
Appeal Decision

Site visit made on 26 February 2014

by Farooq Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 24 March 2014

Appeal Ref: APP/HO738/A/13/2208901

Reivax, High Lane, Maltby, Middlesbrough, TS8 0BG

- 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 Gareth Tyers (c/o Harkin Associates) against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 13/1128/FUL dated 10 May 2013 was refused by notice dated 6 September 2013.
 - The development proposed is the erection of one new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the property is referred to as 'Reivaux' and 'Reivax'. The Council's decision notice uses the latter and I have adopted this for the sake of consistency.
3. The appeal was made before the publication of the Planning Practice Guidance. Its contents have been considered but in light of the facts in this case, the guidance does not alter my conclusions.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

5. The appeal site is an area of land to the rear of properties on High Lane and accessed from this highway. It contains a stable block, an area of hardstanding and further to the rear, a rough grassed area. The site is adjoined to the east by the property known as Reivax and the gardens of neighbouring properties. To the west, the site is largely bounded by the 'Chadwicks Inn' car park. Dwellings in the vicinity of the site includes a mixture of detached, semi-detached and terraced housing. There is some variation in building lines but there is a distinct pattern of frontage development along High Lane. The houses have rear gardens of varying but mostly generous lengths.
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6. The proposed dwelling would not follow the established pattern of development along High Lane in the vicinity of the site, being set back from the road behind existing dwellings. Whilst there are some buildings and structures to the rear of these dwellings, these are not as substantial nor located as deep from High Lane as the proposal would be. Whilst further buildings and structures within the curtilage of nearby dwellings could be erected using Permitted Development rights, these would be seen as ancillary buildings to the respective dwellings and be of a more restricted height than this appeal proposal which would have accommodation in the roof space. The rear gardens and the other rear parcels of land form a large open area, within which the proposed dwelling would appear as an isolated and harmful intrusion. I acknowledge that the proposal would be partially obscured from the High Lane by the existing property Reivax, however, from my site visit it was evident that it would still be visible from the public domain along the proposed access and from neighbouring properties. Whilst the existing access gives the impression of backland development, the proposed dwelling would be sited more centrally than the existing stables and would detract from the open character of this backland area.
7. An extensive car park exists to the west of the site but as this is set at ground floor level, it does not have the same impact as the proposed dormer bungalow and detached garage which would be more prominent in views from the road and surrounding properties. I have noted the site is not in a conservation area and that the village's form as a whole has been altered by modern residential development. However, in the area of High Lane where the appeal site is located, the frontage pattern of development remains as do the generally open areas to the rear of these properties, which are an important feature of the locality.
8. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. Accordingly, the proposal would conflict with the Council's Core Strategy Policy CS3 which, amongst other matters, requires new development to respond positively to existing features of local character. Furthermore, the proposal would also be contrary to the Stockton-on-Tees Local Plan Policy HO3 (iv) which requires development to be sympathetic to the character of the locality and the guidance at paragraph's 58 and 61 of the National Planning Policy Framework (Framework) which states that new development should respond to local character and integrate into the environment.
9. The Council has also raised concern that the current proposal would set a precedent for similar development on adjoining sites. Whilst each application and appeal must be determined on its own individual merits, given that nearby properties have long rear gardens and there are other open areas of land to the rear of dwellings on High Lane, I consider this is a realistic and specific concern. Allowing the appeal proposal would make it difficult for the Council to resist further applications for similar developments, which I consider would cumulatively exacerbate the harm I have identified above.
10. I have had regard to the acceptability of the principle of development and that the site is within a location that is sufficiently sustainable to accommodate new development. I note that the proposal is acceptable on residential amenity and highway safety grounds and that there are no objections in respect of archaeology. The scheme has also been amended from a two storey building to

a dormer bungalow, but none of these aforementioned factors nor the support for the proposal by some aspects of national policy would outweigh the objections to the proposal identified above.

11. The Council acknowledge that they do not currently have a five year supply of housing land in the Borough. Consequently, the appellant with reference to paragraph 49 of the Framework considers the proposal should be considered in light of the presumption in favour of development. I acknowledge that the proposal would make a contribution to the Borough's housing supply. However, paragraph 14 of the Framework states that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Whilst the additional dwelling weighs in favour of the proposal, the benefits of the scheme would, in my view, be significantly and demonstrably outweighed by the harm that would be caused to the character and appearance of the area outlined above and it therefore would not constitute sustainable development.
12. For the reasons set out above, and having regard to all other matters, I conclude the appeal should be dismissed.

F Rafiq

INSPECTOR