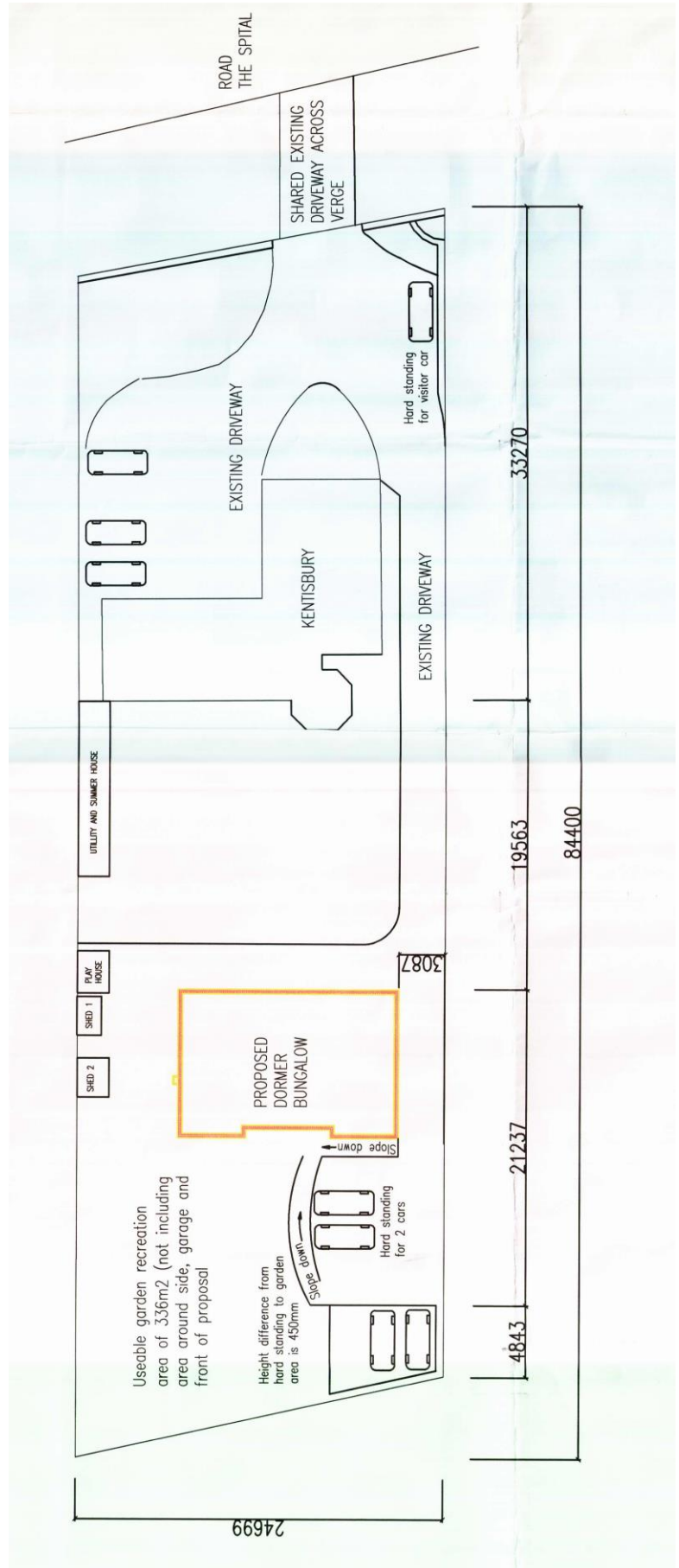
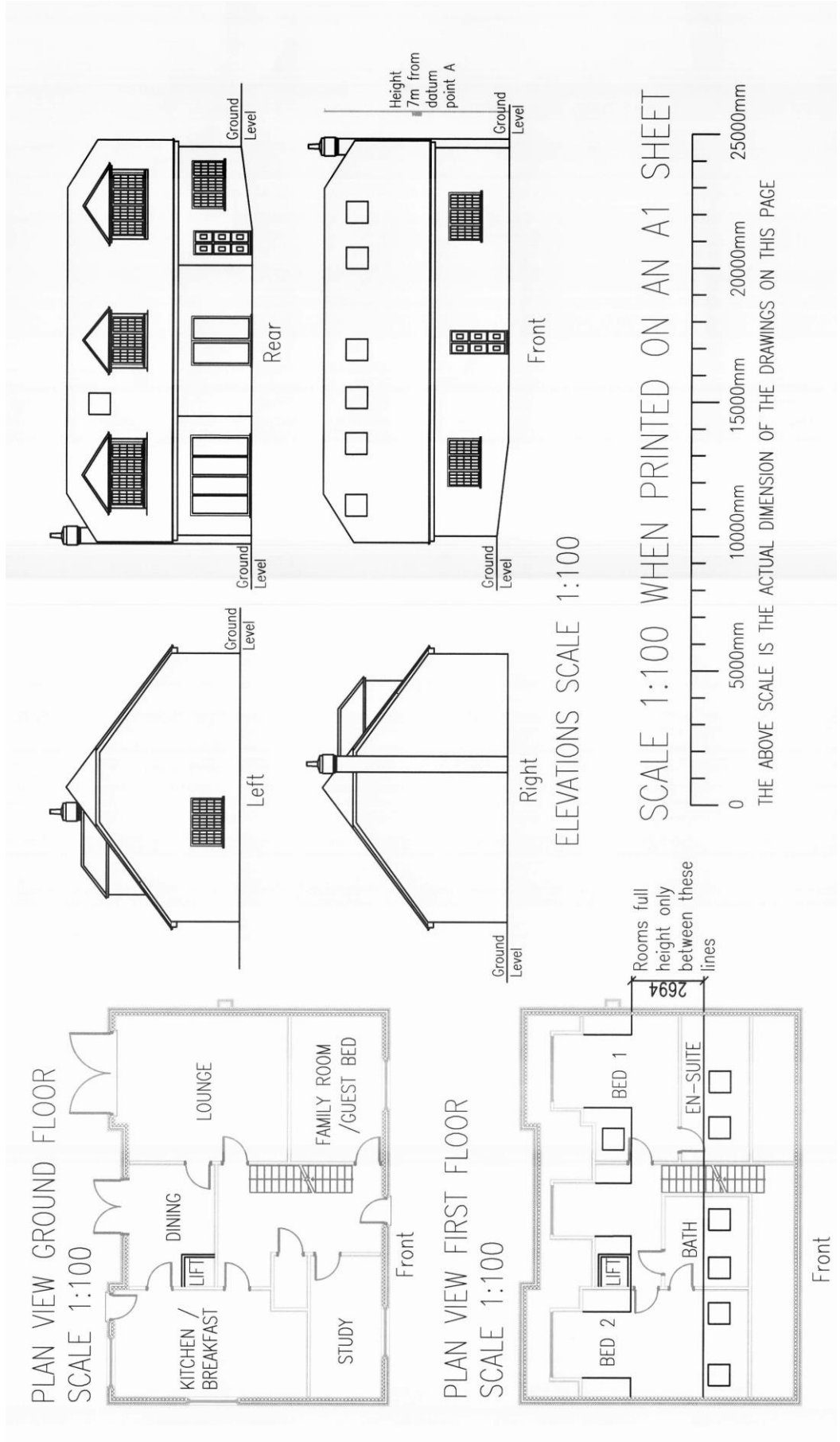


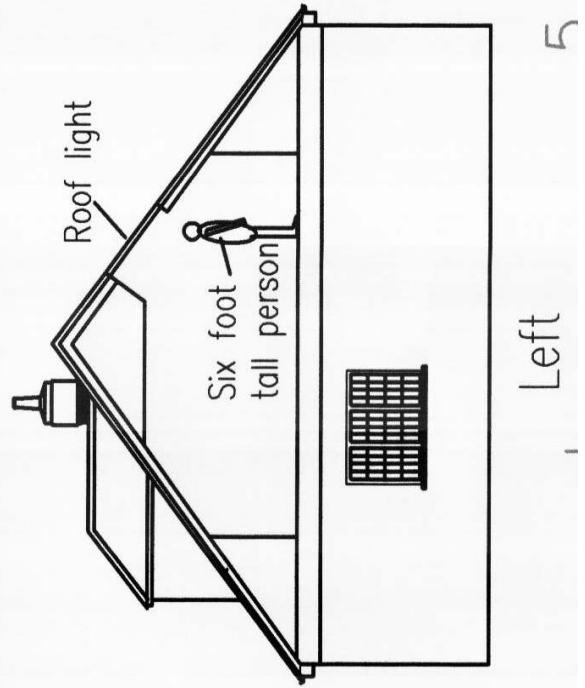
Appendix Reference 1. Proposed details. Site layout plan



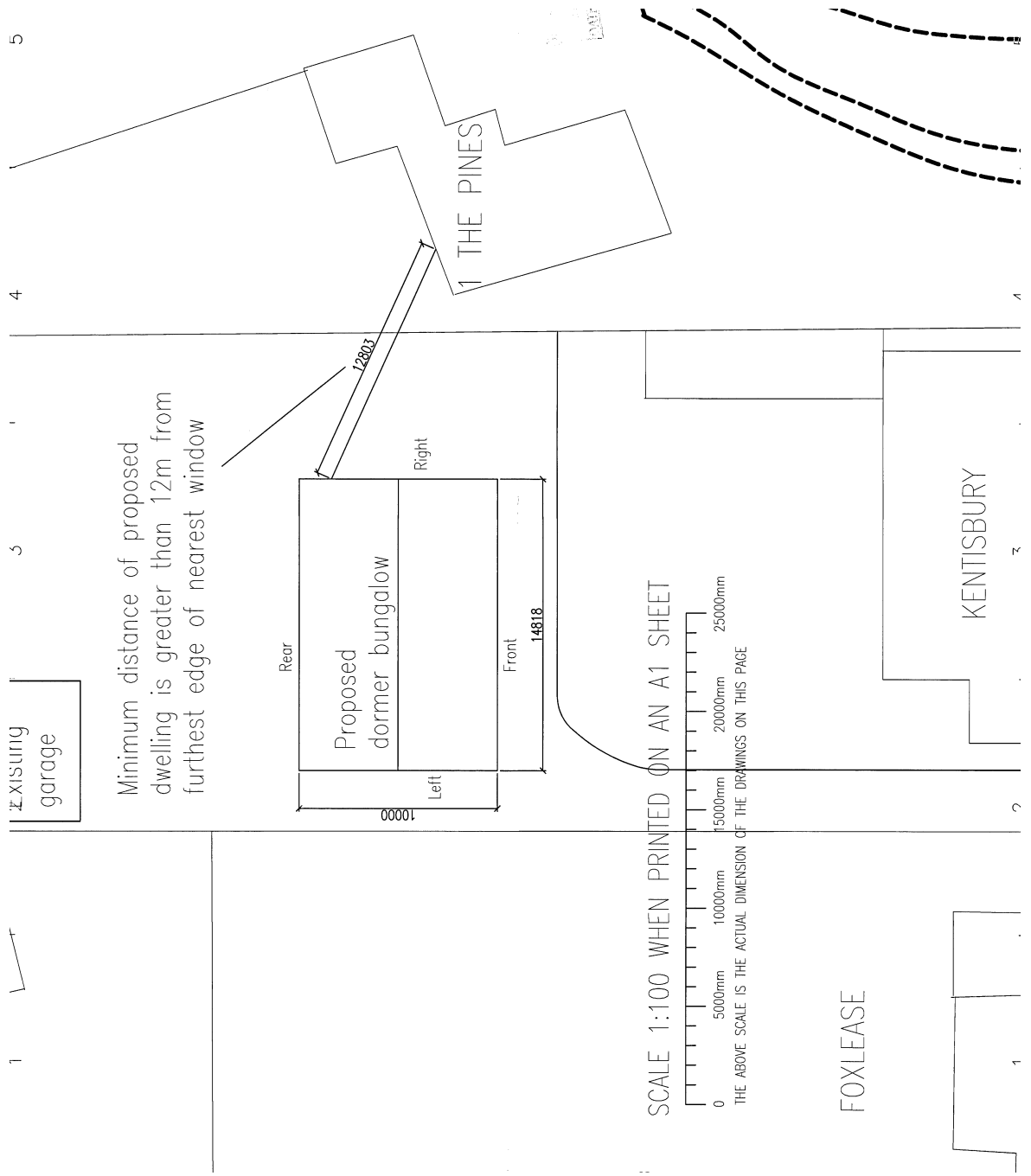
Appendix Reference 1. Proposed details. Building elevations



Dormer rooms showing positioning of roof lights such that they are well above eye line and hence cannot overlook the existing Kentisbury house (or any other house)



Appendix Reference 1 - Proposed details – Distances to adjacent property



SCALE 1:100 WHEN PRINTED ON AN A1 SHEET

0 5000mm 10000mm 15000mm 20000mm 25000mm
THE ABOVE SCALE IS THE ACTUAL DIMENSION OF THE DRAWINGS ON THIS PAGE

FOXLEASE

KENTISBURY

1 THE PINES

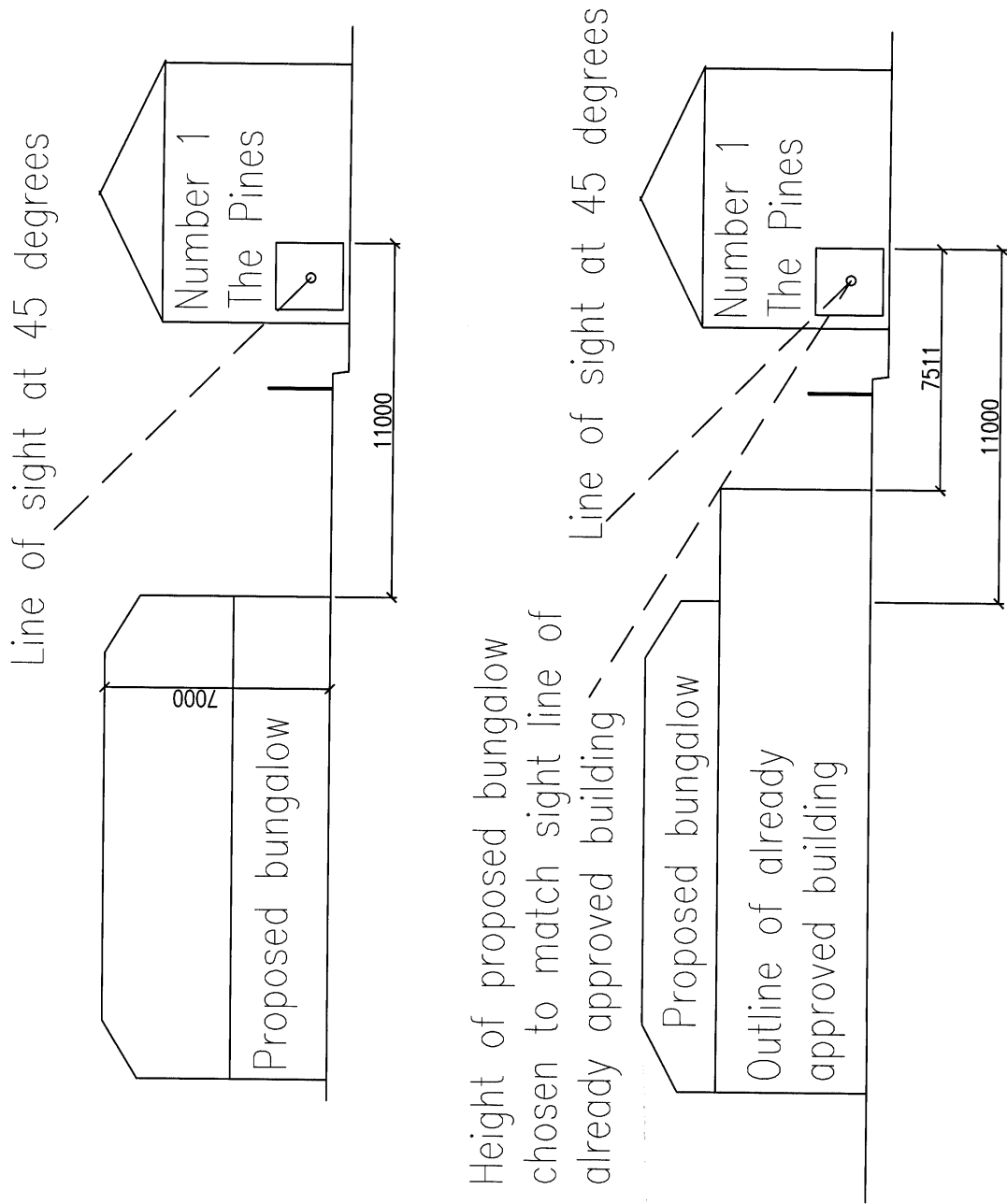
Existing garage

Minimum distance of proposed dwelling is greater than 12m from furthest edge of nearest window

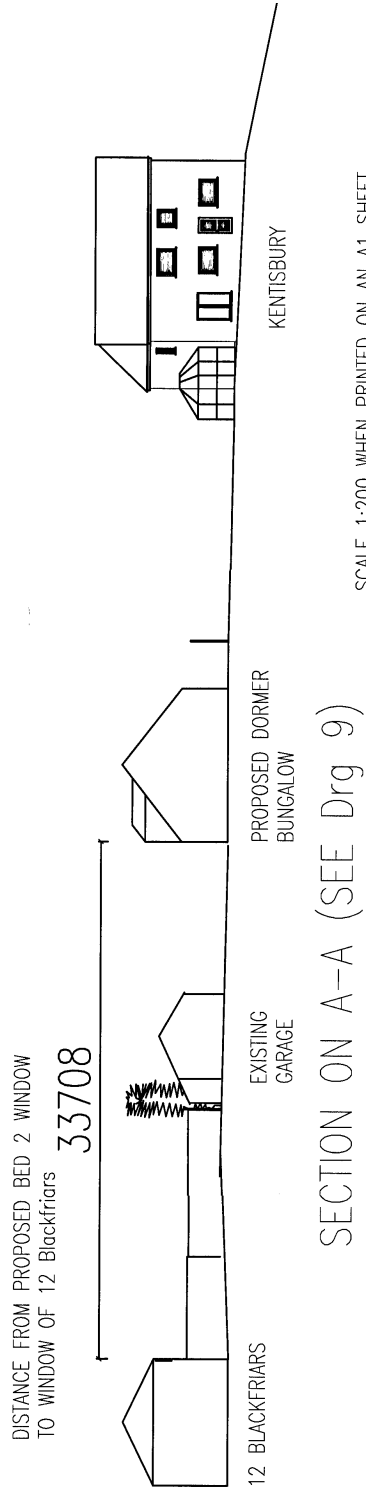
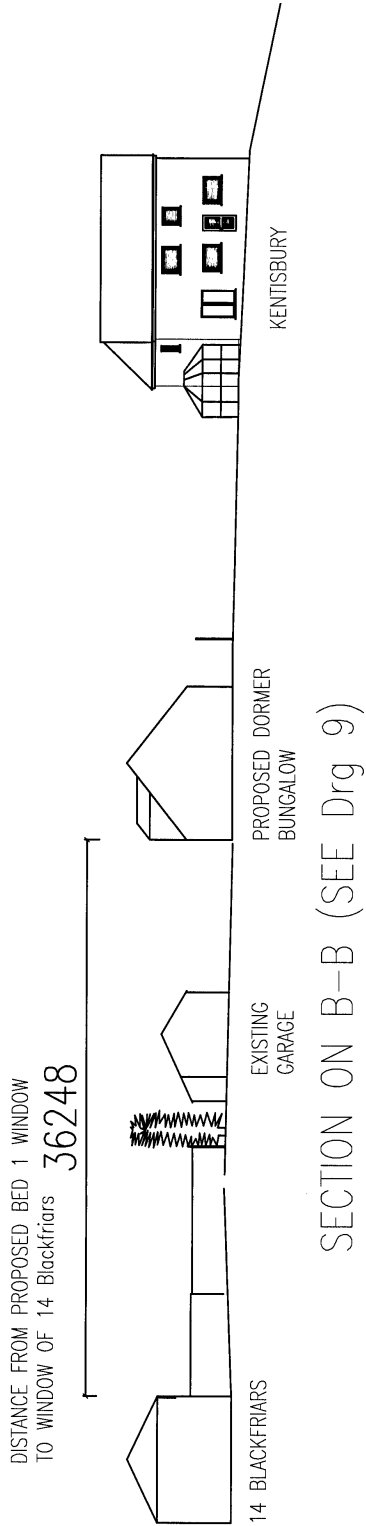
Rear
Proposed dormer bungalow
Left
Right
Front
14818
10000

12803

Proposed details. Applicants plan detailing indicative relationship between dwelling proposed and development that could have been undertaken as a result of permitted development rights



Appendix Reference 1. Proposed details. Applicants site section plan



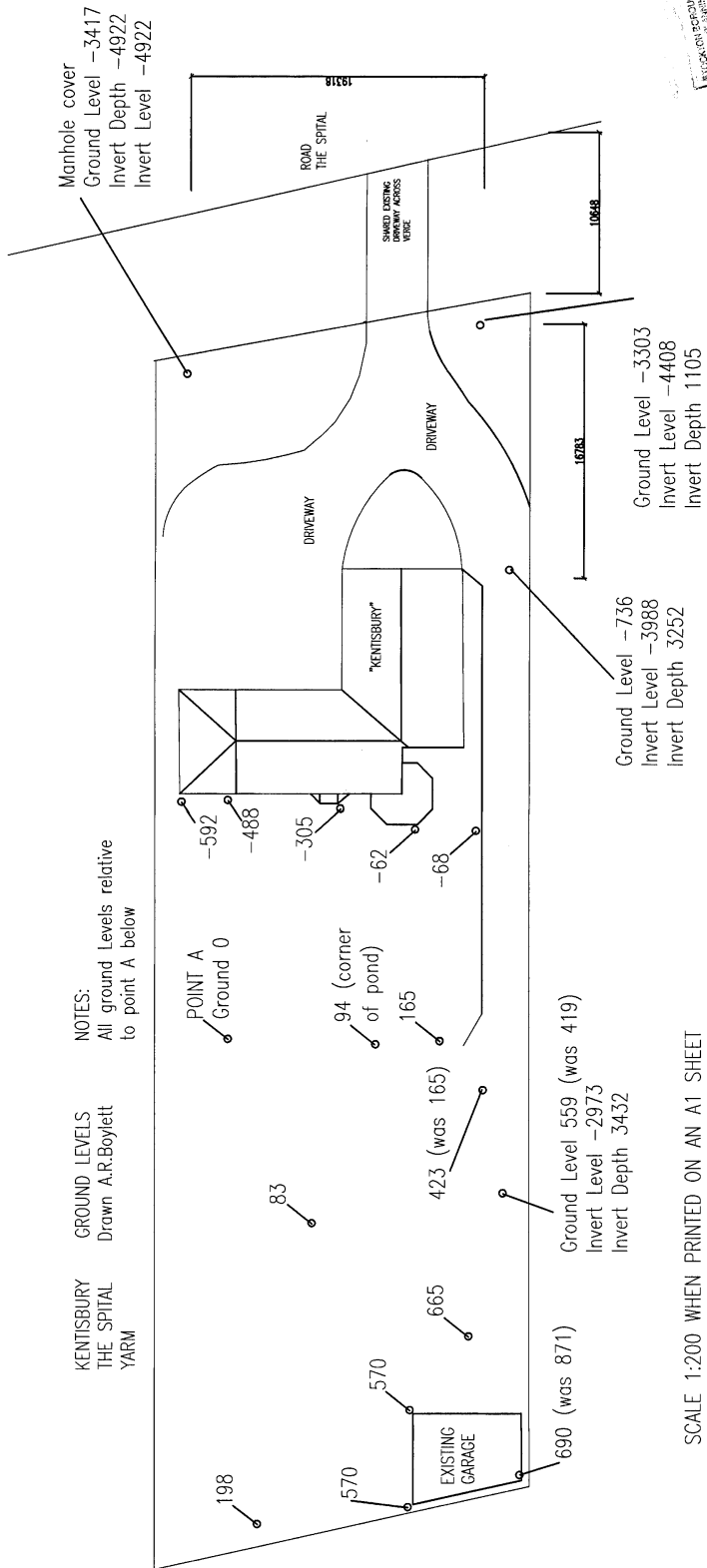
SCALE 1:200 WHEN PRINTED ON AN A1 SHEET

0 5m 10m 15m 20m 25m

THE ABOVE SCALE IS THE ACTUAL DIMENSION OF THE DRAWINGS ON THIS PAGE

A scale bar is provided with markings at 0, 5m, 10m, 15m, 20m, and 25m.

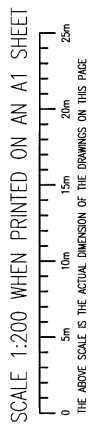
Appendix Reference 1. Proposed details. Applicants site levels survey



NOTES:
All ground Levels relative to point A below

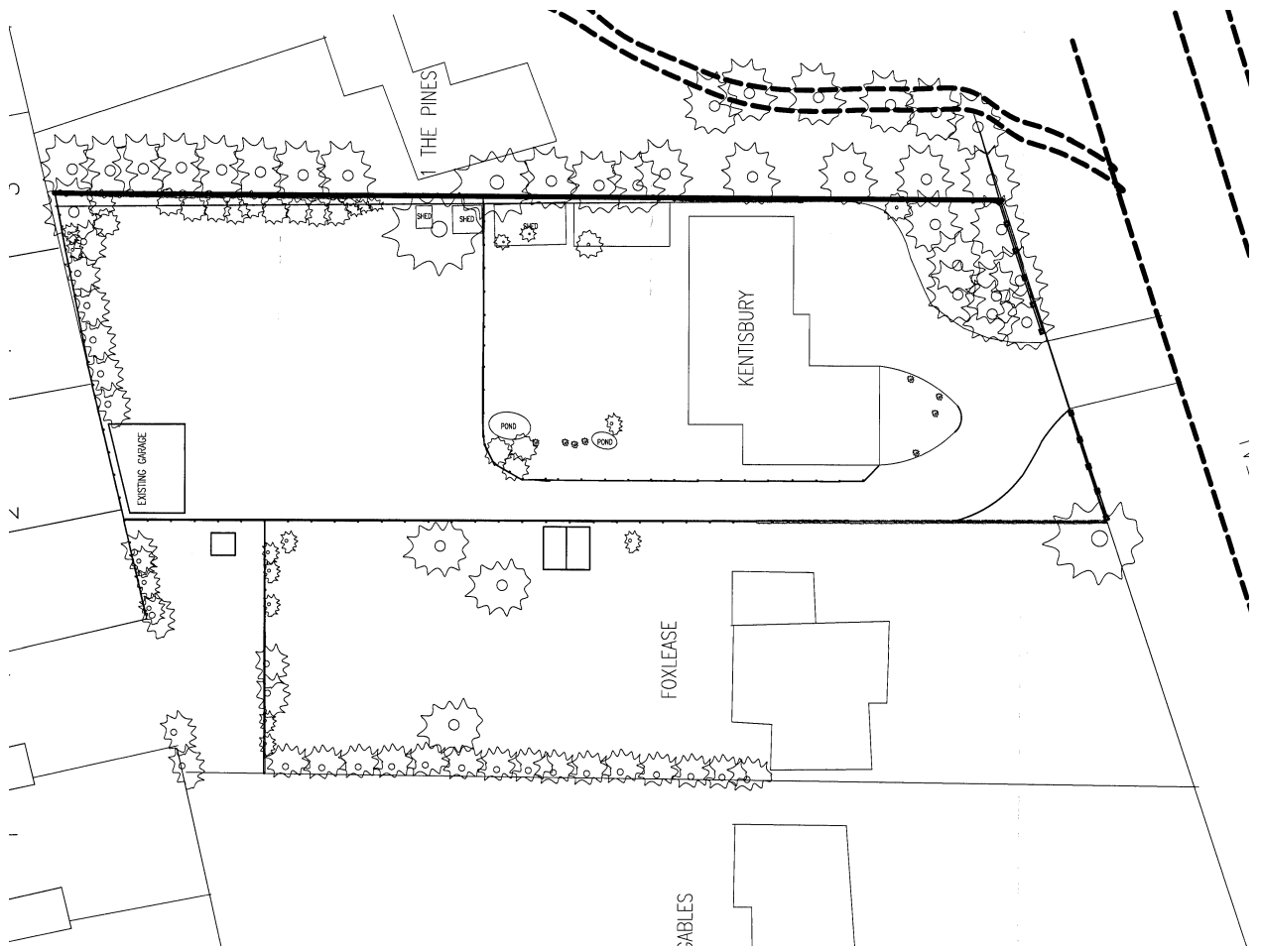
GROUND LEVELS
Drawn A.R.Boylett

KENTISBURY
THE SPITAL
YARM

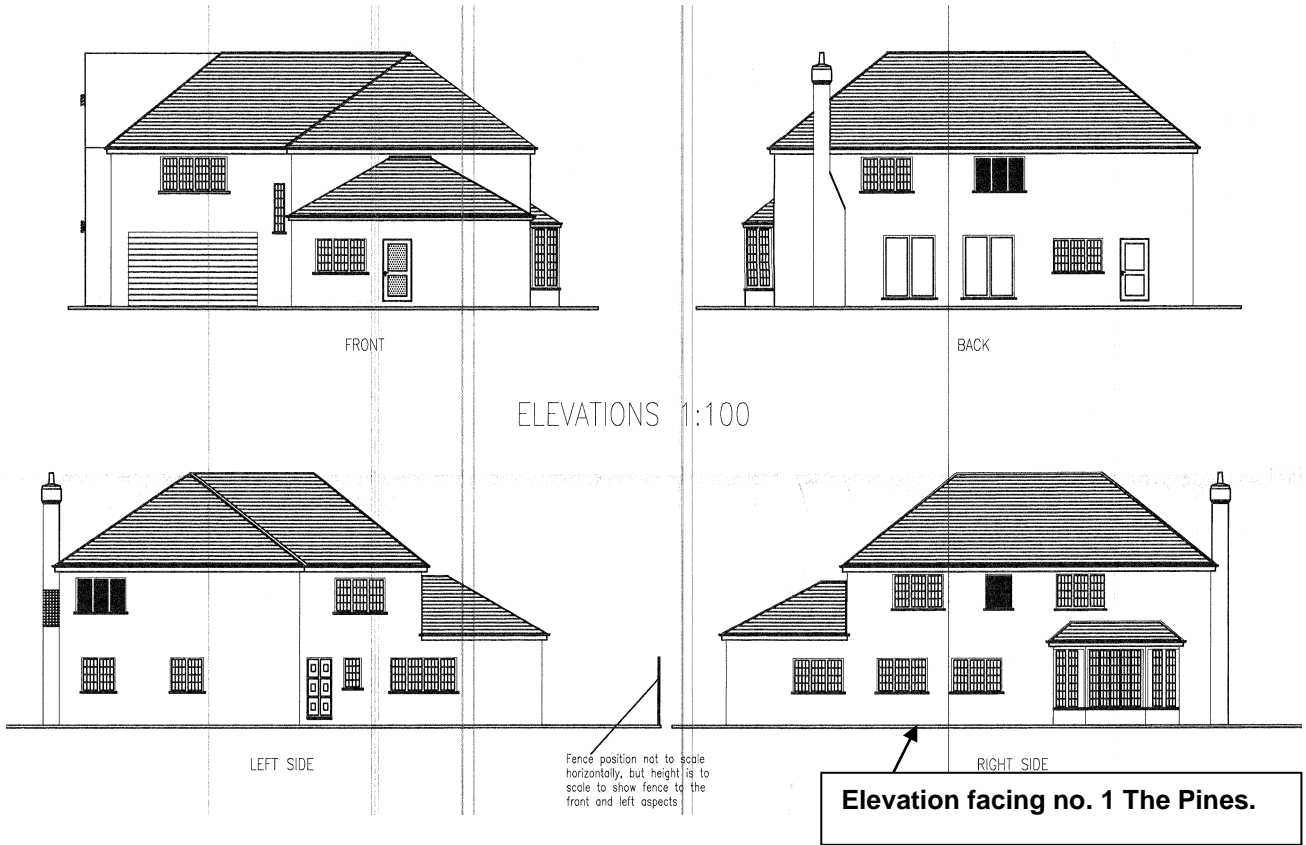


21 MAY 2010
DATE RECEIVED

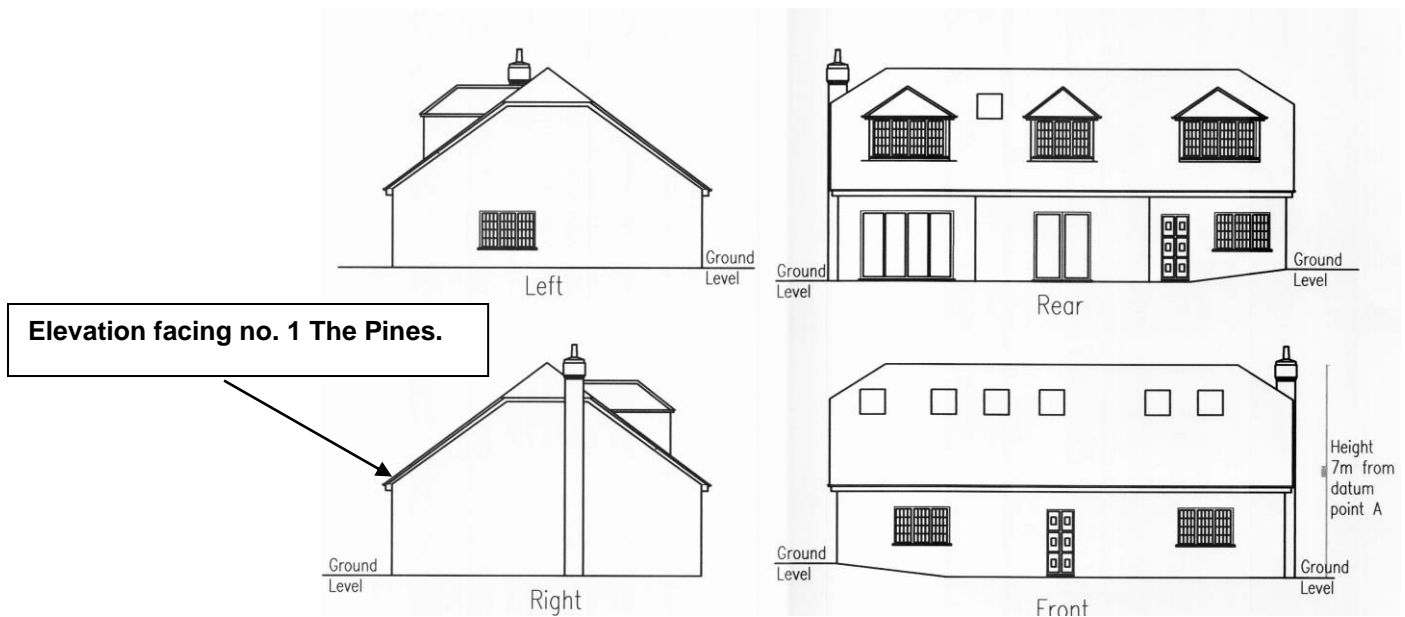
Appendix Reference 1. Proposed details. Existing tree plan



Dwelling elevations refused under application 05/2805/FUL



Dwelling elevations being proposed under application 10/0865/FUL (indicative only)





Appeal Decision

Site visit made on 19th June 2006

by **David Metcalfe** Dip TP,FRTP

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

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Date: 27 June 2006

Appeal Ref: APP/H0738/A/06/2010599

Kentisbury The Spital Yarm TS15 9EU

- 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 A Boylett against the decision of Stockton-on-Tees Borough Council.
- The application Ref 05/2805/FUL dated 27th September 2005 was refused by notice dated 8th December 2005.
- The development proposed is the erection of a domestic dwelling house.

Decision: The appeal is dismissed.

Procedural matters

1. The representations include a number of plans that trace the history of the appeal application. For clarity the plans under consideration at this appeal are those that were revised for the second time and dated 22/11/05. In addition, reference is made to protected trees but, as confirmed at the site visit there are no tree preservation orders that affect the appeal site.

Reasons

2. The proposed dwelling is a detached two storey building that would be located in the rear garden of the existing dwelling *Kentisbury*. This is a large property and the garden is equally extensive by modern standards. Additional dwellings and their respective gardens lie to the rear and sides of the appeal site. Access to the proposal would be obtained using the existing access to the host dwelling and then by a 3 metre wide drive down the side of *Kentisbury*. This driveway and access was in the process of being constructed at the time of my visit.
3. The appeal site boundaries are well defined by trees/shrubs and a substantial fence which has been constructed along the full length of the boundary with *Foxlease* – the dwelling to the east. It is intended that a similar fence would form the boundary between *Kentisbury* and the proposal.
4. I appreciate that considerable effort has been made to arrange the internal living space and overall design to avoid any undue direct overlooking of surrounding properties from the windows of the proposed dwelling. But residential activity does not take place in such a simple way. Other activities would occur outside the dwelling and because of the overall footprint of the proposal, and its relatively tight and enclosed configuration within its site- especially along the eastern and northern boundaries, I have no doubt that the proposal would sit uncomfortably within its immediate surroundings and fail to respect the existing

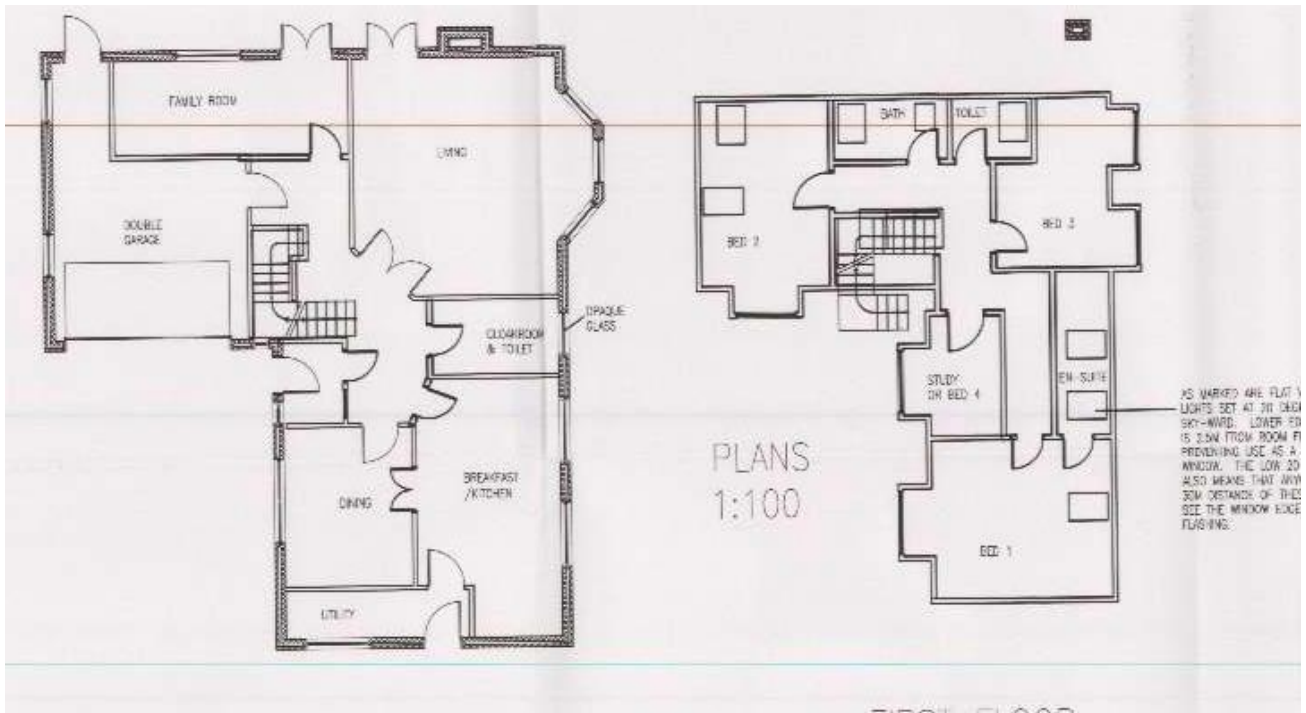
open quality and pleasant character of the rear garden environment enjoyed by all nearby residents.

5. The fences and boundary features to be retained and/or provided would assist in maintaining some level of privacy between properties. However this essentially would be illusionary because the size and especially the height of the proposed dwelling would always impose itself on the occupants of neighbouring dwellings – be it from within or without their respective properties - and the substantial fences simply emphasise these qualities. Thus I consider that the proposal would appear adversely overbearing to most of its neighbours.
6. The limited space provided for access and the turning and manoeuvring of vehicles within the site, although not unacceptable in themselves, would also add to the general feeling of constriction and the over assertiveness of the dwelling within its surroundings. Overall therefore, I consider the proposal inconsistent with those policy objectives that seek to protect residential amenity.
7. I understand that a subsequent application for a dormer bungalow has been considered by the Council and that there is an outstanding appeal relating to that proposal. I have no details of that proposed development and in any event it would be wrong for me to give any indication as to whether that proposal would overcome the objections that I firmly believe pertain to this proposed development.
8. In addition, I appreciate that there are examples of dwellings being constructed in rear gardens in the area that have been granted permission by the local planning authority. Every case, however, must be judged on its own merits and in this case as stated above, I regard the proposal as unacceptable and shall dismiss the appeal.

David Metcalfe

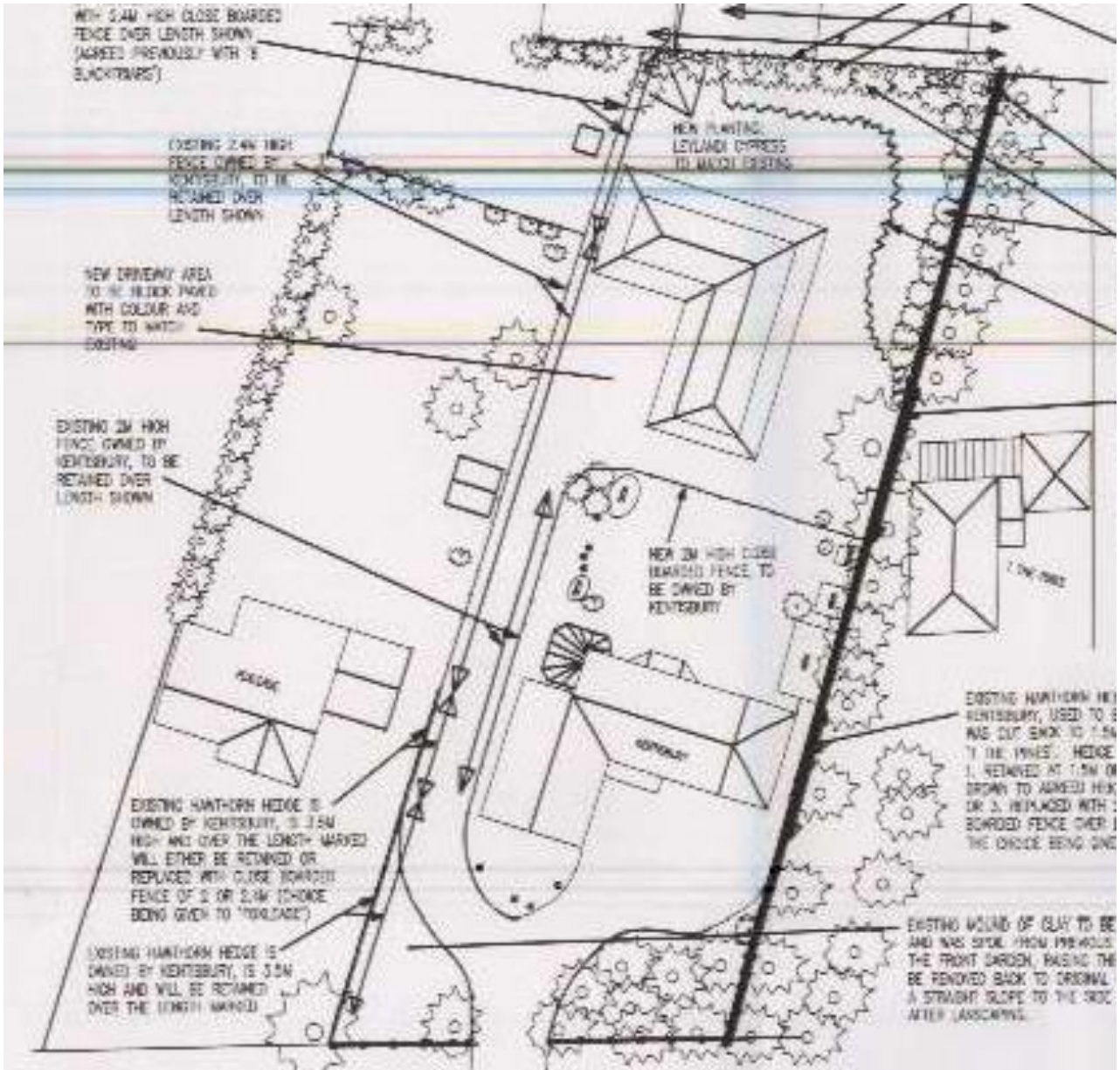
Inspector

Appendix reference 3
Plans refused under application 05/3472/REV and dismissed on appeal



Appendix reference 3

Plot layout refused under application 05/3472/REV and dismissed on appeal





Appeal Decision

Site visit made on 10 October 2006

by **Anthony J Wilson** BA(Hons) MA DipLA MRTPI

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

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inspectorate.gsi.gov.uk

Date: 9 November 2006

Appeal Ref: APP/H0738/A/06/2017687
Kentisbury, The Spital, Yarm, TS15 9EU

- 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 Andy Boylett against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 05/3472/REV, dated 19 December 2005, was refused by notice dated 6 February 2006.
- The development proposed is described as "Infill development of rear garden of 'Kentisbury'. Building of one new dwelling house of minimised height, single storey, with rooms in the roof space (Dormer Bungalow)".

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site occupies a location within the large rear garden of Kentisbury and would be served by a shared access to The Spital and a separate, private drive alongside the existing dwelling. There has been a previous refusal of permission on the same site for a two-storey dwelling and an appeal against that refusal was subsequently dismissed in June of this year (APP/H0738/A/06/2010599). In his decision, the Inspector noted that whilst considerable effort had been made to avoid any undue direct overlooking of surrounding properties, he was concerned about the relatively tight and enclosed configuration of the proposed dwelling within its site. In dismissing the appeal, he concluded that the proposal would sit uncomfortably within its immediate surroundings and that it would fail to respect the existing open quality and pleasant character of the rear garden environment enjoyed by all nearby residents.
3. The current appeal relates to a dormer bungalow that would occupy a similar position on the site to the previous proposal but would be on a smaller footprint and would have a much lower overall height. Since the previous appeal, some of the planting has been removed from the appeal site and the construction of tall, close-boarded timber fences to the rear garden boundaries of Kentisbury has been completed. Similar fencing has also been erected along the boundary between the proposed vehicle access into the appeal site and the side elevation of the existing house. I was able to view the appeal site from within the curtilage of Kentisbury and from 4 of the 7 properties which surround it.
4. Whilst these new fences presently have a somewhat stark appearance, nevertheless, they very successfully screens views of the appeal site from all of the surrounding homes and their gardens at ground floor level. I also acknowledge that the mix of mature evergreen

and deciduous trees and shrubs remaining on the appeal site, and those growing close to the boundaries of the neighbouring dwellings would, to varying degrees, also interrupt views of the upper parts of the dormer bungalow from the adjacent dwellings at No 1 The Pines and from No 10, No 12 and No 14 Blackfriars. However, the upper parts of the dwelling would be clearly visible above the new fences from the extended garden of No 6 Blackfriars, where its flank wall/roof would be very close to the boundary, and from the bungalow and all of the rear garden at Foxlease.

5. I recognise the effort that has been taken to minimise the visual impact of upper floor by reducing its overall size and height and by cloaking it within the roof structure. I also acknowledge that the erection of the fences has altered the open quality and the character of the rear garden environment which was clearly influential in the decision of the previous Inspector. Nevertheless, I consider that the proposed dwelling would display a considerable scale and mass when viewed from the unscreened neighbouring properties about the site and that it would have an overbearing impact that would unacceptably impose itself into the garden environment at the rear of these adjacent homes. This would be at variance with objectives of development plan policy.
6. More particularly, the dormer windows proposed in the side elevation would allow views directly down into the rear garden of Foxlease and, to a lesser extent, the dormer above the garage would permit an outlook towards the rear elevation of this adjacent dwelling and its outdoor patio areas. I consider that the occupiers of Foxlease could not fail to be aware of the outlooks from these upper floor windows overlooking their property and the detrimental impact that these would have upon their amenity, especially from the most well-used and private parts of the garden, closest to the bungalow.
7. I have taken into account the fact that there are already views down into the garden of Foxlease from the upper floor windows of Kentisbury and The Gables and from other surrounding houses some distance away. However, the relationship between the frontage dwellings on either side is typical of many suburban residential environments, and would generally regarded as acceptable by most neighbouring home owners. In my opinion, similar considerations would normally apply to the achievement of privacy by distance in relation to the outlooks from houses further away. In both situations, the privacy of the amenity areas closest to the house is generally maintained, as is presently the case at Foxlease.
8. I do not share the appellant's confidence that there would be no possibility of overlooking from the 2 dormer windows serving bedroom 4 into the rear garden of No 1 The Pines. I acknowledge that the tall boundary fence would screen much of the rear garden of this adjacent house and that, to a certain extent, the canopies of the pine trees growing in the neighbouring garden would interrupt oblique views towards the house itself. However, I consider that there are enough gaps in the tree foliage for the residents of No 1 to be sufficiently aware of these upper floor windows from their property and for their amenity to be diminished by their presence.
9. In support of the proposed development, my attention has been drawn to a large number of other examples of tandem development in the District and to several recent permissions where new dwellings have been approved very close to existing properties. However, I am insufficiently aware of the detailed circumstances surrounding these other developments to

make any meaningful comparisons and, therefore, I have proceeded to determine the appeal on its merits in relation to the policies of the development plan.

10. I conclude, therefore, that the proposal would unacceptably harm the living conditions currently enjoyed by the occupiers at least two of the adjacent dwellings, in conflict with Policies GP1 and HO3 of the Stockton on Tees Local Plan.

Other Matters

11. I have had regard to the representations from several local residents concerning the access to the appeal site and the road conditions in The Spital, which also carries the A67 Principal Road. However, I note that there have been no objections from the Council on highway safety grounds and, in the decision of the previous appeal, the Inspector made no reference to the unsuitability of the proposed access, which was the same as for the current proposal. Having revisited this issue, I do not consider that the increased traffic using the existing access to serve an additional dwelling would be so significant that highway safety in The Spital would be unacceptably compromised.
12. In addition, a number of concerns have been raised by local residents in relation to the alterations to the existing access and parking associated with Kentisbury and the effect on protected trees and about the position and ownership of common boundaries, however, none of these matters are before me.
13. I have also taken into account national guidance on residential development, set out in Planning Policy Guidance Note 3: Housing, which encourages the intensification of development within existing urban environments in order to meet identified, future housing needs. However, PPG3 also indicates that new development should not take place at the expense of the quality of the existing residential environment, which I have concluded would be the case here.

Anthony J Wilson

INSPECTOR

