



## Appeal Decision

Site visit made on 26 January 2010

by **Kevin Ward BA (Hons) MRTPI**

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

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Decision date:  
5 February 2010

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### Appeal Ref: APP/H0738/D/09/2118673 9 Wetherall Avenue, Yarm, Cleveland TS15 9TP

- 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 I Stapley against the decision of Stockton-on-Tees Borough Council.
- The application Ref 09/1590/FUL, dated 26 June 2009, was refused by notice dated 18 November 2009.
- The development proposed is a two storey extension to side and single storey extension to rear.

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#### Decision

1. I allow the appeal and grant planning permission for a two storey extension to the side, single storey extensions to the front and rear and a conservatory to the rear at 9 Wetherall Avenue, Yarm, Cleveland TS15 9TP in accordance with the application Ref 09/1590/FUL, dated 26 June 2009 subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the plans submitted with the application Ref 09/1590/FUL.
  - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing dwelling. Where matching materials are not available, no development shall take place until samples of the materials to be used have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

#### Procedural Matter

2. The description of the proposed development set out in the heading above is taken from the application form. However, it would be more accurately described as a two storey extension to the side, single storey extensions to the front and rear and a conservatory to the rear.

#### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area and in particular the adjacent footpath.
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**Reasons**

4. The proposed two storey side extension would be very close to the boundary with the footpath which passes between the appeal property and 7 Wetherall Close. However, as No.7 is set at an angle to the footpath, a reasonable gap between the dwellings would be retained, as would a sense of openness at the entrance to the footpath from Wetherall Close. Furthermore, the proposed side extension would only affect a section of the footpath as it passes between Nos.7 and 9. The footpath then opens out into an area of open space / hard standing before linking with footpaths to Hoop Close and Harker Close. The footpath is already enclosed by substantial fencing along the side of Nos.7 and 9. There appeared to be adequate street lighting in the vicinity of the footpath.
5. Taking these factors into account I find that the proposed side extension would not create a tunnelling effect, nor would it be overbearing or oppressive. I see no reason to suggest that it would discourage the use of the footpath.
6. Subject to the use of matching materials, the scale and overall design of the proposed extensions would be in keeping with the existing dwelling and others in the neighbourhood. I find therefore that the proposed development would not adversely affect the character and appearance of the adjacent footpath or the area generally.

**Conditions**

7. For the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with approved plans is required. I have also imposed a condition relating to the use of matching materials in the interests of the character and appearance of the area.

**Conclusion**

8. For the above reasons and taking account of other matters raised I find that the proposed development would accord with Policy GP1 of the Stockton-on-Tees Local Plan and conclude that the appeal should succeed.

*Kevin Ward*

INSPECTOR