



# Appeal Decisions

Hearing held on 7 April 2009  
Site visit made on 7 April 2009

by **Julia Gregory BSc (Hons) BTP MRTPI**  
**MCMi**

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

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**Decision date:**  
**30 April 2009**

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## **Appeal A: APP/H0738/A/08/2089002**

### **Summerhill, High Lane, Maltby, Middlesbrough TS8 0BG**

- 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 and Mrs J Wall against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/0464/FUL, dated 22 February 2008, was refused by notice dated 1 May 2008.
- The development proposed is first floor and single storey front/side extensions.

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## **Appeal B: APP/H0738/A/09/2093845**

### **Summerhill, High Lane, Maltby, Middlesbrough TS8 0BG**

- 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 and Mrs J Wall against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/3008/FUL, dated 2 October 2008, was refused by notice dated 27 November 2008.
- The development proposed is alterations and extensions to the dwelling including a sunroom extension to the side and the erection of a garage.

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## **Appeal C: APP/H0738/A/09/2093849**

### **Summerhill, High Lane, Maltby, Middlesbrough TS8 0BG**

- 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 and Mrs J Wall against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/3009/FUL, dated 2 October 2008, was refused by notice dated 27 November 2008.
- The development proposed is alterations and extensions to dwelling including sunroom extension to the side.

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## **Applications for costs**

1. At the Hearing, applications for costs were made by the appellants against the Council. These applications are the subject of separate Decisions.

## **Decisions**

2. I dismiss the appeals.

## **Main issues**

3. The main issues are the effect on the living conditions of the occupiers of neighbouring properties, the effect on the character and appearance of the
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area and whether there would be sufficient amenity space for the occupiers of the extended dwelling.

### **Reasons**

4. The proposals would all include raising the ridge and changing the roof design of the dwelling. All would convert a bungalow with an attic room into a two-storey dwelling. The proposal in Appeal scheme A would include a sunroom and double garage. In Appeal scheme B the proposal would include a sunroom and a single garage. In Appeal scheme C the proposal would incorporate a sunroom and no garage. It is in these respects that the proposals are dissimilar. The flank wall adjacent to Wayside would be rebuilt, but the significant changes to the footprint of the building would be to the front and side of the dwelling that is adjacent to the common boundary with No 1 Dunsmore Close.

### *Living conditions*

5. The extended dwelling would share common boundaries with Wayside in High Lane, No 1 Dunsmore Close, and No 3 Dunsmore Close. In respect of No 3 Dunsmore Close, the dwelling would be increased in height and massing, within close proximity of the side of the garden of No 3. I consider that the extended dwelling would be overbearing on the outlook from the rear of that dwelling and when using the garden. This would be contrary to Stockton on Tees Local Plan (LP) policies GP1 and HO12, which seek to protect the amenities of the occupiers of nearby properties. This applies to all three schemes.
6. In addition, all of the schemes would include three rooflights, which would serve bedroom 1. Because they would serve a habitable room rather than an attic space and would be below eye level, these would allow unacceptable overlooking towards the adjacent private garden. This would be contrary to LP policies GP1 and HO12. The side window that would serve bedroom 3 would be obscure glazed and unopenable. Because of this, and because the window would be offset from the back of No 3 it would not cause harm to privacy. An additional rooflight to the side of the extended dwelling would be above eye level precluding overlooking.
7. In respect of No 1 Dunsmore Close, the alterations to the main dwelling would be set away from the boundary at the bottom the garden. The garage and sunroom in Appeal scheme A would project over 8m in front of the dwelling close to the common boundary, and the sunroom would extend for some way at the side back from the front elevation. I acknowledge that the extensions would have pitched roofs which would slope away from the common boundary, and that the rear elevation of No 1 is some way away. Nevertheless, I am concerned about the height and massing of the extension on the outlook from the conservatory and garden. Although the ground level would be reduced, I consider that the extension would be oppressively enclosing. It would be overbearing and would harm living conditions, which would be contrary to LP policies GP1 and HO12. In relation to Appeal scheme B and Appeal scheme C the impact on outlook would be reduced substantially and I consider that either scheme would be acceptable in this regard.
8. The side wall adjacent to Wayside would be directly adjacent to the boundary with a chimneybreast incorporated in all three schemes. The dwelling would be

substantially greater in mass and there would be a substantial increase in the height of the flank wall. Nevertheless, this would be mainly adjacent to a pedestrian access and the side of the garage at Wayside. I consider therefore that the living conditions of the occupiers of Wayside would not be unacceptably affected.

9. Neighbours facing the dwelling on the opposite side of High Lane are concerned about the effect on outlook from their properties and overlooking from first floor front windows in the extended dwelling. I consider that they would be far enough away from the extensions and alterations that they would not be harmful to outlook or privacy.

*Character and appearance*

10. Whilst not a conservation area, Maltby is a pleasant predominantly residential village. There is a mix of styles and ages of dwellings locally and I consider that the style of the dwelling as extended, with rooms making use of the roof space, would not harm the character of the locality, where I saw other two storey dwellings in the vicinity. Whilst I acknowledge the contents of Supplementary Guidance Note 2: Householder Extension Guide (SPG) in respect of loft conversions, the two-storey part of the dwelling would not have the appearance of an extended dwelling. I saw also that there are other dwellings with gable ends rather than hipped ends to their roofs in the village and I consider that this would not be an objectionable design feature.
11. I acknowledge that the dwelling would be substantially enlarged and that in particular the roof would be raised and would be more substantial. In addition, a tall chimney would be introduced to the flank wall. I also acknowledge the raised ground levels at Summerhill. Nevertheless, there is significant variation in roof heights and designs of dwellings locally. The height of the roof and chimney would not be so high as to look out of place in the street scene where ridge heights vary. I consider that in these respects all three proposals would not harm the character and appearance of the area.
12. In respect of the garage and sunroom, I consider that this part of Appeal scheme A would be obtrusive in the street scene because it would project substantially forward of the front elevation of Wayside and the flank elevation of No 1 Dunsmore Close. It would be a prominent and bulky addition when viewed across a relatively open access and hardsurfaced frontage. The SPG seeks to restrict front extensions where they would upset the building line or would be highly obtrusive.
13. As far as Appeal scheme B is concerned the projection would be reduced to some 4.82m and its forward most elevation facing High Lane would be approximately in line with the side elevation of No 1 Dunsmore Close. Because of this, I consider it would not be harmful to the street scene.
14. The sunroom extension in Appeal scheme C would not project far in front of the front elevation of the dwelling and so it would not be objectionable in that regard. Nevertheless, I consider that its fenestration would relate poorly in scale and proportions to the windows proposed in the main house. It would, for that reason, unbalance the appearance of the dwelling. Because the extension would be set on land higher than the frontage highway it would be difficult to successfully screen the extension by frontage planting. I conclude

that the proposals in Appeal scheme A and Appeal scheme C would harm the character and appearance of the area, which would be contrary to LP policies HO12 and GP1, whilst Appeal Scheme B would be acceptable in that regard.

*Amenity space*

15. An area of land at the side of Summerhill was previously owned by the electricity board but it has now been incorporated into the garden of Summerhill. It is on this land that the extensions to the footprint of the dwelling would mainly be built. Therefore, whilst I acknowledge that the land has for many years been available for amenity use, this could have ceased if the electricity board had required the land to build a substation. Because this land had not been part of the curtilage, the amount of curtilage land for amenity use has not been reduced.
16. I acknowledge that the size of the dwelling would be increased, but the amenity space would not be less than previously available. Neither LP policy GP1 nor policy HO12 relate to this issue. Whilst there would be a slight shortfall against the private amenity space suggested by the SPG, this is an approximate figure and the shortfall would not be so severe that it would be unacceptable.

**Conclusions**

17. I have considered all other matters, including the planning history of the site and other schemes brought to my attention in the area. Whilst I conclude that Appeal scheme B would not harm the character and appearance of the area and that none of the schemes would provide insufficient private amenity space, these matters do not outweigh my conclusions that all three appeals should be dismissed

*Julia Gregory*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Mr J Wall Rawdon Gascoigne BA Hons MRTPI	Appellant Emery Planning Partnership, 4 South Park Court, Hobson Street, Macclesfield SK1 8BS
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### FOR THE LOCAL PLANNING AUTHORITY:

Fahim Farooqui Cllr Jennie Beaumont Cllr Maureen Rigg	Planning Officer Borough Councillor Borough Councillor
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### INTERESTED PERSONS:

Joyce and Peter Gregory	3 Dunsmore Close, Maltby TS8 0BS
Yvonne McBride	Fairhaven, High Lane, Maltby TS8 0BE
Brian Lewis	5 Beech Grove, Maltby TS8 0BL

### DOCUMENTS SUBMITTED AT THE HEARING

- 1 Letter from Ms N Stott Wayside, High Lane, Maltby TS8 0BG
- 2 Decision 94/0493/P Oxhill Farm, Maltby
- 3 Appeal Decision T/APP/W0720/A/95/260148/P4- Plots 1 and 2  
Oxhill Farm, Maltby
- 4 Costs application submitted by the appellants