



Appeal Decision

Site visit made on 13 September 2010

by **Malcolm Rivett BA (Hons) MSc 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:
16 September 2010

Appeal Ref: APP/H0738/D/10/2133773 6 Forget-Me-Not Grove, Stockton, TS19 8FP

- 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 S Thornton against the decision of Stockton-on-Tees Borough Council.
- The application Ref 10/1127/REV, dated 26 April 2010, was refused by notice dated 23 June 2010.
- The development proposed is extension above existing garage.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue of the appeal is the effect of the proposal on the living conditions of the occupants of 7 Forget-Me-Not Grove, having particular regard to overshadowing and outlook.

Reasons

3. Positioned close to, and to the rear of, no 7, the appeal property currently overshadows, and is dominant in the outlook from, its neighbour. Having regard to the plans of the proposal and the submitted shadow diagrams I envisage that the proposed extension would be unlikely to significantly increase the extent of overshadowing of no 7 and its rear garden: for the majority of the time the main roof ridge of no 6 would be the block to sunlight at the rear of no 7, as is the case now.
4. The main side elevation of the appeal property extends for some 8m or so beyond the rear of no 7. However, around half of this length (that part closest to the rear of the neighbouring property) is currently of less than two-storey height. The proposal would convert the full length of this elevation to two-storey height, albeit with a hipped roof. I envisage that this would significantly increase the dominance of the appeal property, and reduce the amount of sky readily visible, from no 7's kitchen and first floor rear bedroom windows. The increased restriction on the outlook from no 7 would, in my view, cause significant harm to the living conditions of its occupants; harm not outweighed by the benefit of the reduced height of the rear part of no 6's side elevation, which is furthest away from the neighbouring dwelling.
5. I therefore find that, in respect of outlook, the proposal conflicts with the first part of policy HO12 of the adopted *Stockton-on-Tees Local Plan* which requires

that extensions to dwellings should not result in a significant loss of amenity for the residents of neighbouring properties.

6. I appreciate that the existing relationship between the two dwellings was approved by the Council relatively recently and that the proposal is the only viable way of extending the property to accommodate the appellant's growing family and the need to work from home. However, I consider that these matters do not justify permitting a proposal which would significantly worsen the living conditions for the occupants of no 7. Reference is made to the Council's *Supplementary Planning Guidance Note 2: Householder Extension Guide* although to my mind its detailed guidance cannot readily be applied to the particular nature of this proposal and the unusual relationship between the appeal property and its neighbour. I also agree with the appellant that the proposal is not in conflict with the second and third parts of Local Plan policy HO12. Nonetheless, this does not undermine my view that the scheme would cause demonstrable harm and is in conflict with the first part of policy HO12.
7. For the above reasons, and having regard to the refusal of permission for a previous extension proposal, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR