
Appeal Decision

Site visit made on 21 June 2013

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 8 January 2014

Appeal Ref: APP/H0738/A/13/2197317

Longhirst, Whinney Hill, Stockton-on-Tees, Cleveland, TS21 1BG

- 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 J Gage against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 13/0397/FUL, dated 8 February 2013, was refused by notice dated 15 April 2013.
 - The development proposed is the construction of a new 3 bay garage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new 3 bay garage at Longhirst, Whinney Hill, Stockton-on-Tees, Cleveland, TS21 1BG in accordance with the terms of the application, Ref 13/0397/FUL, dated 8 February 2013, subject to the conditions below:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No. 1309/L100 Rev. A.
 - 3) The garage hereby permitted shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and shall be permanently retained as such thereafter.
 - 4) The materials to be used in the construction of the external surfaces of the detached garage hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue in this instance is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The proposed detached garage would occupy a position forward of the existing dwelling and within part of a paddock adjacent to the driveway and the road boundary on the appeal site. At the time of the site visit, the paddock appeared to be well maintained, although it did not appear to have been recently used for grazing.

4. The paddock does not form part of the existing residential curtilage and differs in character and appearance from both the private gardens and the remainder of the curtilage. However, the paddock also differs significantly in character from the adjoining fields and open countryside, being that it is a relatively small contained parcel of land which does not possess the same open characteristics as the immediately adjoining countryside. The garage would not have an adverse impact on existing trees or hedgerows and environmental assets, and when viewed from the adjoining open countryside would appear related to, and within the context of, the existing dwelling. Whilst the proposals would result in a minor incursion into the countryside, the proposed development would not have a demonstrably harmful effect on the existing separation between settlements. Furthermore, given its position close to the existing dwelling and screening from the open countryside by existing planting and fencing, there would not be an adverse effect on the openness of the countryside at this point.
5. The detached garage would be screened from the road by existing mature boundary planting. The position of the garage on the site would also restrict opportunities for glimpses of the building along the existing access. Furthermore, whilst the main dwelling is set back from the street frontage, from my observations at the time of the site visit, the introduction of a detached building closer to the front of the site would not be an uncharacteristic form of development in the area, where there are other large buildings positioned close to the road.
6. The single-storey garage, whilst in itself a large structure, would not appear overly dominant in contrast to the existing two-storey dwelling due to its position on the site, which with the existing dwelling would create a partial 'courtyard' feel to the driveway area. The design of the garage and its hipped roof would further reduce the visual impact and bulk of the building, and in combination with the use of matching materials would complement the appearance of the existing dwelling.
7. The issue of precedent for similar developments has been raised by the Council. However, no directly similar or comparable sites to which this might apply have been put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
8. My attention has been drawn by both parties to previous appeal decisions on other sites within the area. However, I have determined the appeal on the basis of the material planning considerations and the evidence which has been placed before me from which I have reached my own conclusions. In respect of the other appeal decisions, as I have not been provided with any details setting out the context of these decisions I cannot make any direct comparison regarding their relevance to this site.
9. The proposed development would not have an adverse impact on the character and appearance of the area, and I therefore conclude that the development would not conflict with Policies CS3 and CS10 of the Stockton-on-Tees Core Strategy Development Plan Document (2010), and Stockton-on-Tees Borough Council Supplementary Planning Guidance Note 2 – Householder Extension Guide (2004). These policies and guidance seek to ensure that new development makes a positive contribution to the character of the local area,

complements the appearance of existing development, and protects important environmental assets and the openness of strategic gaps. The development would also accord with the objectives of the National Planning Policy Framework, which seeks to ensure that development is of a high standard of design that can integrate with the character of an area, and respects the intrinsic beauty of the countryside.

Conditions

10. The Council has suggested a condition which it considers would be appropriate were the appeal to be allowed. I have considered this below in the light of Circular 11/95.
11. In the interest of proper planning, I have added conditions relating to the timeliness of development and the identification of plans. The Council has suggested a condition restricting the use of the garage to the parking of vehicles related to the main dwelling. This would ensure that the building would not be used for either commercial uses or for occupation as a self-contained dwelling, to the detriment of the living conditions of the occupiers of neighbouring dwellings. I have also added a condition relating to the use of materials to match those used on the existing dwelling, which would safeguard the character and appearance of the area.
12. I have noted that the Council's Landscape Officer has suggested the imposition of a condition requiring a scheme of tree protection on the site. However, the proposed garage would not be located in a part of the site particularly close to existing trees, and given the size of the existing area of driveway there is no reason to suspect that the existing trees would require a scheme of protection.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed subject to the conditions listed.

M Seaton

INSPECTOR