:Housing. In such circumstances I see no reason to disagree with the Council's interpretation of SPD3.
 4. Refusal reason 3 related to the Council's conclusion that the parking of vehicles towards the front of the proposed dwelling would be detrimental to the street scene. I agree that no detailed analysis or assessment of such a situation was provided. Nevertheless, and whilst this was a subjective assessment undertaken by the Council, the intrusive appearance of a number of parked vehicles could be easily anticipated. Indeed, as recorded in my decision letter, it is a decision of the Council with which I agree.
 5. Refusal reason 4 related to the interpretation of a satisfactory level of amenity and privacy space for the occupants of the existing and proposed dwellings. Again no detailed guidance relating to amenity space was presented by the Council. However, detailed consideration of both the proposed curtilages and
-

the juxtaposition of the proposed and existing dwellings would lead to an informed and calculated assessment of the appeal proposals.

6. In this context the Council has made reference to an appeal decision dated 17 February 2009 where my colleague stated 'The Council have no formal standards for what constitutes an adequate garden so this is essentially a matter of judgement, bearing in mind, amongst other things, the nature of the proposal, the character of the surrounding area and provision that has been made in other developments locally'. I have no reason to believe that such an analysis was not undertaken with regard to the appeal proposals.
7. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009 has not taken place.

Formal Decision

8. I dismiss the application for an award of costs.

Roger P Brown

INSPECTOR