



Appeal Decision

Site visit made on 7 February 2011

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

Decision date: 10 February 2011

Appeal Ref: APP/H0738/D/11/2143107

193 Darlington Lane, Stockton-on-Tees, Cleveland, TS19 0NF

- 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 A Wood against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 10/2572/FUL, dated 1 October 2010, was refused by notice dated 30 November 2010.
 - The development proposed is raising roof over garage and utility areas to provide two bedrooms to first floor.
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Decision

1. I allow the appeal, and grant planning permission for raising roof over garage and utility areas to provide two bedrooms to first floor at 193 Darlington Lane, Stockton-on-Tees, Cleveland, TS19 0NF in accordance with the terms of the application, Ref 10/2572/FUL, dated 1 October 2010, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Other than as required by condition no 3 the development hereby permitted shall be completed in accordance with drawing nos J4113 CD 001, 002 and 003.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of the occupants of 191 Darlington Lane, having regard to outlook and light.

Reasons

3. The proposal would raise the eaves and ridge of the roof of the existing garage/utility/study areas of the appeal property by around 1m, although with its ridge below the eaves of the main dwelling it would remain a subordinate part of the overall property. Moreover, given that this part of the house is set back some 6m from the front elevation of the dwelling, and substantially more from the road, the increase in height would be neither prominent nor obtrusive from the public realm. Bearing in mind the size of the extension, its distance from neighbouring properties and the amount of garden land into which it

would be absorbed, I consider that it would be unlikely to significantly affect the neighbouring residents' appreciation of the character/appearance of the locale as seen from the rear of their dwellings.

4. I therefore conclude that the extension would cause no significant harm to the balance, character or appearance of the appeal property or that of the wider area. It thus has no conflict with the requirements of policies CS3 of the adopted *Stockton-on-Tees Core Strategy Development Plan Document* or HO12 of the adopted *Stockton-on-Tees Local Plan* that new development should be in keeping with the property and street scene and should make a positive contribution to the local area. I also find there to be no conflict with the requirement of *Supplementary Planning Guidance Note 2: Householder Extension Guide* (SPG2) that extensions should be of a good standard in terms of design
5. The Council argues that the existing garage/utility projection conflicts with the 60 degree rule set out in the SPG and that the increase in height resulting from the proposal would exacerbate the harm caused to the light and outlook enjoyed by the occupants of no 191. However, this conflict has not been explained or demonstrated and, with regards to no 191's nearest (kitchen) window, it appears to me that only a small part of the proposed extension would conflict with the rule, bearing in mind that the conservatory beyond the existing study area would remain unchanged. Given this, the distance and angle of view of the proposal from no 191's side sitting room window and the limited increase in height of the extension, I consider that only very limited harm to the light in, and outlook from, the dwelling at no 191 would be caused.
6. The extension would be plainly visible from no 191's rear garden and I recognise that it would result in some loss of view of sky and afternoon/evening sunlight when standing close to the boundary with no 193. However, the part of the garden nearest this boundary comprises a wide hardstand/garage drive. I am satisfied that the planted area of garden used for sitting out, which is much further from the shared boundary, would not be significantly affected by the proposal. I envisage no significant loss of privacy resulting from the scheme with only a bathroom skylight facing towards no 191's rear garden and given that the side windows of this house are already overlooked from the appeal property's upstairs corner bay window.
7. I therefore conclude that no significant harm to the living conditions of the occupants of no 191 would be caused by the proposal and that it thus has no conflict with policy HO12's requirement that new development should avoid significant loss of amenity for residents of neighbouring properties.
8. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the development a condition is also needed concerning its materials.

Malcolm Rivett

INSPECTOR

