



# Appeal Decision

Site visit made on 19 October 2010

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Architect

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

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Decision date:  
27 October 2010

## Appeal Ref. APP/H0738/D/10/2135585 20 Beechtree Court, Yarm, Cleveland, TS15 9XJ

- 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 Miss H Harriman against the decision of Stockton-on-Tees Borough Council.
- The application, ref. 09/2975/FUL, dated 7 December 2009, was refused by notice dated 19 July 2010.
- The development proposed is the "erection of a wooden structure (retrospective)".

**Decision: I dismiss the appeal.**

### Reasons

1. The structure has already been built so it is straightforward to judge its character and impact. The rear of the curtilage is entirely decked, presumably to overcome an original steep slope down to the river bank. The structure is a diminutive one comprising a small shed with a roof which extends to provide a canopy or shelter over part of the decked area. It is constructed of timber which matches the style of the decking. The roof is felted, in a mock-slate pattern, and has a gentle fall. The whole structure is less than 0.20m higher than the timber fence, about 1.80m high, along the boundary with no. 19. From within the curtilage, it is difficult to see why the structure should be considered unacceptable.
2. When seen from the bridge over the River Leven and from the riverside path, it is a rather different story. The colour of the timber differs from that of the boundary fences and, from its finish, seems unlikely to mellow significantly. And the pitch of the roof, even though very shallow, presents a slightly angular shape which looks poorly considered and out of keeping with the surroundings. Although the housing at Beechtree Court and Riverview is modern, it is designed in a traditional idiom which sits very well in the context of the Yarm Conservation Area. And, while only a small structure, what has been built looks like an intrusion in this very attractive scene. Accordingly, albeit with some regret because of the neatness of the design from within the curtilage, I conclude that the character and appearance of the Conservation Area have not been preserved and that the structure runs contrary to what is sought by saved Local Plan Policy EN24 and adopted Core Strategy Policy CS3.
3. I have misgivings about the reason for refusal relating to "unacceptable flood risk". The structure poses no threat at all. The property boundary is, however, part of the flood defence system and the structure stands within 5.0m of that, within an area which the Environment Agency would normally expect to see left free from development. Of course, the existing decking, and the house itself,

stand within that 5.0m, which makes it difficult to understand why such a modest structure on top of the decking should be opposed. It may simply be that the Environment Agency has a right to enter the property to undertake work to the flood defences and might, in those circumstances, have to remove the decking. If so, then removal also of the shed and canopy structure might simply be a risk which the owner of the property could choose accept or seek indemnity against.

4. Even if this reason for refusal were shown to be misplaced, however, my conclusion on the effect of the structure on the character and appearance of the area still leads me to dismiss the appeal.

*John L Gray*

Inspector