



Appeal Decision

Site visit made on 3 September 2012

by Anthony Lyman BSc(Hons) DipTP MRTPI

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

Decision date: 27 September 2012

Appeal Ref: APP/H0738/A/12/2177211

Glebe House, Muirfield Road, Eaglescliffe, Stockton-on-Tees, TS16 9BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Abbott against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 12/0115/REV, dated 15 January 2012, was refused by notice dated 9 March 2012.
 - The development proposed is a two storey, two bedroom detached house to the north of and within the current property boundaries of Glebe House. Vehicle and pedestrian access from Muirfield Road with piece of land (for access only) to be purchased from local council.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline with all matters other than access, layout and scale reserved for future determination.

Main Issues

3. The main issues are the effects of the proposed development on, i) the character and appearance of the area, ii) the living conditions of nearby residents with regard to potential overbearing visual impact and loss of privacy.

Reasons

Character and appearance

4. Muirfield Road has a modern housing development on the eastern side, and a broad track of grassed public open space along much of the western side, beyond which are mostly the rear boundary hedges and fences of the long gardens to properties on Yarm Road. Glebe House is one of only a few properties on the western side of Muirfield Road. It is a substantial house built at right angles to the road with its rear garden running parallel to the area of public open space. The proposal is to divide the rear garden along the line of an existing internal hedge and to erect a detached house on that part of the garden furthest from the host property. The existing substantial hedgerow and boundary fence which provide a backdrop to the public open space would be removed and replaced with a low wall and foliage.

5. The proposed two bedroom house would be orientated with its gable wall facing towards the highway in close proximity to the proposed low garden wall. The limited amount of space between the wall and the facade would preclude any significant landscaping to soften the prominence of the building in the street scene.
6. Vehicular access to the site would be across a narrow section of the public open space. Two parking spaces would be provided within the boundary. Following the highway authority's concerns about the lack of manoeuvring space to enable the cars to exit in first gear, revised plans submitted by the appellant now show a turntable close to the entrance to resolve this issue. With only the new low wall across the front of the site the parked cars would be highly visible.
7. In support of the appeal proposal, the appellant refers to a detached house built a few years ago in the rear garden of 533 Yarm Road, some distance to the north of the appeal site. I am not aware of the planning history of that development. However, I noted on my site visit that the dwelling appeared to be set further back from its front boundary, with a degree of landscaping to screen the amenity and car parking areas. Although landscaping is a reserved matter to be determined later, I am not convinced that, given the relatively cramped nature of the proposed development, adequate space would be available to provide meaningful landscaping in a similar manner.
8. Residential development in this urban area is acceptable in principle, and the site is in a sustainable location. Nevertheless, the new dwelling, the associated parking areas and the driveway across the green open space would be visually intrusive in the street scene and would harm the current attractive, open and verdant character of the area, contrary to Policy 3 of the Stockton-on-Tees Core Strategy and Policy HO3 of the Stockton-on-Tees Local Plan. Amongst other things, these policies require new development to make a positive contribution to the local area, by being sympathetic to and responding positively to local character. Furthermore, I attach weight to the National Planning Policy Framework's statement that local planning authorities should consider policies to resist inappropriate development in residential gardens, for example where development would cause harm to the local area.

Living conditions

9. Two sides of the appeal site abut the boundaries of the rear gardens of houses on Yarm Road. The proposed layout indicates that there would be a gap, said to be about 3m, between the side and rear walls of the proposed dwelling and the immediate neighbours' gardens. These rear gardens are lengthy and landscaped and the Council confirm that the separation distance between the new dwelling and the existing houses on Yarm Road, would comply with their requirements. I am satisfied that, due to the distances involved and the intervening vegetation, the new dwelling would not have an overbearing impact when seen from the neighbours' rear windows and garden areas/patios nearest to the houses.
10. The new building would be prominent when seen from the rear parts of the adjoining gardens nearest to the boundary. However, given the number of trees in these gardens, the proposed dwelling's visual impact and any potential loss of light it might cause, would not be so significant as to warrant dismissal of the appeal on this basis.

11. Concerns have also been raised by neighbours about potential overlooking and loss of privacy. However, the appearance of the building, in terms of its design, is reserved for future determination. At that stage, if the appeal were to be successful, careful attention to the detailed design and positioning of windows would ensure that any overlooking and impact on the privacy of neighbours could be kept to a minimum.

Conclusion

12. Although the proposed house would be in a sustainable location and would not have a significant impact on the living conditions of nearby residents, I attach greater weight to the harm that the development would cause to the character and appearance of the area. Therefore, for the reasons given and having had regard to all other matters raised, the appeal is dismissed.

Anthony Lyman

INSPECTOR