



Appeal Decision

Site visit made on 12 April 2010

by **Michael R Moffoot** DipTP MRTPI
DipMgt MCI

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

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Decision date:
26 April 2010

Appeal Ref: APP/H0738/D/10/2123441

7 Arundel Court, Ingleby Barwick, Stockton-on-Tees, Cleveland TS17 5GE

- 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 Gary Garbutt against the decision of Stockton-on-Tees Borough Council.
 - The application Ref. 09/2565/FUL, dated 9 November 2009, was refused by notice dated 23 December 2009.
 - The development proposed is enlargement of existing double garage.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of No. 9 Arundel Court, with particular reference to outlook and daylight and sunlight.

Reasons

3. The existing garage adjoins the southern boundary of the rear garden to No. 9 Arundel Court. The proposed extension to the front of the garage would replace an existing boundary fence, resulting in a wall about 2.6 metres in height in close proximity to patio doors serving the lounge and kitchen/diner at the rear of No. 9 which open on to a paved area and lawn. In conjunction with the existing garage, this would result in an uninterrupted run of walling some 9.8 metres long on the common boundary with a pitched roof above. In my view, this would be an overbearing addition that would severely harm the neighbouring occupiers' outlook and hence their enjoyment of the property.
 4. I acknowledge that daylight and sunlight levels reaching the patio doors and rear garden of No. 9 are affected by the existing garage and boundary fence to some extent. However the proposal would further reduce these levels, and this adds weight to my concerns regarding the impact of the development on the neighbours' living conditions. The cessation of car maintenance and washing activities adjacent to the rear of No.9 as a result of the development and the suggested painting of the side wall of the garage in a light colour do not outweigh these concerns.
 5. For these reasons, I conclude on the main issue that the proposal would unacceptably harm the living conditions of the occupiers of No. 9 Arundel Court, in conflict with 'saved' Policy GP1 of the adopted *Stockton-on-Tees Local*
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Plan which, amongst other things, seeks to safeguard the amenities of nearby occupiers.

6. Other matters have been raised in representations. I do not consider that the proposal would appreciably reduce air flow to No. 9 or create a tunnel effect that would amplify the noise from activities on the driveway of the appeal property. I have seen no technical evidence to show that the proposal would exacerbate existing drainage problems in the area,
7. The appellant has referred in general terms to other extensions that have been built in the area. I do not, however, know the considerations that were taken into account by the Council in deciding to grant planning permission, if indeed permission was sought or required in these cases. In any event, it is important that all proposals are considered on their individual merits. I have also taken into account the benefits that the proposal would bring in terms of additional garaging, but this should not be at the expense of the neighbours' living conditions, whilst property deeds regarding light have no bearing on the planning merits of the proposal. Other submissions concern matters unrelated to the appeal, and do not affect my judgement of the issues that I consider relevant to the case.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Michael R. Moffoot

Inspector