



Appeal Decision

Site visit made on 29 September 2009

by Louise Crosby MA MRTPI

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

The Planning Inspectorate
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Decision date:
5 October 2009

Appeal Ref: APP/H0738/D/09/2111670
8 Tempest Court, The Fairways, Wynyard, Billingham, Cleveland, TS22 5TD

- 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 Paul Stephenson against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 09/1151/REV, dated 26 June 2009, was refused by notice dated 17 August 2009.
- The development proposed is a single storey extension to rear with terrace above.

Decision

1. I dismiss the appeal.

Main issue

2. I consider that the main issue whether the proposed terrace would harm living conditions within the gardens of nearby dwellings, as a result of overlooking.

Reasons

3. The appeal site is located within a new residential estate of large detached dwellings, with gardens which have a very open feel. I saw that they have a uniform boundary treatment which consists of low, horizontal metal railings, although many have been supplemented with planting, including the rear garden boundaries of the appeal site. However, I noted that views were still available, from the rear garden of the appeal site, into the adjacent gardens. At the end of the garden, beyond the appeal site is a large lake.
 4. The terrace would be created above the proposed single storey extension which would project from the rear of the existing dwelling. Because of the position of No 7, set back much further than No 8, I consider that only limited views of their garden area would be available from the terrace. However, because of the sparseness of the boundary treatment between the gardens and the height of the terrace, significant overlooking of gardens to the north east of the appeal site would occur. Also, the design of the terrace, with a splayed corner, would encourage overlooking in this direction, rather than just down the garden of No 8, towards the lake. Moreover, because of the elevated position of the terrace, I consider that harmful overlooking would still occur, even with more mature landscaping.
 5. I realise that there are a number of bedroom windows at first floor level in the rear of elevation of No 8 which currently overlook the neighbouring gardens. However, it is unlikely that someone would be stood at the bedroom windows, looking out for long periods, as would be likely to be the case with the
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proposed terrace. In addition, the terrace would project from the dwelling, thus creating a better vantage point from which to overlook the nearby gardens.

6. While I realise that the occupiers of the dwellings nearby have not raised any objection to the proposal, I consider that harmful levels of overlooking would occur and that they would feel extremely overlooked, thus severely harming their living conditions. I find that the proposal would conflict with Policy GP1 of the adopted Stockton on Tees Local Plan which seeks ensure that proposals for development are assessed, having regard to the effect of the proposal on the amenities of the occupiers of nearby properties.
7. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Louise Crosby

INSPECTOR