



Appeal Decision

Site visit made on 21 April 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:
5 May 2010

Appeal Ref: APP/H0738/D/10/2124316

Almega, Letch Lane, Bishopton, Stockton-on-Tees TS21 1EG

- 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 David Daniel Lake against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 09/2803/FUL and dated 23 November 2009) was refused by notice dated 2 March 2010.
- The development is described as the 'erection of detached garage only 4m in height'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The walls and floor of this garage are already in place and, like the dwelling recently permitted on this plot, the brickwork and construction appear to have been undertaken to a high standard. The structure stands in front of the completed dwelling (Almega) and to the rear The Ridings amongst a hotchpotch of dwellings and bungalows that straggle beside this part of Letch Lane; opposite there are open fields.
 3. Permission was granted for a dormer bungalow and a garage here in 2008. Neither was built in accordance with the approved plans, although the initial variations relating to the dwelling have now been regularised. However, the garage remains in an unauthorised position close to the eastern boundary, the adjacent property (Lichens) being a modest bungalow undergoing considerable reconstruction. An application to retain the garage in that position, albeit then with a ridge height of some 6.6m rather than the 4m now intended, was refused and subsequently dismissed at appeal in October 2009. The Council have refused permission to retain the current structure (positioned about 0.5m from the boundary and measuring about 6m by 7.2m beneath a ridge roof some 4m high) because they consider that the dwelling and garage together would result in an excessive amount of built development along the boundary with Lichens that would have an overbearing impact on residents there, contrary to 'saved' policies GPI and H012 of the adopted Local Plan. That is the issue on which this appeal turns.
 4. The current garage structure presents a blank gable end just 10m from the rear elevation of Lichens and 0.5m from the boundary; the structure would rise to a good 4m in height and extend for some 7.2m along the boundary. I saw that it would be seen from the rear windows of Lichens against the extensive
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front elevation of Almega, which itself presents a largely blank end elevation rising to some 8.5m about 2m from, and 11m along, the boundary. The result is that not only does this house and garage lie adjacent to a considerable proportion of the common boundary, but also the proximity and extent of evident brickwork serves to impart a confining urban prospect at the adjacent dwelling. Given the semi-rural character of development here, I consider that such an incongruous effect would harm the prospect that neighbouring residents might reasonably expect to enjoy. Moreover, I agree with the Council that the cumulative impact of so much building so close both to the boundary and to the rear elevation of Lichens would appear overbearing and oppressive from that dwelling. That reflects the previous conclusion reached by my colleague; in my view, merely reducing the height of the unauthorised garage would not sufficiently ameliorate the harmful effects then identified. I consider that the proximity and size of this garage would result in its retention unacceptably impairing the prospect that neighbouring residents might reasonably expect to enjoy in a semi-rural locations such as this, contrary to 'saved' policies GPI and H012.

5. I have considered all the other matters raised. I note the claim that the garage should benefit from permitted development rights under the Town and Country Planning (General Permitted Development) Orders. But, as the previous Inspector pointed out, such rights cannot be acquired until the development has been completed in accordance with the planning permission actually granted. And, of course, in this case the structure is too close to the property boundary to benefit from the relaxations bestowed by the Orders. I have considered the screening effects of the garage, but given the distance between the rear elevation of Lichens and the front elevation of Almega, I think that any benefit would be very limited and insufficient to compensate for the looming presence of the building. I am afraid, therefore, that I find neither those nor any other matter raised sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR