



Appeal Decision

Site visit made on 21 June 2010

by **Anthony Lyman BSc(Hons) DipTP**
MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
1 July 2010

Appeal Ref: APP/H0738/D/10/2129149

137 Mansfield Avenue, Thornaby, Stockton-on-Tees, TS17 7JB

- 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 Tariq Mahmood against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 10/0390/FUL, dated 23 February 2010, was refused by notice dated 16 April 2010.
 - The development proposed is a two storey and single storey rear extension, to allow for ground floor bedroom and shower room for elderly disabled parents.
-

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effects of the proposal on, i) the character and appearance of the area and the host building, ii) the living conditions of neighbours.

Reasons

Character and appearance

3. The appeal property is a traditional semi-detached house in an established residential area. The proposal is to erect a rear extension which would be two storey with a long single storey offshoot. To facilitate the development, an existing conservatory and a toilet extension would be demolished, although a kitchen extension would remain.
 4. The new extension would be built immediately alongside the common boundary with the adjoining semi, with the two storey element, extending about 3m from the rear elevation of the house. The single storey addition would project approximately a further 5.3m from the rear of the two storey extension. Both extensions would have pitched roofs, with the upper one being hipped to match the existing dwelling.
 5. Planning Policy Statement 3 – Housing (PPS3) states that good design is fundamental to the development of high quality housing, and suggests that one criterion for assessing design quality, is the extent to which the proposal would be well integrated with and would complement neighbouring buildings and the local area in terms of, amongst other things, scale. The Council's Supplementary Planning Guidance 2 – Household Extensions Design Guide
-

(SPG2) also emphasises the importance of good design, including for rear extensions. Core Strategy Policy 3 (CS3), amongst other things, requires new development to make a positive contribution to the local area, and saved Policy HO12 of the Stockton-on-Tees Local Plan (the Local Plan) specifically requires residential extensions to be in keeping with the property in terms of style, proportions and materials.

6. The total extension would roughly double the depth of the original house and would appear as an excessively large addition which, together with the existing kitchen extension, would dominate the rear elevation of the property and unbalance the appearance of the pair of semis. I appreciate that the extension would not be visible from the public realm. Nevertheless, it would be prominent from the gardens and rear windows of surrounding houses. Many properties in the area have been extended and on my site visit I saw some of the examples specifically referred to by the appellant in support of his proposal. However, none of the examples I saw had recent rear extensions of the scale of this proposal in relation to the original dwelling.
7. Whilst the extension would reflect the design of the appeal property in terms of materials and the hipped roof, its scale would be incongruous in relation to the original dwelling and neighbouring properties and would have a negative impact on the character and appearance of the area in general. The proposal would, therefore, fail to satisfy the good design requirements of PPS3, SPG2, CS3 and Policy HO12 of the Local Plan.

Living conditions

8. The proposed extension would run for about 8.3m along the garden boundary with the adjoining semi, with the first 3m from the rear elevation being two storey. The remaining 5.3m would have an eaves height of approximately 2.2m, although according to the appellant, *including the roof thickness and floor it is a further 30cm more*. The pitched roof would then slope away from the boundary to a height of approximately 3.7m.
9. The adjoining semi has a small rear kitchen extension set away from the common boundary with the appeal property. The length and height of the proposed extension would create an oppressive, narrow tunnel outlook from the neighbour's ground floor window which serves a habitable room. The appellant argues that a 2m high wall could be built along the boundary under permitted development rights and that the difference between a height of a wall and the proposed extension height would be inconsequential. I am not persuaded by this argument as I consider that the percentage increase in the height of the extension, over what the appellant calls a *fallback* situation, is not insignificant and that the extension would be dominant and oppressive when seen from the neighbouring dwelling.
10. The Council confirms that the single storey part of the extension would breach the '60° rule' as defined in SPG2, which is a further indication of the overbearing impact that the extension would have on the occupants of the adjoining house. I note that the extension would be to the north of the adjoining property which, consequently, would not suffer a significant loss of sunlight. Nevertheless, I conclude on this issue that the scale, bulk and proximity of the extension would have an unacceptably detrimental impact on

the living conditions of the occupants of the adjoining dwelling, in terms of outlook and overbearing dominance, contrary to Policy HO12 of the Local Plan and the provisions of SPG2.

Conclusion

11. I have sympathy with the appellant's desire to build the extension to provide accommodation for aged and disabled relatives. Nevertheless, the harm I have identified to the character and appearance of the area and the living conditions of the neighbour would be permanent and subsist long after the personal circumstances had changed. Therefore, whilst this is a material consideration it is one to which I attach only limited weight.
12. For the reasons given, and having had regard to all other matters raised, I dismiss the appeal.

Anthony Lyman

INSPECTOR