



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:
10 February 2010

Appeal Ref: APP/H0738/A/09/2115283
87 Bishopton Road West, Stockton-on-Tees TS19 7EH

- 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 Ian Cumisky against the decision of Stockton-on-Tees Borough Council.
- The application Ref 09/1072/FUL, dated 7 May 2009, was refused by notice dated 27 August 2009.
- The development proposed is a dwelling with associated external works.

Decision

1. I allow the appeal and grant planning permission for a dwelling with associated external works at 87 Bishopton Road West, Stockton-on-Tees TS19 7EH in accordance with the application Ref 09/1072/FUL, dated 7 May 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 following approved plans: 889-08-01, 889-08-02, 889-08-101 Rev C, 889-08-102 Rev A, 889-08-103 Rev B, 889-08-104 Rev A, 889-08-105 Rev A, 889-08-106 Rev A, 889-08-107 Rev A and 889-08-108 Rev A.
 - 3) The dwelling hereby permitted shall not be occupied until hard landscaping and surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Such details shall provide for the use of permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. There is considerable variety in the scale, design and spacing of dwellings in both directions along Bishopton Road West and in nearby streets such as Victoria Road and Victoria Grove. Whilst there are some examples of relatively
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large dwellings in spacious gardens in the vicinity of the appeal site, I consider that they do not form a predominant characteristic of the area.

4. The proposed dwelling would be set back from the main road frontage. It would broadly follow the building line already established by 87 and 89 Bishopton Road West and it would be similar in height. I consider therefore that the proposed dwelling would not be a particularly prominent feature from the road. Although it would have a narrower frontage than the existing dwellings on either side, the scale and design of the proposed dwelling would not in my view be out of keeping with other dwellings in the locality.
5. The proposed dwelling would take up much of the existing side garden to No.87 and the gap between the two dwellings would be relatively small. However, the hipped roof of the proposed dwelling and the single storey nature of the side of No.87 would lessen the visual effect of the close proximity of the dwellings, as would the set back from the main road frontage. A distinct gap would be maintained to the side of No.89 and the proposed dwelling would be provided with adequate private amenity space. I consider that it would not therefore result in an unduly cramped or incongruous form of development, given the context provided by the variety of layouts found in the surrounding area.
6. I find therefore that the proposed development would not harm the character and appearance of the area and that it would comply with Policies GP1 and HO11 of the Stockton-on-Tees Local Plan.
7. I note the reference to an appeal decision relating to 101 Junction Road, Norton (Ref APP/H0738/A/08/2088038) in the Council's delegated report. I am not aware of the detailed circumstances of that appeal, however, I understand that it concerned an application for outline planning permission on a site some distance from the appeal proposal before me. I have therefore considered the current appeal on its own merits in the light of the particular circumstances that apply in this case, in terms of the detailed proposals and the context provided by existing development in the locality.

Other Matters

8. The proposed dwelling would be visible from the rear of 7 Victoria Grove and its gardens. However, given the relative positioning of the two dwellings and the distance between them, the effect of the proposed dwelling on outlook and privacy would not be such that it would result in significant harm to the living conditions of the occupiers of 7 Victoria Grove. The distance to other dwellings in Victoria Grove would be even greater and I find that there would be a minimal effect on outlook and privacy for the occupiers of these properties.
9. I note that the Council does not raise objections to the proposal in terms of parking and access arrangements. Adequate off street parking for a house of this size would be provided and there is no substantive evidence to suggest that this stretch of Bishopton Road West is particularly hazardous. I am satisfied that it is capable of accommodating the modest increase in traffic that would result from an additional dwelling and that the proposed access arrangements would be appropriate. I find therefore that the proposed development would not adversely affect highway or pedestrian safety.

10. Whilst I appreciate the concerns of local residents in relation to flooding, I understand that the appeal site is not within a flood zone identified by the Environment Agency. Furthermore, there is no substantive evidence that the proposed dwelling would add significantly to the likelihood or severity of flooding in the area. Again I note that the Council does not raise concerns on this matter. The details of hard surfacing and surface water disposal are matters that can be addressed through a condition.
11. I am satisfied that given the nature and location of the works proposed and the existing access arrangements for No.87, the remaining protected tree within the application site would not be adversely affected.
12. Each application and appeal must be determined on its individual merits and I see no reason to suggest that my decision would set a precedent. In any case, I consider that the development does not harm the character and appearance of the area.

Conditions

13. The Council has suggested a number of conditions should the appeal be allowed. I agree that a condition relating to hard landscaping and the provision of permeable or porous areas to accommodate run-off water is required to ensure a satisfactory form of surface water disposal. I have amended the suggested wording however in the interests of simplicity. I have also imposed a condition to ensure that development is carried out in accordance with approved plans for the avoidance of doubt and in the interests of proper planning.
14. Given that the proposal only involves one additional dwelling and the scale of construction and delivery of materials is unlikely to significantly affect the occupiers of nearby property, I see no need for a condition to control the hours of such activities. A condition relating to contamination is unnecessary given the lack of evidence to suggest that this may be an issue on the appeal site.
15. As the proposal is only for one dwelling which would be set in an existing garden, a condition relating to a detailed soft landscaping scheme would be unduly onerous. I consider that the detail of soft landscaping is a matter that can be left to individual householders. Likewise, I find that the existing vegetation on the site does not make a significant contribution to the character and appearance of the area and therefore a condition requiring the Council's consent for works affecting trees, shrubs or hedges would be unnecessary and unduly onerous. I see nothing in terms of the characteristics of the site or the relationship between the proposed dwelling and neighbouring properties to justify the removal of permitted development rights for extensions or structures within the curtilage.

Conclusion

16. For the above reasons and taking account of other matters raised I conclude that the appeal should succeed.

Kevin Ward

INSPECTOR