
Appeal Decision

Site visit made on 10 December 2014

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 11 February 2014

Appeal Ref: APP/H0738/A/13/2203108

184 Durham Road, Stockton-on-Tees TS19 0PS

- 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 J Baksh against the decision of Stockton-on-Tees Borough Council.
 - The application dated 21 November 2012, Ref 12/2780/FUL, was refused by notice dated 6 February 2013.
 - The development proposed is a detached bungalow and two detached garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of development above since it is clearer than that on the planning application form.

Main issues

3. The main issues are (i) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook, noise and disturbance; (ii) the effect of the proposal on highway safety and (iii) whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwelling with particular regard to the provision of amenity space.

Reasons

The effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to outlook, noise and disturbance

4. The bungalow would have an 19m blank wall 0.5m from the shared boundary with Nos 28, 30 and 32 Staveley Grove and the Council considers that there would be limited space for any meaningful landscaping. The wall would extend above the existing fence to an eaves height of 2.7m and there would be a hipped roof above. The blank wall would ensure no overlooking and the low pitch hipped roof would minimise the impact of the roof.
5. The Staveley Grove houses have short back gardens, less than 8m. From their gardens and rear windows the occupiers of these houses would have close and direct views of the long brick wall of the bungalow extending almost 1m above the fence. In these views the wall would be dominant, oppressive and overbearing, harmful to the living conditions of the occupiers.

6. Vehicular access would be via the existing drive directly adjacent to No 186 Durham Road, separated only by a low hedge. No 186 has a large bay window to a ground floor sitting room and windows to a first floor bedroom within 3m of this boundary and the main door is on the side, facing No 184. The appellant would provide a fence along the boundary as a visual screen, and this could be secured by planning condition.
7. The appellant points out that since all their children turned 18 there have been 5 cars driving up and down the drive with no problems, but that this was a temporary situation as most children leave home eventually, and their neighbours may have more cars when their children are older.
8. The vehicular needs of families do change over the years, but it is now proposed that the drive serve two dwellings so it is realistic to expect that there would be an increased level of vehicular movements, and with this, an increase in noise and disturbance from all of the comings and goings. In this case this would include disturbance from vehicles manoeuvring and reversing to enable vehicles to pass along the narrow section of drive. The fence would provide some visual screening but would not mitigate the effects of these impacts sufficiently to prevent harm to the living conditions of the occupiers of No 186 Durham Road.
9. Therefore the scheme would not meet the requirements of Stockton on Tees LP 1997, policy HO3(v) which seeks to ensure development does not cause unacceptable loss of amenity to adjacent land users. The proposals would also not meet a core planning principle of the Framework which seeks always to achieve a good standard of amenity for existing occupants of land and buildings.

The effect of the proposal on highway safety

10. Two garages are proposed at the rear, one for No 184 and a much larger garage for the proposed bungalow. Two further spaces for No 184 would be provided in the hard surfaced front garden. The appellant argues that the proposals would create more space for turning than exists, parking for four cars at the rear, two at the front, and space for another four cars within the boundaries of the proposed bungalow if necessary; therefore no vehicles would ever need to reverse out onto the main road.
11. During my site visit Durham Road was busy with traffic, including several buses. I saw that there were no parking restrictions outside of the appeal site and I observed cars parked partially on the footpaths to avoid obstructing traffic. I also observed that the front garden area of No 184 is restricted and the corner of the house obstructs views of the drive to the rear.
12. In my opinion the front garden area of No 184 is too tight and constrained to adequately provide for parking, turning and manoeuvring for the occupiers of No 184 and in addition provide passing space for vehicles accessing and egressing the proposed bungalow. There is therefore a realistic prospect of an increased level of manoeuvring, turning and parking on Durham Road, a busy principal road, which would be prejudicial to highway safety.
13. For the above reasons the proposal would fail to meet the requirements of Policy H03 of the Local Plan that residential development proposals make satisfactory arrangements for parking and access.

Whether the proposal would provide acceptable living conditions for future occupiers of the proposed dwelling with particular regard to the provision of amenity space

14. The proposed bungalow would have a private amenity space 9.2m deep. This would be comparable to the size of gardens on Staveley Grove and also No 190a Durham Road and thus would be reasonable. Existing boundary hedges and fencing would ensure that it would not be overlooked. However the bungalow's rear elevation would have a lounge/living room and three bedroom windows facing onto the boundary at a distance of only 2m or so. This would provide almost no outlook for the main living area, and would result in an oppressively 'closed in', cramped feeling for the occupiers. I therefore find that the proposal fails to meet a Core Planning Principle of the Framework to seek a good standard of amenity for future occupants of buildings.

Overall Conclusion

15. In coming to my conclusion I have considered the significant benefits for the needs of the appellant and his family, but overall the harm that would be caused to living conditions and highway safety outweigh these benefits. Therefore the appeal is dismissed.

Helen Heward

INSPECTOR