



Appeal Decision

Site visit made on 16 November 2010

by **Christopher Millns BSc (Hons) MSc CEng FICE FCIHT**

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

Decision date: 29 November 2010

Appeal Ref: APP/H0738/D/10/2138809

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 10/1875/REV, dated 19 July 2010, was refused by notice dated 13 September 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.
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Decision

1. I dismiss the appeal.

Main Issue

2. The effect of the proposed extension on the living conditions of No 139 Mansfield Avenue in terms of outlook and dominance.

Reasons

3. The Council accepts that the two storey element of the extension, which would be 3m in depth, would comply with its Supplementary Planning Guidance 2 – Household Extensions Design Guide (SPG2). This guidance recognises that a two storey extension of this depth represents a reasonable compromise between impact on neighbours and the need for additional space although, as the guidance notes, this will vary from plot to plot.
4. In this case, the proposed extension would run immediately alongside the common boundary with the adjoining semi at No 139. The brick flank wall of the extension would therefore be quite close to the ground floor rear facing window of No 139 adversely affecting the outlook from the dining room of this neighbouring dwelling. The existing single storey extension to the rear of No 139 would, in combination with the proposed extension, add to the sense of enclosure in terms of this outlook.
5. I agree that the two storey element of the proposals would strike an acceptable balance between the impact on the outlook from the adjoining dwelling and the need for additional accommodation for the appellant's elderly and disabled family members. However, the addition of the single storey element would add a further 1.2m to this elevation. I recognise that the proposed length of this single storey element has been reduced substantially in comparison with an earlier scheme and that it has also been reduced somewhat in height.

Nevertheless, the combined elements of the extension in terms of height and length would still be overbearing and oppressive when viewed from the rear facing ground floor window of the adjoining dwelling. In this respect, I have also taken into account the scheme's failure to conform to the Council's guidance in SPG2 in relation to the '60° rule' for extensions beyond 3m. Although the appellant claims that the proposals satisfy this guidance, it is clear to me from my site visit and consideration of the submitted plans that this is not the case.

6. I have considered the appellant's submission that there is little tangible difference between various 'fallback' positions, using permitted development rights, and the proposed extension in terms of heights and resulting impacts. However, I do not agree with the conclusions. Such rights would not allow development to a height comparable with the proposed two storey extension. It is the combination of this height, approximately 6.5m, and the 3m depth together with the added single storey element which would create the unacceptable impact on the neighbour's outlook.
7. Although a solid boundary treatment up to 2m in height could be erected beyond the two storey extension as part of permitted development, this would not be as intrusive or oppressive as the single storey extension proposed which would be significantly higher. I also do not share the view of the appellant that there is little difference between the existing extensions to the host dwelling and those proposed. The former are single storey and substantially less dominant with respect to the neighbouring dwelling than would be the appeal scheme.
8. The appellant has drawn my attention to other extensions nearby which have been permitted. In particular, I was asked to visit Nos 22 and 39 Park Avenue and was invited onto the site to see the extension at No 22. It has a similar overall length to that proposed on the appeal dwelling and also has similarities with respect to its position in relation to the rear facing windows of the adjoining dwelling. However, it is only single storey and therefore much less dominant in this regard.
9. The large flat roof two storey extension at No 39 Park Avenue is on the end of a row of terraced properties and does not have the same relationship with, nor have the same impact on, neighbouring dwellings as the appeal proposals. I also looked at the extension under construction at 2 Park Avenue. It is a very large two storey side and rear extension but the host dwelling has the advantage of being on a substantial corner plot and therefore very different in context from the appeal scheme.
10. I conclude for the above reasons that the length, height and proximity of the extension to the adjoining dwelling would cause unacceptable harm to the living conditions of the occupants of No 139 with regard to outlook and dominance. This would conflict with the objectives of saved Policy HO 12 of the Stockton-on-Tees Local Plan and the guidance in SPG2 which collectively seek to protect the amenity of neighbouring residents.
11. I recognise that the extension would not cause undue loss of sunlight to No 139 due to its location to the north of the appeal property. Its design would also be in sympathy and in scale with the host dwelling. Given the distance separating the proposed extension from No 135 and the dwellings to the east on The Avenue and to the south on Barker Road, there would be no significant detrimental impact on the amenity of those residents. I also accept the point

made by the appellant that the proposals would accord with national policy objectives in terms of sustainable development including making effective and efficient use of land. However, all of these factors in support of the development do not outweigh the harm I have identified in this case.

12. For the above reasons I consider that the appeal should be dismissed.

Christopher Millns

INSPECTOR