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## Appeal Decision

Site visit made on 11 March 2013

by **Graham Edward Snowdon BA BPhil Dip Mgmt MRTPI**

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

Decision date: 18 March 2013

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**Appeal Ref: APP/H0738/A/12/2188644**

**3 Darlington Road, Elton, Stockton-on-Tees, Cleveland TS21 1AD**

- 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 Stuart Shearer against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 12/1697/FUL, dated 16 July 2012, was refused by notice dated 24 September 2012.
  - The development proposed is the erection of 1 no detached dormer bungalow and associated detached garage.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on
  - the creation of sustainable patterns of development in the area, having regard to local and national planning policies designed to limit the need to travel by private transport;
  - the living conditions of occupiers of the proposed dwelling and the existing dwelling on the site, in terms of privacy and outlook and
  - the character and appearance of the area.

### Reasons

#### *Sustainable patterns of development*

3. The National Planning Policy Framework (the Framework) seeks to boost significantly the supply of housing and advises that housing applications should be considered in the context of the presumption in favour of sustainable development. However, it also advises that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. Local planning authorities are also urged to support a pattern of development, which facilitates the use of sustainable modes of transport. It also identifies, as one of the core land-use planning principles, *the need for*
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*planning to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant development in locations which are or can be made sustainable.*

4. In its first reason for refusal, the Council, in addition to referring to the Framework, cites Policy EN13 saved from the Stockton-on-Tees Local Plan (Local Plan). This states that development outside the limits to development may be permitted only where certain circumstances apply. It is not in dispute that the appeal site lies outside such limits and that none of the specified circumstances apply. As there is no fundamental conflict between this Policy and the provisions of the Framework, in accordance with advice in paragraph 214 of the latter, I give it due weight in determining this appeal.
5. The appeal site is currently occupied by a corrugated shed and lies within a group of four dwellings, lying south of the A66 and over half a mile from the centre of the village of Elton, which lies to the west. Although I am advised that planning permission has been granted for a garden centre on land to the south, this land is currently in agricultural use, separating the appeal site from industrial estates some 1.5 to 2 miles to the south. The outskirts of Stockton lie to the north-east on the opposite side of the A66, but the land to the north-west is largely free of development. Although this could not be described as a remote location, I agree with the Inspector at a previous appeal on this site that the location is *isolated in the sense that it is not part of a settlement*<sup>1</sup>. As indicated above, the Framework advises that new homes in such locations should be avoided.
6. The appellant has put forward extensive arguments as to why he considers this to be a sustainable location for a new dwelling and I have had regard to these. I accept that there are bus stops within walking distance of the site and these serve daily twice hourly services to nearby settlements. There is also a rail station some 2 miles away and a supermarket 2.5 miles away as well as educational facilities in Fairfield and Hartburn. There is a convenience store on Birkdale Road about 0.75 miles away, but this is separated from the appeal site by the A66 dual carriageway and the route between is not an attractive one to either walkers or cyclists. From the evidence submitted to me and from my own observations, I consider that the vast majority of trips which would be made from the appeal site for work, shopping, leisure and educational purposes would be made by private car. The nearby village of Elton seems to be totally devoid of local services and I am advised that, in recently updating its *Planning for the future of rural villages in Stockton* as part of its evidence base for the preparation of its Local Development Framework, the Council has concluded that Elton should be considered as a "tier 3" settlement, not suitable for further housing development. In my view, the appeal site is not in a sustainable location.
7. The appellant has referred me to recent planning permissions for housing development in the area and other sites identified for housing development by the local authority. However, most of these sites appear to lie north of the A66. In any event, the full circumstances surrounding these sites are not before me and, whilst consistency is clearly desirable, each application has to be considered on its merits and none of the arguments put forward convince

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<sup>1</sup> Appeal Ref APP/H0738/A/05/1170902 dated 26 April 2005

me that this is a sustainable location for a new dwelling. I note that the Inspector, at the previous appeal referred to above, reached a similar conclusion, albeit in a slightly different planning policy context.

8. I am advised by the appellant that Stockton Council needs to allocate land for the building of 6,950 more dwellings to meet their forecast housing need by 2029. Nowhere is this statement disputed by the Council, but I am not provided with any information relating to the source of this statement. Paragraph 49 of the Framework indicates that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. There is no evidence before me to suggest that this is the case, but, as I have concluded that this is not a sustainable location for new housing, any such shortage would not, necessarily, count in favour of the development.
9. Overall, on this issue, I conclude that the proposal would not assist in the creation of sustainable patterns of development in the area, having regard to local and national planning policies designed to limit the need to travel by private transport.

*Living conditions of occupiers*

10. The western elevation of the proposed dwelling, which would contain windows lighting a proposed living room and bedroom, would be located only some 8 metres from the side gable of the existing dwelling on the site. The latter accommodates windows lighting a study at ground floor level and a bedroom at first floor. I consider that the arrangement would facilitate a degree of mutual overlooking. Although I am not provided with details, I am informed that the Council's Household Extension Guide (SPG2) advises that, in such circumstances, a gap of 11 metres would normally be required.
11. In addition, the rear elevation of the proposed dwelling would be located only about 0.4 metres from the common boundary with the property to the east, which has two storey outbuildings along the boundary. The only window proposed on this elevation would light a bathroom and I am satisfied that no privacy or outlook problems would arise. However, the kitchen/dining room on this elevation would rely on borrowed light from the orangery to the south, which is not totally desirable.
12. No development plan policy is cited by the Council in support of its objection on this issue, but the protection of residential amenity is a core land-use planning principle, identified in the Framework. I am satisfied that, in this instance, the proposal would have a harmful effect on the living conditions of occupiers of the proposed dwelling and the existing dwelling on the site, in terms of privacy and outlook and this contributes to my conclusion that the proposal is unacceptable.

*Character and appearance of the area*

13. The Council's objection under this heading relates to the location of the proposed garage, which would be positioned in the south-east corner of the site, away from the main focus of built development in the group of dwellings in the area. In the Council's view, this would result in the introduction of an incongruous feature. In support of its argument, the Council cites Policy CS3

from its Core Strategy, which among other things, requires new development to make a positive contribution to the local area, by responding positively to existing features or local character, thereby reflecting advice in paragraphs 56 and 64 of the Framework. I accept that the location of the garage, away from existing development, would not reinforce the existing pattern of development in the immediate vicinity and would involve the encroachment of development into an open area. The consequent negative effect on the character and appearance of the area, though limited, would be contrary to Core Strategy Policy CS3 and contributes to my conclusion that the appeal should fail. I have noted that the appellant is willing to re-consider the location of the garage to overcome the objections, but I have to base my deliberations on the drawings before me.

*Conclusion*

14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G E Snowdon*

INSPECTOR