



## Appeal Decision

Site visit made on 29 June 2009

by **Don Rankin DipTP MRTPI**

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

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**Decision date:**  
**14 August 2009**

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**Appeal Ref: APP/H0738/A/09/2099894**  
**6 Manor Drive, Hilton, Stockton on Tees, TS15 9LE**

- 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 Daniel Brennan against the decision of Stockton on Tees Borough Council.
- The application Ref 08/2180/FUL, dated 4 July 2008, was refused by notice dated 19 September 2008.
- The development proposed is detached house, garage and associated hardstandings.

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### Preliminary matters

1. The appellant has raised the issue of the partial implementation of a previous outline planning permission of 1968. This is not a matter before me. My decision relates therefore to the current proposal for full planning permission for a detached house.

### Decision

2. I dismiss the appeal.

### Main issues

3. The main issues are firstly whether Hilton village is a sustainable location for further residential development; secondly the effect on the character and appearance of the area particularly with regard to trees; and finally the effect on the living conditions for neighbours and future occupiers of the proposed dwelling.

### Reasons

#### *Sustainability*

4. The thrust of national planning policy in Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1), Planning Policy Statement 3: *Housing* (PPS3), and Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) is to seek to create balanced sustainable communities and to reduce the dependence on the motor car. I note as well the reference to the Taylor Review of Rural Economy and Affordable Housing. The implementation of this national policy framework is dependent on a local assessment of material considerations and its interpretation through local planning policy. Saved Policy HO3 of the Stockton on Tees Local Plan 1997 (SLP) would permit housing within the limits of development of the village. The Council have adopted a categorisation of villages with respect to their sustainability. Hilton is in a category where housing infill development is

considered inappropriate. Whilst I consider this assessment material to my decision it forms part of the emerging Local Development Framework which is yet to be adopted. I therefore afford it little weight.

5. Hilton Village however, has only a limited bus service and is some 1.9km from a shop, it is served by a community hall, a church and a local pub. It is an established community though with limited alternatives to car use for access to local services and employment. I note the various other examples of development and the appeals against refusal of planning permission which have been quoted. These relate to villages with more facilities or to a building conversion. The circumstances are not sufficiently similar to be material to my decision. I consider that until the provision of alternatives to car use has been addressed Hilton is an unsustainable location for further housing development. The proposal is therefore contrary to PPS1, PPS3 and PPS7.

*Character and appearance*

6. The proposed house would be located in the side garden of No.6. It would be sited to the rear of the garden to avoid the large sycamore tree which currently occupies the front garden. A tree preservation order comprises a group of trees in front of No.6, which would be unaffected, and the sycamore which would cover most of the front garden of the proposed dwelling. The front of the house would be about 11 metres from the trunk of that tree and would require a significant reduction/raising of the crown which at present extends over the ground footprint of the proposed house. Although the appellant has referred to some disease in the tree no professional evidence on its health has been forthcoming. I consider the tree to be important and requiring to be retained in a healthy condition.
7. Building so close to the protected sycamore tree could have a detrimental effect on its health, and would harm its appearance and the contribution which it makes to the sylvan character of Manor Drive. It would block the view across the garden to the open country beyond which, notwithstanding the intervening fence, still forms a significant part of the character of that part of the street.
8. To the rear of the garden a significant horse chestnut tree is located on the boundary with the open fields beyond. It makes a positive contribution to the character and appearance of the area by occupying the centre of the view between the large sycamore tree, the existing No.6 and the open fields beyond. The proposed house would come to within less than three metres of the tree and overlap with the spread of the crown which would have to be cut back. The proposed two storey house would completely obscure the relatively open prospect through to this tree and the open fields beyond. The open character of the garden which permits such a view from Manor Drive to the open countryside, framed by the two substantial trees would be lost.
9. Whilst I note in the appellant's submission that previous tree surgery has left part of the tree suffering from disease I have no evidence that this is likely to result in the loss of the tree. I note the appellant's comments on possible protection of this tree during construction. In the absence of a tree report I am not satisfied that the construction of the dwelling would not result in

damage to the root structure and there would certainly have to be significant crown reduction.

10. The detrimental effect of the proposal on these two trees and on their contribution to the open sylvan character of Manor Drive would result in harm contrary to policies GP1 (iv), HO3 (iv) and HO11 of the SLP which seek to protect trees and ensure development is in sympathy with the appearance of the area.
11. Seven other trees of lesser significance would have to be removed to make way for the house and drive. Whilst these contribute to the sylvan appearance of the garden of No.6 and the front three to the overall appearance of the street scene they are fairly small and overshadowed by the large sycamore tree. Four of them are in the back garden area and contribute little to the overall character and appearance of the area. Their removal and replacement with boundary trees would be acceptable. This however does not outweigh the harm I have already identified.

*Living conditions*

12. The proposal would place the gable walls of a substantial two storey house in very close proximity to the rear garden boundary of the properties on either side of it (Nos.6 and 7). This would have a detrimental effect on the outlook from the side and rear windows of No.6 making it overbearing. It would block sunlight from ground floor habitable rooms of No.6 during the morning. The outlook for the proposed occupants would be directly under the very full canopy of the protected sycamore tree. Even with the crown of this tree lifted the restriction in daylight to the ground floor front windows of the proposed house would be harmful to the living conditions for its residents.
13. The outlook from the rear of No.7 would be significantly changed from a view to open fields to one comprising much of the front and side of the new house. No 7 however stands in substantial grounds and whilst the new house would affect the outlook it would not be such as to regard it as overbearing in respect of No.7. That does not however outweigh the harm to living conditions which I have already identified which would be contrary to policies GP1, HO3 and HO11 of the SLP.

*Conclusion*

14. For the reasons given above, and having regard to all other matters raised, I conclude that the proposal would constitute development in an unsustainable location. It would also be harmful to the character and appearance of the area, and to the living conditions for nearby residents and occupiers of the proposed house. It would therefore be contrary to national planning policy and to the policies of the SLP referred to above. In consequence the appeal is dismissed.

*Don Rankin*  
INSPECTOR