



Appeal Decision

Site visit made on 15 October 2010

by **Keith Turner** LLB(Hons) DipArch(Dist)
RIBA MRTPI MCI Arb
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:
20 October 2010

Appeal Ref: APP/H0738/D/10/2136479

21 Ashville Avenue, Eaglescliffe, Stockton-on-Tees TS16 9AU

- 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 Mrs S Hunt against the decision of Stockton-on-Tees Borough Council.
- The application Ref 10/1730/RET, dated 1 July 2010, was refused by notice dated 25 August 2010.
- The development proposed is a retrospective application for the installation of a carport to the front of the property.

Decision

1. I dismiss the appeal.

Reasons

2. The Council, in their reason for refusing the appeal proposal refer to Policy CS3 of the Adopted Core Strategy. The Appellant contends that this policy is not relevant. The planning officer's report refers only to paragraph 8 of the policy which is stated to require proposals to make a positive contribution to the local area. However, that phrase is only a part of the paragraph which goes on to identify the aspects through which that contribution should be achieved. One aspect which appears to me to be relevant in this instance is by protecting and enhancing local character. In addition, the proposal must be considered in the context of PPS1¹ which makes it clear that all new development should strive to attain quality in design and respect for its context. PPS3² which supports good design as integral with the provision of high quality housing.
3. The planning officer's report concedes that the appeal development does not detract from the amenity of neighbours in terms other than its effect upon the character and appearance of the street scene generally. For the reasons given in the report I agree with that conclusion. No highway safety issues have been raised and I have no reason to disagree with that stance. The main issue is, therefore, whether the car port is harmful to appearance and character of its surroundings and, if so, whether the needs of the Appellant for a sheltered parking space are sufficient to outweigh that harm.
4. Ashville Avenue is a straight road. It has a mixture of semi-detached houses and bungalows along each side. These are set back along regular and readily identifiable building lines and each dwelling has a front garden. This pattern is

¹ Planning Policy Statement 1: Delivering Sustainable Development

² Planning Policy Statement 3: Housing

an important element in the character of the street. Boundary features vary but they are generally a mixture of low walls, hedges or other planting. Those features, together with the narrow grass verges and occasional large trees create a pleasant arcadian setting with the houses being somewhat recessive in the general scene. The front and party boundary features are the only ones which intrude between the building lines and the road.

5. The car port is set between two walls. The one on the eastern flank is of red brick and returns at the same height as the front boundary wall to the premises. The wall on the west side is of similar height, though it is stepped up towards the party boundary. The structure comprises slender, black-painted steel posts surmounting the walls which support timber joists covered with corrugated polycarbonate sheeting.
6. Along the east side and back of the car port there are several trellis panels. The Appellant contends that these constitute permitted development³. That may be debatable depending upon the interpretation of "ground level" and "adjoining the highway" in this instance. However, being part of a structure which does need planning permission, these elements cannot be disaggregated from the whole.
7. The car port is built adjacent to the highway and is, in its entirety, in front of the building line. It is exceptional in being the only structure apart from boundary elements which lies in front of its associated dwelling. Its visual impact is moderated to a substantial degree by the presence of a hedge along the boundary with no.19 which screens it from viewpoints along the street to the west. That hedge belongs to the occupants of no.19 and is not in the control of the Appellant. Consequently, no condition could be imposed requiring its retention, and there is no way of ensuring that it would remain. Therefore, its moderating effect upon the visual impact of the appeal proposal can be given only limited weight. In any event, screening a development which is otherwise harmful does not necessarily render it acceptable.
8. From viewpoints along the street to the east the structure is more apparent. The trellis panels, particularly if and when planting matures would soften the presence of the structure to a degree. However, the roof is a light-weight functional structure covered with a transparent material. These attributes impart a somewhat insubstantial character to the car port. Whilst this may suit a building set in a location which is subservient to the host dwelling, I do not consider it particularly suitable for one in a prominent location in the street. For these reasons I find that the car port is harmful to the appearance and character of what is a pleasant residential street.
9. In reaching this conclusion I have taken full account of the support for the development from some neighbours. Their view may well be based upon the visual impact of the structure with its current substantial screening. However, that cannot be relied upon to moderate the effect of the car port in perpetuity. In addition, whilst determining each case on its own merits, it is prudent to take account of the likelihood of a number of similar developments and the likely impact of that. Clearly this could occur given that each dwelling is set a

³ by virtue of Part 2 of Class A in Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995

similar distance back from the highway. Such cumulative encroachment would seriously harm the balance between buildings and gardens along Ashville Avenue and detract from its present attractive appearance and character.

10. Turning now to the Appellant's requirements, I fully accept the medical information provided and understand the benefits perceived from the car port. However, they are not so persuasive that they outweigh the objections I have identified. This is because, whilst the car port might provide shelter over a vehicle, there remains no covered provision for getting to that vehicle, a route which involves several steps. Furthermore, if the Appellant ventures out during inclement weather, she may still have to deal with unsheltered access elsewhere.
11. In conclusion, the harmful impact upon the appearance of the surroundings renders the development in conflict with Policy CS3 of the Adopted Core Strategy. It is also at odds with the aims of national policy as set out in PPS1 and PPS3. The requirements of the Appellant are a material consideration of some weight. However, for the reasons given they do not outweigh the planning objection to the development. Accordingly, the appeal fails.

Keith Turner