



---

## 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  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
6 October 2009

---

### Appeal Ref: APP/H0738/A/09/2108747

#### 1 Lawrence Street, Stockton-on-Tees, Cleveland, TS18 3EJ

- 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 Mohammed Farooq against the decision of Stockton-on-Tees Borough Council.
  - The application Ref: 09/0539/FUL, dated 9 March 2009, was refused by notice dated 5 May 2009.
  - The development proposed is erection of a tiled canopy to front and Upvc sheet and timber framed roof over rear yard area.
- 

#### Decision

1. I dismiss the appeal insofar as it relates to the erection of a tiled canopy to front. I allow the appeal and grant planning permission insofar as it relates to the timber framed roof over rear yard area, in accordance with the terms of the application, Ref: 09/0539/FUL, dated 9 March 2009 and the plans submitted with it, so far as relevant to that part of the development hereby permitted.

#### Procedural matters

2. I am aware from the file and my visit to the site that the development has already been carried out. I shall deal with the appeal on this basis. I also note from the Council's reason for refusal and their officer's report that they have no objections to the Upvc sheet and timber framed roof over the rear yard area. Therefore, I have not assessed this proposal and I did not view the rear of the property when I visited the appeal site.

#### Main issue

3. The main issue is the effect of the proposal on the character and appearance of 1 Lawrence Street (No 1) and the surrounding area.

#### Reasons

##### *Character and appearance*

4. The appeal dwelling is a traditional end terrace property, with a large bay window on the front, at ground and first floor level. However, the dwellings in this terrace are not all uniform in terms of their design or their height. This dwelling and the adjoining one are 3 storeys in height whereas the other dwellings in the row are 2 storeys, although some have dormer extensions. There is a vertical emphasis to the front elevations of this and the adjacent dwelling, because of their height in comparison to their narrow width and the similar proportions of their windows. By contrast, the canopy, which spans the
-

full width of the dwelling, is overtly horizontal in its design and therefore it jars with the verticality of No 1.

5. In addition, because of its projection from the front of the dwelling, the canopy is highly prominent within the streetscene and visible from some distance. This is compounded by the use of Upvc to clad the ends and the underside of the canopy. Although this material matches the existing windows of the dwelling, because of the amount of Upvc used, its bright white colour and slightly shiny finish, it appears very stark.
6. I find that the canopy has a significant adverse effect on the character and appearance of No 1 and the surrounding area and is thus contrary to the advice relating to front extensions to dwellings contained within Supplementary Planning Guidance Note 2 – ‘*Householder Extension Guide*’. It also conflicts with adopted Stockton on Tees Local Plan (LP) Policy GP1, in so far as it requires development proposals to be assessed having regard to the external appearance of the development and its relationship with the surrounding area and Policy HO12 which seeks to ensure that all extensions to dwellings are in keeping with the property and the streetscene in terms of style, proportion and materials.
7. I am aware that the LP was adopted some time ago and that it pre-dates Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1). I agree that PPS1 advises against prescriptive design policies, but I do not consider these LP policies to be overly prescriptive. Importantly, PPS1 also advises that “design which is inappropriate in its context, or which fails to take opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”. I have found this to be the case here and therefore the canopy also conflicts with the aims of PPS1.

#### *Other matters*

8. I noticed that the canopy currently has a number of recessed spotlights under it, and I understand that it is the appellant’s intention to also place a CCTV camera below it. I saw evidence of crime and anti-social behaviour in the surrounding area when I visited the site, including graffiti near the appeal site. Therefore, I can understand the appellant’s desire to install such a device. Representations have been made to the effect that the appellant’s rights under Article 1 of the ECHR would be violated if the appeal were dismissed. I do not consider them to be well-founded, because I have limited evidence before me, to clearly demonstrate that this is the only way that an effective CCTV camera could be installed at the front of the property.
9. I saw when I visited the site that a number of dwellings in the street are boarded up, including the one adjoining the appeal site. I realise that the appellant has made a considerable effort to improve his property and this is to be commended. However, this does not outweigh the harm that I have identified above.

#### **Conditions**

10. The Council have not suggested any conditions and I have not imposed any because the development at the rear of the property has already been constructed.

**Conclusion**

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed in part and dismissed in part.

*Louise Crosby*

INSPECTOR