



## Appeal Decision

Site visit made on 15 February 2010

by **D R Cullingford BA MPhil MRTPI**

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

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**Decision date:**  
4 March 2010

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### Appeal Ref: APP/H0738/D/10/2120523 4 Barrhead Close, Stockton-on-Tees TS19 7SR

- 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 by Mr Paul Walker against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 09/2112/FUL and dated 10 August 2009) was refused by notice dated 27 October 2009.
- The development is described as 'single storey rear extension and porch and canopy to front'.

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#### Decision

1. For the reasons given below, I allow this appeal, and grant planning permission for a single storey rear extension together with a porch and canopy to the front of 4 Barrhead Close, Stockton-on-Tees in accordance with the terms of the application (ref. 09/2112/FUL) dated 10 August 2009, and the plans submitted therewith subject to the following conditions:
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the plans Nos.PW-001RevP1, PW-002RevP1, PW-003RevP1, all last dated 12 July 2009.
  - 3) Details of the materials to be used in the construction of the external surfaces of the development, hereby permitted shall, where appropriate, closely match those used in the existing building and shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences. The works shall be carried out in accordance with the approved details.

#### Reasons

2. The appeal property is a neat semi-detached dwelling in a tree-lined close on this suburban estate. The proposal involves the erection of a single storey, pitched roof, rear extension that would project (I estimate) about 3.8m from the rear elevation across the full width of the house. It also involves the construction of a porch and canopy at the front of the dwelling. The porch would utilise the space beside the projecting garage and a small sloping roof across both the porch and the garage would complete the façade. The Council have no objection to the porch and canopy at the front; it would be similar to those at several other properties in the street and, due to its modest size, would not affect the living conditions of neighbouring residents. I agree. Rather, they have refused permission due to the depth of the rear extension and its position almost on the property boundary. In their view, the size, design and location of that structure would have an overbearing and

overshadowing impact on the occupants of the adjoining property (5 Barrhead Close) and so contravene 'saved' policies GP1 and H012; it would also fail to comply with relevant guidance (as set out in the document SPG2: Householder Extension Guide). That is the issue on which this appeal turns.

3. The guidance in SPG2 (carefully derived from experience) indicates that a depth of 3m for a rear extension might represent a reasonable compromise between competing neighbour interests and that an extension of any greater depth should be subject to 'a 60° rule'. Of course, the depth of this rear extension would exceed that limit by about 0.8m and subtend an angle of some 70° from the middle of the living room window at No.5. However, I am not sure that the structure would have quite the oppressive features that the Council suggest. First, as it would stand directly to the north of the adjoining dwelling, it would hardly ever cast a noticeable shadow across that property. Second, the submitted drawings indicate that the extension would be a fairly modest structure; it would be only about 2.4m high at the eaves and rise to roughly 3.4m at the ridge, some 2.8m from the property boundary.
4. In addition, and perhaps more importantly, I saw that many of the properties here benefit from rear extensions of some kind; several include the additions of conservatories and sun rooms. Indeed, although the adjoining dwelling at No.5 is not the only property with the rear elevation still in its original form, it is something of an exception here. In particular, the adjacent house to the north (No.3) benefits from a rear extension designed on similar lines (though slightly larger) to those proposed for the appeal property. Given the existence of that structure and the prevalence of other rear extensions here, I think that, as a matter of equity, there should be good reason for preventing similar development at the appeal property. Given the similar size of the proposed structure to others in the street and its position to the north of the adjoining dwelling, I consider that, although it would exceed the limits suggested in the operative guidance, it would not impair the prospect that neighbouring residents might reasonably expect to enjoy here. As the proposals would be in keeping with the style of the appeal property and with the street scene, and as both the front and rear extensions would utilise matching materials, I consider that this scheme would accord acceptably with policies GP1 and H012. Hence, and having considered all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this appeal should be allowed, subject to the conditions set out above.



INSPECTOR