



# Appeal Decision

Site visit made on 12 December 2006

by **Wenda Fabian** BA Dip Arch RIBA

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  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date: 11 January 2007

**Appeal Ref: APP/H0738/A/06/2021535**

**Glenmarlen, Darlington Road, Long Newton, Stockton on Tees TS21 1BX**

- 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 Mrs Rachel Fields against the decision of Stockton-on-Tees Borough Council.
- The application Ref 06/0798/OUT, dated 10 March 2006, was refused by notice dated 10 May 2006.
- The development proposed is a detached house with single garage.

## Decision

- 1) I allow the appeal, in the terms set out in the formal decision below.

## Reasons

1. The appeal site adjoins the rear and side gardens of three existing houses and overlooks Long Newton village green. It is currently occupied by a single garage and a modest stable building as well as a timber shed. These are all in use in association with the host dwelling, 'Glenmarlen'. The proposal, for a detached house and single garage, has been made in outline with all matters including siting, design, external appearance, landscaping and access reserved for a future application. Notwithstanding this, I have seen that access to the site could only realistically be achieved along the existing narrow driveway, which is currently shared by the host dwelling and the adjacent one, 'Aingarh'.
2. The Council is concerned that the proposed house may reduce the privacy and amenity of existing nearby residential occupiers and of future occupants of the proposed development, which policy H11 of the *Stockton-on-Tees Local Plan (LP)* specifically seeks to protect. The amended site layout submitted with the application is illustrative only. However, it demonstrates that a layout could be achieved that would avoid any direct overlooking of the adjacent properties and which would appear a natural continuation of the existing closely spaced development pattern adjacent to it, around the village green.
3. Whilst the proposal shown would be close to the joint boundary with 'Greenside', the direct rear outlook from it, across the village green, would be preserved. Neither 'Aingarh' nor No 1 Rectory Road looks directly towards the main part of the appeal site and in my judgement there would be sufficient separation distance such that the proposal would not lead to any significant loss of living conditions in terms of privacy or outlook. The form and design of the proposed house would be subject to a future detailed submission and it would be open to the Local Planning Authority at that stage to ensure that the proposed dwelling would not be visually dominant or overbearing in respect of any of the adjacent houses.
4. Whilst adjacent residents resist the proposal in terms of overdevelopment of the site, the government's *Planning Policy Guidance Note 3: Housing (PPG3)*, aims to maximise the

- use of previously developed land for housing and requires that minimum residential densities of between 30-50 dwellings per hectare should be achieved. The appeal site is previously developed and this aspect adds moderate weight to my conclusion
5. I conclude that the proposal would not harm the living conditions of adjacent or future occupants in terms of privacy or outlook and would comply with LP policy H11.
  6. The amended proposal indicates provision of a parking lay-by for the host dwelling off the existing access way. This part of the proposal is illustrative only and in any event falls outside the appeal site. However, it demonstrates that replacement parking provision could be achieved within the garden of the host dwelling. The Council is concerned that the proposed replacement parking would result in cars reversing onto the public highway close to a junction opposite. No evidence in relation to highway safety, in terms of vehicle speeds or traffic accident statistics, has been drawn to my attention in this respect.
  7. The appeal site is within a built up settlement and although there is a bus route along the road, I saw that at the time of my visit traffic on it was infrequent and not travelling at excessive speed. Furthermore, in residential areas like this one cars reversing onto the highway are not unexpected. The additional traffic from the single dwelling proposed would not add substantially to the number of vehicles already using the existing access way. In any event, the existing stables could legitimately be used independently from the current association with 'Glenmarlen' and this would in itself generate additional vehicular use of the access way. I therefore conclude that the proposal would not add significantly to existing traffic or harm highway safety.
  8. Other matters raised include the loss of views from adjacent properties. Views from private property are seldom a planning consideration of any significant weight. Sufficient separation distance could be achieved between the proposal and adjacent dwellings that any loss of daylight would be minimal. I note that the existing mature apple tree on the appeal site is subject to a Tree Preservation Order. The illustrative plan shows that the proposed building would not impinge on its canopy and this aspect could be secured by condition. I am satisfied that the proposal would not harm the existing tree.
  9. I have considered the suggested conditions in accordance with the advice in DoE Circular 11/95: *The Use of Conditions in Planning Permissions*. Full details of the design and external appearance of the proposal would be subject to a future submission and the provision of samples at this stage would be unnecessary. The circular resists the restriction of permitted development rights. In this case, however, I agree that in view of the confined site and its proximity to surrounding dwellings, any future extension should be subject to a further application and construction work should be restricted to normal working hours to ensure a reasonable level of peace and quiet for neighbouring residential occupants. I note the Council's advice that the land may be contaminated and should be subject to investigation prior to construction. Provision should be made to protect the existing apple tree referred to above during construction. The design of foul and surface water drainage is subject to other legislation.

#### **Formal Decision**

10. I allow the appeal, and grant planning permission for a detached house with single garage at Glenmarlen, Darlington Road, Long Newton, Stockton on Tees TS21 1BX in accordance with the terms of the application, Ref 06/0798/OUT, dated 10 March 2006, and the plans submitted with it, subject to the following conditions:

- 2) Details of the siting, design, external appearance of the buildings, the means of access thereto, and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 4) The development hereby permitted shall begin either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Class A,B,C,D or E in Part 1 to that Order (the enlargement, improvement or other alteration of a dwellinghouse) shall be carried out and no windows/dormer windows, other than those expressly authorised by this permission, shall be constructed without the prior written permission of the local planning authority.
- 6) Before the development hereby permitted begins, a soil survey of the site shall be undertaken and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. If necessary, a scheme for decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before the dwelling hereby permitted is first occupied.
- 7) Working hours on the site shall be restricted to between the hours of 08:00 – 18:00 on Mondays – Fridays, 08:00 – 13:00 on Saturdays and not at any time on Sundays or Bank Holidays.
- 8) The landscaping scheme referred to in the reserved matters above shall include a plan indicating retained trees on the site and a scheme for their protection. The scheme shall include fencing details and erection methods for the protection of retained trees, in accordance with BS 5837. The erection of such fencing shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

*Wenda Fabian*

Inspector