



# Appeal Decision

Site visit made on 4 August 2009

by **Jacqueline North BSc MSc**

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

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**Decision date:**  
**17 September 2009**

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**Appeal Ref: APP/H0738/A/09/2104366**

**Land to the rear of Glenmarlen, Darlington Road, Long Newton, Stockton-on-Tees, TS21 1PE**

- 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 Henry Taylor against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/2931/FUL, dated 15 September 2008, was refused by notice dated 11 November 2008.
- The development proposed is construction of part two and part one storey dwelling.

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## Decision

1. I dismiss the appeal.

## Main issues

2. The main issues in this appeal are the effect of the proposed development on:  
(i) the character and appearance of the area with respect to the loss of a tree subject to a Tree Preservation Order (TPO); (ii) the living conditions of the occupiers of adjacent dwellings with particular regard to the visual impact of the new dwelling; and (iii) highway safety.

## Reasons

3. The appeal site adjoins the rear and side gardens of three existing dwellings and overlooks Long Newton village green. It is currently occupied by a single garage, a stable building and storage buildings, used in association with the adjacent dwelling 'Glenmarlen'.
4. Outline planning permission, for a detached house with single garage, was granted under appeal reference APP/H0738/A/06/2021535 on 11 January 2007. This appeal relates to an application for full planning permission, although I note that the earlier outline permission is extant.

### *The tree subject to a TPO*

5. A mature apple tree on the appeal site adjacent to the boundary with 'Aingarth' is subject to a Tree Preservation Order (TPO). This tree would have to be removed if the appeal was allowed and the proposed development implemented. The tree is one of a number of mature apple trees in the area around 'Aingarth,' which was the site of the original village farm, and which form a distinct feature within Long Newton. It is clearly visible from Darlington
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Road and the village green, with additional views from Rectory Lane and is of significant amenity value, contributing to the rural character of the village.

6. The tree has suffered a moderate degree of crown dieback and has a cavity, but it has been assessed as having a lifespan of at least 10-30 years. It is cropping well, is not dead, diseased or dying and is of significant amenity value. As such it is worthy of retention, and the loss of this TPO apple tree would be harmful to the character and appearance of the area.
7. Policy GP 1 of the adopted Stockton-on-Tees Local Plan (LP) requires development proposals to be assessed against a number of criteria including the contribution of existing trees and landscape features. Policy HO3 requires residential development to be sympathetic to the character of the locality and take account of and accommodate important features on the site, whereas LP Policy HO 11 requires that new residential development pays due regard to existing features on the site. The loss of the apple tree would not accord with these policies.

#### *The living conditions of the occupiers of adjacent dwellings*

8. The proposed dwelling would be part single storey and part two storey. It would be erected on the site of the existing buildings, with the two storey element at the northwest corner. The layout has been designed in order to prevent any direct overlooking of the adjacent dwellings, with no habitable room windows facing 'Greenside', and one kitchen window facing 1 Rectory Lane which would be set lower than the rear of 1 Rectory Lane. It would have a window at ground floor level that would face, at an oblique angle, towards the access road and northwest corner of the garden area of 'Aingarh'. Three first floor windows would face onto this neighbouring dwelling, but the separation distance of approximately 22 metres would ensure the privacy of the occupiers of this house. I am satisfied that a suitable means of enclosure would also help to prevent any harm due to overlooking in respect of the adjacent dwellings.
9. The two storey element of the proposed dwelling would be adjacent to the boundaries with 'Greenside' and 1 Rectory Lane. 'Greenside' is sited approximately 4 metres from the proposed dwelling and has a small rear garden and patio to the side and rear, along the shared boundary. I consider that the new dwelling would appear visually dominant and overbearing when seen from the rear windows and rear and side garden areas of this dwelling. Similarly the new dwelling would have an unacceptable visual impact when seen from the conservatory and side patio/driveway area of 1 Rectory Lane. This would result in harm to the living conditions of the occupiers of these adjacent dwellings, and would not comply with LP Policies GP 1, HO3 and HO 11 in respect of their aim to protect the amenity of adjacent land users.

#### *Highway safety*

10. Access to the proposed dwelling would be along an existing narrow driveway shared with 'Glenmarlen' and 'Aingarh'. This driveway is approximately 100 metres in length and is accessed from Darlington Road, the main road through the village. Three parking places are proposed in order to comply with the Council's residential parking standards. I accept that even with three vehicles, the use of a single dwelling would be unlikely to generate more traffic than use

of the existing garage and stables. However, the layout as proposed on drawing No. 0884/2 would not provide sufficient space for vehicles to manoeuvre in order to enter and exit the property in a forward gear.

11. I note that the Appellant has submitted Autotrack manoeuvring diagrams, but these were not considered by the Council, they show a different layout to the submitted plan and, although they demonstrate a vehicle could turn in the area, this would involve significant effort especially with respect to parking bays 2 and 3. As such, the Appellant has not demonstrated the provision of satisfactory access and parking arrangement. The proposal would result in vehicles reversing along the access and onto or off the public highway. This would be harmful to highway safety and contrary to LP Policies GP 1, HO3 and HO 11 in respect of their requirement that safe access is provided to prevent development that would be detrimental to highway safety.

*Other matters concerning the appeal*

12. The proposed dwelling, with cedar wood cladding and a part single and part two storey design, would differ from other, more traditional dwellings in the area. I accept that the style of the house would be unique to the area, but there is no uniform building style in Long Newton. Although the building would appear modern in design, it would not have an adverse impact on the character and appearance of the area and would be in keeping with the mix of single storey and two storey dwellings of various ages in the locality.

**Conclusion**

13. I conclude that the proposed development would be harmful to the character and appearance of the area, the living conditions of the occupiers of adjacent dwellings and to highway safety, contrary to LP Policies GP 1, HO3 and HO 11.

*Jacqueline North*

Inspector