



Appeal Decision

Site visit made on 23 January 2014

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 12 February 2014

Appeal Ref: APP/H0738/A/13/2207715

61A Harlsey Road, Hartburn, Stockton-On-Tees TS18 5DJ

- 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 Bainbridge against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 13/0321/FUL, dated 28 January 2013, was refused by notice dated 26 July 2013.
 - The development proposed is described on the application form as amendments to approved scheme (02/1922/P); part retrospective approval for swimming pool and terrace to rear of dwelling and hardstanding area within paddock; construction of new two storey side extension and single storey courtyard extension.
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Decision

1. The appeal is dismissed insofar as it relates to the creation of a swimming pool, terrace and associated earthworks to the south of the dwelling; the change of use of agricultural land to residential curtilage; the reuse of existing wooden structure in the paddock for residential use; creation of a hardstand with associated earthworks within the paddock; and the erection of a single storey extension.
 2. The appeal is allowed and planning permission is granted for the erection of a 2-storey extension at 61A Harlsey Road, Hartburn, Stockton-On-Tees TS18 5DJ in accordance with the terms of the application Ref 13/0321/FUL, dated 28 January 2013, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) That part of the development hereby permitted shall be carried out in accordance with the following approved plans: Refs 1218/L201, 1218/L202 and 1218/L203 Revision B.
 - 3) No development shall take place until samples to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
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Procedural matters

3. For consistency, I have referred to the address of the site as 61A Harlsey Road, to which most the evidence refers, rather than 61A Harsley Road as it is given on the application forms lodged with the Council
4. I have used the Council's description of the proposal in my decision because from my inspection of the plans it more fully sets out the development sought than that stated on the application forms. I have assessed the proposal on that basis. Apart from the new 2-storey and single storey extensions, the development is largely complete and is broadly in accordance with the plans.

Main Issue

5. The main issue is the effect of the development, as proposed and complete, on the character and appearance of the local area.

Reasons

6. The appeal property is a small courtyard principally of three detached buildings: a dwelling, which is a former commercial building that has been converted; an outbuilding mainly in use as a store; and a garage. This courtyard is noticeably set back from the row of properties that face the south side of Harlsey Road. On three sides of the courtyard is largely undeveloped open land that slopes down towards Hartburn Beck. This area, which includes the site, is a key contributor to the broadly open countryside just beyond the main built up area. It has a strong rural character and a spacious feel. In the main, this area creates an attractive landscape setting to the settlement. Its character and appearance differs markedly to the more compact, suburban form of existing development along Harlsey Road. Unlike the most of the site, the Harlsey Road properties near to No 61A fall within the limits of development (LoD), as defined in the Stockton-on-Tees Local Plan (LP).

Hardstand

7. A sizable rectangular shaped hardstand has been placed on the open field to the southwest of the courtyard, beyond the LoD. The appellant has indicated that this area is for use to store a tractor and equipment such as a grass cutter. Both main parties agree that the hardstand does not relate to farming, forestry, sport, recreation, tourism and diversification of the rural economy. Consequently, this part of the appeal scheme is contrary to LP Policy EN13, which identifies the development types that are acceptable outside the LoD.
8. The hardstand is some distance from the courtyard. It appears as an isolated feature in the landscape and relates poorly to the existing built form of the site. Although not on raised ground, its black tarmac surface presents a harsh feature that contrasts sharply with the visually softer natural sloping field to which it belongs. When seen from the rears of the Harlsey Road properties and from the south, with the existing buildings in the background, the hardstand appears as an incongruous feature and an uncharacteristic intrusion into the rural landscape. An Astroturf finish would not mitigate its harmful impact.
9. In reaching this conclusion, I acknowledge that hardstands are often found in rural settings although in my experience they are often located around or close to existing buildings. I also accept that a tractor and items of plant and

machinery could be stored in this general position without the hardstand in place. To reiterate, it is the hardstand itself rather than the items that could be stored on it that is objectionable.

Timber building and change of use

10. A building of timber construction lies to the southeast of the courtyard and falls outside the LoD. It appears to be used for purposes that are ancillary to the main dwelling. According to the appellant, the structure has been adapted to residential use without substantial alteration or extension. Nevertheless, its use would not fall within the types of development permitted by LP Policy EN20, which deals with the conversion, adaptation and reuse of rural buildings. As it would also fall outside the development types deemed to be acceptable in LP Policy EN13, the use of the timber building conflicts with these policies.
11. Reference is made to paragraph 55 of the National Planning Policy Framework (the Framework), which notes that isolated homes should be avoided in the countryside unless there are special circumstances. As the dwelling and the timber building could not reasonably be described in these terms, this aspect of national guidance has less direct relevance to the appeal scheme than LP Policy EN20. In addition, I find no obvious inconsistency between this policy and the Framework insofar as the reuse of rural buildings is concerned to the extent that the weight attached to the policy should be significantly reduced or that the policy should be put to one side, as the appellant suggests.
12. Like the hardstand, this timber structure stands alone in the landscape and despite a connecting path with the courtyard, it visually reads as a separate distinct entity, unrelated to the existing built form. While the land around the timber building is proposed to remain unaltered save for the path, it is possible that outdoor domestic items such as garden furniture, barbecue equipment or children's play items could be introduced. As much of the site is not available to public view, it could be difficult for the Council to control or restrict these items through, for example, the imposition of a condition. As the dwelling would be suitable for families, there is also reasonable possibility that such items and equipment could be introduced to the small, enclosed area of land adjacent to the eastern side of the dwelling, which is used as a garden. This area appears to have been severed from the adjacent agricultural field and thus could involve a material change to residential use.
13. To my mind, the domestic use of the timber building and the land currently in use as a garden could result in a significant change to the surrounding rural landscape mainly due to the introduction of ancillary domestic structures. I consider that any domestic paraphernalia associated with the timber building or the garden would be an unduly harmful feature in the landscape. That the garden has been in place for some time, with no action taken by the Council until recently and that little interest has been expressed by others, does not necessarily indicate that these aspects of the development would or could not have a significantly harmful effect on the local area.
14. Reference is made to the extension of the rear garden to 65 Harlsey Road. From the limited information provided, this addition would appear to differ to the scheme before me in that it involved an existing garden for which the Council states there were exceptional circumstances relating to boundary

treatment. Consequently, there are few direct parallels with the appeal scheme and so I attach little weight to this example in support of the appeal.

Swimming pool, terrace and earthworks

15. A new swimming pool and terrace has been created just to the rear of the courtyard with significant earthworks to create a raised ground level and a substantial embankment. A tiled surface area surrounds the new pool that connects with a terrace, a pergola and a raised timber seating area and a staircase. According to the Council, most of these features fall within the curtilage of the dwelling with the exception of the pergola and possibly part of the embankment.
16. Having viewed this development from various vantage points, I have little doubt that stark domestic features, visual clutter and significant changes to the landform have been introduced to what is a sensitive location between the low-key courtyard buildings and the open fields beyond. These aspects of the development markedly contrast with the modest presence and simple layout of the existing buildings and create an uneasy visual and physical transition between the courtyard and the rural landscape beyond. In my view, this arrangement has spoiled the otherwise unassuming rural setting of the existing buildings and the intrinsic character of the countryside.
17. In reaching this opinion, I acknowledge that the Council's Head of Technical Services did not object to the development on landscape and visual grounds. I also accept that swimming pools and external areas for sitting out are not unusual features with dwellings in rural locations especially those set within generous grounds. Nevertheless, my findings reflect the particular characteristics and circumstances of this site and the details of the development for which planning permission is sought.

Single storey extension

18. A new single storey addition would infill part of the space between the existing dwelling and the outbuilding to provide a sunroom, which would have an attractive open southerly outlook. With its part pitched, part flat roof and an eaves level just above that of the buildings to which it would connect, this proposal would appear as an awkward add-on to the traditional style and built form of the courtyard buildings. By connecting the modest sized gables on either side, the new extension would also add to the scale and mass of the existing built form and alter the shape of the generally long and narrow courtyard buildings, to the detriment of their original character.
19. For these reasons, this element of the appeal scheme would introduce a discordant element within the main courtyard and harm the character of the existing buildings and their setting when viewed from the south. On that basis, the proposal is contrary to LP Policy H012, which aims to ensure that dwelling extensions are in keeping with the property.

Summary

20. While the development is not and would not be readily visible in the street scene, it would affect the characteristics and qualities of the area as experienced and appreciated from nearby properties and gardens along this section of Harlsey Road. Even if that was not the case, retaining key design

features of a building and safeguarding an area's character are no less important because the development would not be prominent or in public view.

21. I also acknowledge that land to the rear of 89 Harlsey Road contains a significant amount of built development and is in commercial use beyond the LoD. However, to my mind, this built form has not compromised the character and appearance of the rural landscape to such an extent that justifies a development that would be visually harmful to the host buildings and the surrounding area. In other words, additional harm cannot be justified on the basis that some harm exists.
22. Taking into account all of these points, I conclude that these aspects of the development are and would be out of keeping with the character and appearance of the local area. Therefore, these parts of the development conflict with Core Strategy Policy 3 of the Council's Core Strategy Development Plan Document. This policy requires new development to positively contribute to the local area by protecting important environmental assets and responding to local character. These elements of the development are also at odds with the Framework, which notes that planning decisions should recognise the intrinsic character and beauty of the countryside and ensure that development responds to local character and add to the quality of the area.

The 2-storey extension

23. The new 2-storey addition would be modest in scale, mass and height. It would attach to the end of the existing dwelling and continue its built form and rooflines to provide a garage and an extension to the first floor bedroom. A small new roof light would be placed on each slope of the new roof with a single window in the rear elevation to broadly match the pattern of fenestration in the existing building. Three ground floor windows would be inserted into the new side elevation. Taken together with the use of matching external materials, this element of the appeal scheme would retain the simple, functional form and general appearance of the building. As this part of the proposal would be in keeping with the character and appearance of the local area, it complies with the local planning policies and national guidance to which the Council refers.
24. This element of the appeal scheme is clearly separable to the remainder of the development and so I am able to issue a split decision that grants planning permission solely for it. In doing so, I have attached a condition requiring that the proposal be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. As the finished building should have a unified appearance and identity with respect to the materials used, a condition is imposed to require that samples are submitted for the Council's approval before work starts. This condition is to ensure that the building has a satisfactory appearance.

Conclusion

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

Gary Deane

INSPECTOR