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## Appeal Decision

Site visit made on 9 May 2012

by **D R Cullingford BA MPhil MRTPI**

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

Decision date: 29 May 2012

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**Appeal Ref: APP/H0738/A/12/2169575**

**99 Junction Road, Stockton-on-Tees, TS20 1PX**

- 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 by Mrs S Davis against the decision of Stockton-on-Tees Borough Council.
  - The application (ref: 11/1540/OUT and dated 23 June 2011) was refused by notice dated 12 August 2011.
  - The development is described as an 'outline application for erection of detached dormer bungalow to the rear of existing dwelling and associated means of access'.
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### Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

### Reasons

2. The appeal property is a substantial detached house set amongst sylvan surroundings and in a spacious garden amongst similarly large detached or semi-detached dwellings. The plot is almost 92m deep and, at about 31m, a bit wider than many in the vicinity. Nearly all the dwellings shelter from Junction Road behind verdant front gardens with their long rear gardens backing on to an estate of small bungalows. The 3 exceptions stand immediately to the west of the appeal site. Here 3 substantial dwellings have recently been erected within the original rear gardens of Nos.101-105 served (as indicated by the historical maps submitted) by what must once have been a track between the roadside dwellings to small fields and orchards beyond.
3. The proposal is submitted in outline with all matters reserved for subsequent approval. Illustrative plans show a new driveway some 60m in length and about 4.5m wide along the western boundary of the site, necessitating the removal of much foliage and several trees, some of which are protected. Nevertheless, after a short initial section I agree that the access could be reduced in width. The plans also indicate the position of a fairly substantial 'L-shaped' dormer bungalow with an integral double garage and 3 large en suite bedrooms. It is shown some 40m from the rear elevation of the host dwelling and roughly 23m and 11m from the west and east boundaries, respectively.
4. The Council have refused planning permission because they consider that the proposal would result in the loss of protected trees, noise and disturbance to neighbouring property, overlooking from the adjacent dwelling at No.101A and damage to the appearance and character of the area, thereby contravening 'saved' policy HO3 and policy CS3 of the Core Strategy. Those are the issues on which this appeal turns.

*Trees*

5. The construction of the driveway would, as illustrated, necessitate the removal of several trees alongside the western boundary and on the roadside. Most of those specimens are ordinary conifers that, although providing an effective screen are not inherently beautiful. The protected trees are more attractive, particularly the silver birch and the cedar, but they stand well into the site and, although evident, are not especially prominent in the street scene. I think that there would be scope to ameliorate the impact on the more prominent of those specimens by limiting the width of the driveway, altering the alignment illustrated and, in places, employing 'no-dig' construction techniques. Moreover, there would be space to plant replacement specimens, or even to insist on additional foliage, so that the sylvan appearance of the area could be maintained. With those provisos this aspect of the proposal need not, in itself, detract from the character of the area and could even comply with policy CS3.

*Noise*

6. The driveway is shown to pass close to the flank elevation of the adjacent property at No.101. There is a projecting 'addition' at ground floor level little more than 1m or so from the boundary: there are windows to a habitable room in the flank elevation (used as an office) and also in the rear elevation. Although this is an outline application, the room for manoeuvre here is limited by the juxtaposition of adjacent buildings. Of course, the traffic likely to be generated by one dwelling would be less than that envisaged at the 4 dwellings dismissed at appeal previously proposed behind No.24 Junction Road (APP/H0735/A/09/2097882). But that does not necessarily make its effects benign. The inevitable proximity of the driveway would render the noise of most ordinary vehicles noticeable beside elevations and gardens normally expected to be relatively peaceful and private. Indeed, the driveway would either run beside the full length of the rear garden at No.101 or it would encroach further into what would remain of the back garden at the No.99. Given the usual secluded and spacious character of the dwellings here, I consider that the potential impact of all the traffic passing back and forth over the driveway (the deliveries of goods and services, trips to work, schools or shops and the visits to friends or relations) would impair the peace and quiet that residents at both dwellings might reasonably expect to enjoy in a neighbourhood such as this.

*Overlooking*

7. The dwelling at 101A stands on higher ground than the appeal site with windows of habitable rooms facing towards the proposed dwelling. Although, as drawn, the separation distance would not accord with the Council's guidance (set out in the SPG2), the shortfall would be very modest in relation to any facing windows (the nearest elevation being a blank gable) and the intervening fir trees and foliage are dense enough to make much inter-visibility difficult. Similarly, I agree with the Council that the conifer trees on the eastern boundary would preserve the mutual privacy of neighbouring residents sufficiently, even though the indicative position of the proposed dwelling would be only some 6m away. And, there would be ample room to accommodate a dwelling sufficiently far from the southern boundary to meet the operative guidance in relation to the bungalows on Hensley Court. In my view, therefore, this scheme need not impinge unduly on the privacy of all concerned.

*Character and appearance*

8. The planning policies that apply here seek to ensure that schemes are sympathetic to the character of the locality and make a positive contribution to the place, responding to existing features and local character. Those policies originally reflected the aims of PPS1 and PPS3. But the Framework (rather better known as the NPPF) insists that policies and decisions should pursue similar aims ensuring that proposals add to the overall quality of the area for the lifetime of the scheme and responding to local character and the identity of the surroundings.
9. I am afraid that this proposal would fail those policies and advice. It is not the removal of the trees (some of which might be replaced) or the loss of the 'green space' *per se* which would be damaging, but rather the likely visual impact of inserting a new driveway into the sylvan street scene and the harmful consequences of such back-land development here. The new driveway would not only necessitate an additional gap in the verdant foliage that characterises this part of Junction Road, but also it would result in a long access-way largely confined between close-boarded fencing. Although that might not need to be as stark as the access to the dwellings behind Nos.101 and 103 (since there would be space to accommodate a good deal of the existing boundary treatment and perhaps some additional planting), it would inevitably present a vista into the site that would diminish the perception of spaciousness and confine the rear garden behind an evidently solid barrier. Such development would intrude into the prevailing character of this place and fail to reflect the pattern of development here, the dwellings behind Nos.101 and 103 demonstrating the point. I consider that the repetition of such development would be very damaging and radically alter the local character and evident identity of this place.
10. I realise that the 'green space' created by the large rear garden is not directly visible from the street. But it is perceived by neighbouring residents and it contributes an evident sense of spaciousness to the street scene. And, although this scheme might be described as 'restoring' the original curtilage of the appeal property, I think the claim that that would be commensurate with the history and character of the house is misconceived. The 'smaller' plot existed amongst fields and orchards. As the submitted plans show, the larger plot emerged, along with others here, in the 1970s (some 40 years ago) as those 'rural' surroundings were covered with closes and culs-de-sac of estates and bungalows. Hence, and in spite of considering all the other matters raised, I find nothing sufficiently compelling to alter my conclusion that this proposal would spoil the street scene and, both in itself and as a precedent, impair the spacious character of the area, contrary to policies applicable here. I conclude, therefore, that this appeal should be dismissed.



INSPECTOR