



---

# Appeal Decision

Site visit made on 18 June 2013

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

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

**Decision date: 27 June 2013**

---

**Appeal Ref: APP/H0738/A/13/2194274**

**47B Bowesfield Lane, Stockton, Cleveland TS18 3EU**

- 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 A Mutanser against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 12/2552/COU, dated 22 October 2012, was refused by notice dated 18 December 2012.
  - The development proposed is change of use to the rear of the building to form 1 No flat.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of residential occupants of the existing and proposed flats in terms of outlook and the provision of outdoor amenity space and refuse storage.

## Reasons

3. The existing two flats are within a modest two storey end terrace property that formerly comprised a shop unit at ground floor. The flats have separate entrances at the front and side, both directly off the footway. The proposed additional bed-sit style flat would be formed by conversion of the existing flat roofed storage extension that occupies almost all of the rear yard.
4. Neither existing flat has any useable outdoor amenity space. At present outlook from the rear ground floor window in the main room of the ground floor flat is extremely limited; only a 2m deep external yard remains beyond it. This situation would be marginally improved by the proposal, which would increase the yard depth to 3m. However, this very modest improvement in the living conditions for the existing residents would be offset by the addition of a further residential unit at extremely quarters, also with no outdoor amenity space.
5. The existing cramped circumstances would be made worse by the addition of another household as proposed. Furthermore, the proposed bedsit flat would also have only limited outlook from the main lounge area, with the proposed French doors and a window looking directly across the narrow rear lane onto a high security fence around the adjacent school playing field, only some 3m or so away.

6. In addition, the existing storage space available for refuse bins would be substantially reduced. The small proposed storage area would be too small to accommodate modern refuse bins for three households, such that residents may be forced to leave bins on the street, close to windows and doors in the ground floor property or (as suggested) in the enclosed rear yard, where they would also be close to living accommodation. This would further harm the residential living conditions of future occupants.
7. The suggested benefit of providing an additional one bedroom flat to meet local demand would not outweigh these harms.
8. As such I conclude that the proposal would harm the living conditions of residential occupants of the existing and proposed flats in terms of outlook, a lack of private outdoor space and lack of adequate refuse storage provision. This would be contrary to policy CS3 of the *Stockton-on-Tees Borough Council Core Strategy Development Plan Document* which aims to promote sustainable living and requires that new development should make a positive contribution to the local area. This objective is compatible with the National Planning Policy Framework which seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It requires good design that contributes positively to making places better for people.
9. For the reasons given above and taking all other considerations raised into account, the appeal should be dismissed.

*Wenda Fabian*

Inspector