



Appeal Decision

Site visit made on 3 March 2011

by **Chris Checkley BA(Hons) MRTPI**

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

Decision date: 16 March 2011

Appeal Ref: APP/H0738/D/11/2145080/WF
7 Wynyard Road, Wolviston, Billingham, TS22 5LQ

- 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 P Lealman against the decision of the Stockton-on-Tees Borough Council
 - The application, Ref 10/2274/FUL dated 31 August 2010, was refused by notice dated 9 November 2010.
 - The development proposed is garden room at rear.
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Decision

1. I dismiss the appeal.

Main Issue

2. The main issue is the effect of the garden room upon the living conditions of the neighbouring residents at No 5 Wynyard Road with particular regard to visual impact, outlook and levels of overshadowing.

Reasons

3. The appeal site is a modest mid-terraced dwelling with a relatively long and narrow rear garden enclosed by fencing. The dwelling already benefits from a full-width 2-storey rear extension with a pitched roof above its gable end. This extension projects about 3.6m back from the main rear wall of the appeal property and the neighbouring terraced house at No 5 Wynyard Road to its east.
 4. No 5, which has its own half-width 2-storey rear extension on its eastern side, has a relatively short and particularly narrow rear patio garden which tapers in width away from the rear of the house. The ground floor rear windows serving the dining area already experience a restricted outlook and some reduction in daylight and sunlight as a result of the existing rear extensions to both the appeal property and the rear of No 5.
 5. The amended scheme proposes the addition of virtually a full-width single-storey rear projection some 3.3m deep onto the back of the existing rear 2-storey extension, its flat roof outer sections being about 2.4 m in height. The combined expanse of brickwork facing No 5 would approach some 7m in total
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length, the new garden room wall rising well above the fence along much of the remainder of the narrow and short rear patio garden.

6. The existing 2-storey rear projection at the appeal site already breaches both the 45° (2-storey) and 60° (single-storey) line drawn from the middle of the dining area window. The new extension would greatly increase the infringement of both these guidelines within the Council's adopted Supplementary Planning Guidance 2: Householder Extension Guide (SPG) which has the objective of preventing harm to neighbours' living conditions.
7. No 5 would suffer from a significantly reduced outlook from its rear-facing dining area windows as well as some reduction in outlook to its side-facing kitchen windows. The combined brick walls would have an unpleasantly overbearing and visually dominating effect upon the rear ground floor windows of No 5 and its already limited patio garden, increasing the degree of overshadowing of the garden. The rear of No 5 would become darker and more overshadowed and unduly dominated by enclosing walls.
8. I am also required to consider the effect of the garden room upon the Wolviston Conservation Area. The context is that there are a variety of different additions to the rear of this terrace. I consider the garden room would not fail to respect the character of the existing dwelling in terms of its design, scale and materials, and would not be prominent or incongruous in the street scene. Therefore, the proposal would preserve the character of the Conservation Area. However, this does not alter the harm to the neighbours identified above.
9. I conclude on the main issue that the garden room would unacceptably harm the living conditions of the neighbouring residents at No 5 Wynyard Road, contrary to the provisions of Policy HO12 of the adopted Stockton on Tees Local Plan and the SPG guidelines that seek to maintain reasonable living conditions for neighbours. Therefore, the appeal must fail.

C J Checkley

INSPECTOR