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## Appeal Decision

Site visit made on 12 December 2011

by **Wenda Fabian BA Dip Arch RIBA IHBC**

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

Decision date: 28 December 2011

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**Appeal Ref: APP/H0738/D/11/2165071**

**9 Highfield Close, Eaglescliffe, Stockton-on-Tees TS16 0DW**

- 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 Yaqub Mughal against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 11/1867/FUL, dated 25 July 2011, was refused by notice dated 22 September 2011.
  - The development proposed is a side extension and dry storage area to rear.
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### Decision

1. The appeal is dismissed, insofar as it relates to the dry storage area.
2. The appeal is allowed, insofar as it relates to the side extension, and planning permission is granted for a side extension at 9 Highfield Close, Eaglescliffe, Stockton-on-Tees TS16 0DW in accordance with the terms of the application Ref 11/1867/FUL, dated 25 July 2011, so far as relevant to that part of the development hereby permitted.

### Procedural Matter

3. According to the location and site plans the adjacent properties on Highfield Drive are numbered 2 and 6, but as both the Council and appellant have used the notation 2 and 4, which appears correct, I shall do so also.

### Main Issue

4. The main issue is the effect of the proposal on the living conditions of adjacent residential occupants at Nos 2 and 4 Highfield Drive, in terms of outlook.

### Reasons

5. The appeal relates to a double-fronted detached house at the end of a cul-de-sac in a residential estate of similar detached and semi-detached houses.
6. The proposed single storey side extension has already been constructed and I have considered it on this basis. It fits well with the style of the house and occupies only a moderate part of the large side garden. The Council has not objected to this part of the proposal and I see no reason to disagree. Accordingly the side extension is acceptable, complies with policy HO12 of the *Stockton on Tees Local Plan, 1997, (LP)* in terms of design and the effect on neighbours' amenity, and should be allowed.
7. The side extension is already in place and no conditions are necessary.

8. The proposed dry store would be a narrow open structure with a glass reinforced plastic roof, supported on posts. Taken in isolation, it would not be an overly large or obtrusive structure.
9. However, the appeal dwelling has already been twice extended at the rear, where the cumulative two storey and single storey lean-to extensions now bring it to within a little less than 3m of a portion of the rear party boundaries of two houses, Nos 2 and 4 Highfield Drive. Consequently, the appeal house projects substantially further towards this rear boundary than its neighbours (by over half the depth of the original house).
10. The proposed store would almost fill the space between the house and the rear boundary fence, with a gap of only some 0.3m along the boundary. At 2.7m high it would be approximately 0.9m higher than the fence and would join at the eaves of the single storey lean-to extension. For the neighbours, the effect of this proposed projection above the rear boundary fence would be exaggerated by the raised ground level on this side, where the fence is lower, such that proportionately the increase in height on the boundary would be much greater. The proposal would be only some 6.5m from the rear windows of these houses and much closer than this to the conservatory at No 4. The outdoor space in these parts of the neighbouring rear gardens is already confined.
11. At such close quarters, added to the previous rear extensions, the canopy roof (although translucent) would produce a much greater sense of enclosure; it would draw the eye and result in an oppressive sense of enclosure, overbearing in the outlook from these adjacent dwellings.
12. The appellant needs the proposal for drying clothes and garden equipment storage, but this personal need could be met in other ways within this generous house and plot. As such this need does not outweigh the identified harm.
13. I conclude that the proposed dry store would be harmful to the living conditions of the adjacent residential occupants at Nos 2 and 4 Highfield Drive in terms of outlook, contrary to the aims of LP policy HO12.

*Wenda Fabian*

Inspector