



Appeal Decision

Site visit made on 21 October 2009

by **John L Gray DipArch MSc Registered Architect**

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

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Decision date:
6 November 2009

Appeal Ref. APP/H0738/A/09/2107909

Land to the rear of The Ridings, Letch Lane, Carlton, Stockton-on-Tees, TS21 1EG

- 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 Danny Lake against the decision of Stockton-on-Tees Borough Council.
- The application, ref. 09/0534/FUL, dated 9 March 2009, was refused by notice dated 27 May 2009.
- The development proposed is a double domestic garage.

Decision: I dismiss the appeal.

Procedural matters

1. A substantial part of the garage had been constructed when I visited the site (brick walls, floor slab base and timber roof structure). Indeed, the application for planning permission describes itself as retrospective.
2. The appeal is made against a refusal of planning permission and that is what I must determine. If there was doubt as to whether planning permission was required in the first instance, a determination on that could have been sought under s.192 of the Town and Country Planning Act 1990 (as amended).
3. I note the reference by the appellant to permitted development rights but they are not acquired until a dwelling is completed in accordance with the planning permission. In any event, a building with a ridge height greater than 4 metres cannot be permitted development.

Main issue

4. Accordingly, the main issue is whether the design of the proposed garage is inappropriate in the context of the surrounding area and residential amenity.

Reasons

5. Comparison between what has been built and what was approved is less than straightforward because of the differences in design. The approved design scales roughly 6.2m x 6.0m on plan with eaves and ridge heights of about 2.4m and 5.05m, the roof pitch being a little less than 40°. Calculated approximately from brick sizes, what has been built measures 7.5m x 6.05m with eaves and ridge heights of 2.5m and 6.6m, the pitch being just over 45°. (For the purposes of this decision, my estimates are sufficiently consistent with the dimensions of 6.0m x 7.7m x 6.2m high given by the appellant's agent.)
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6. The approved location is helped by being close to The Ridings' garage and away from the side boundaries of the site. Given the design, I am content that the approved garage would not have been unduly prominent from the adjacent properties to the south-east and north-west. Nor would it have been unduly intrusive in the general scene to the rear of the frontage buildings on Letch Lane. It would certainly have been closer to the rear of The Ridings, though the precise distance is difficult to gauge. As built, the garage stands 7.5m from the boundary with The Ridings, instead of 1.0m as approved – but the boundary line is shown differently on the two site plans and the relationship between The Ridings' garage and the house itself appears, from what I saw on my site visit, to be incorrect on both. Even so, the relatively low profile of the approved garage would have been partially obscured by the existing garage.
7. What has been built stands about 0.5m from the boundary with The Lichens. Though the floor area of the garage is relatively small, the steep roof pitch and high gable mean that the building is inevitably prominent, indeed overbearing, from that property. The dwelling on the appeal site does not have the same effect because it stands further to the rear and further from the common boundary, and because the pitch of the south-west-facing gable rises away from that boundary. The location may be thought better in terms of the new dwelling but, given the location directly to the rear and the significant change in design, I doubt that the same can be said for the relationship to The Ridings.
8. My conclusion is two-fold. Firstly, the design of the garage as built may reflect that of the new dwelling but the high gable and ridge give what is no more than a small ancillary building a prominence unwarranted by its function. If, like this one, a building is inevitably going to be prominent, then its design ought somehow to reflect its wider context, not just the detail of its parent building. I appreciate that, in this case, the context may be of limited architectural quality – but compatibility with the prevailing form and profile of neighbouring buildings, as opposed to their detail, is still important in achieving a successful design. Secondly, I do not believe that the garage as built would harmfully reduce daylight levels either in The Lichens or in its garden. It stands on the north-west side of the garden and effectively to the north of the dwelling. On the other hand, I cannot avoid a conclusion that the proximity and profile of what has been built is unduly overbearing in relation to that property and thus significantly reduces the level of amenity that its occupiers may reasonably expect.
9. For these reasons, I conclude that the garage as built runs contrary to what is sought by saved Policies GP1 and HO12 of the Stockton-on-Tees Local Plan and also government policy on design quality in PPS1. I therefore conclude that the appeal should be dismissed.

John L Gray

Inspector