



## Appeal Decision

Site visit made on 3 April 2014

by **C J Checkley BA(Hons) MRTPI**

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

Decision date: 15 May 2014

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**Appeal Ref: APP/H0738/A/13/2210029**

**33 Wynyard Road, Wolviston, Billingham, TS22 5LQ**

- 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 Mrs C Lusted against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 13/1484/FUL, dated 19 June 2013, was refused by notice dated 17 September 2013.
  - The development proposed is erection of one detached dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The appeal must proceed in the name of the original applicant, Mrs C Lusted.
3. The Planning Practice Guidance was published on 6 March 2014. The content of the Guidance has been considered but in light of the facts of this case it does not alter my conclusions.

### Main Issues

4. There are two main issues regarding the effects of the proposed detached house and detached garage: first, the effect upon the appearance and character of the Wolviston Conservation Area; and second, the effect upon the living conditions of the occupants of the host dwelling at No 33 Wynyard Road with particular regard to levels of overlooking, outlook and noise.

### Reasons

#### *Appearance and character of the Conservation Area*

5. Decision makers are under a statutory duty to consider the desirability of preserving or enhancing the appearance or the character of any Conservation Area and this objective is reflected by the provisions of saved Policy EN24 of the Stockton-on-Tees Local Plan (1997) and the more recent provisions of the National Planning Policy Framework (the Framework). The latter seeks development that makes a positive contribution to local character and distinctiveness and conserves heritage assets in a manner appropriate to their
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significance (paragraph 126). The Wolviston Conservation Area is a designated heritage asset of significance.

6. Wolviston is one of the few villages remaining in Teesside. The extensive historic core is a designated Conservation Area that presents a relatively complex pattern of development that has developed over a long period so that its buildings reflect a range of ages and styles, the core being ringed in part by more modern residential developments. The picturesque village includes a duck pond, village green, church and several working farms. The Conservation Area is characterised by a variety of street scenes reflecting different eras of traditional village development. There tends to be a clear break between the built framework of the village and the surrounding countryside.
7. No 33 Wynyard Road is a detached house with a very large rear garden. It stands opposite the village pond, within the Conservation Area and the built-framework and limits to development of the village. The immediate context includes open farmland to the rear of the long back garden, a modern backland development of several large dwellings to the east, and a frontage series of older properties with relatively little development behind them to the west. The vicinity therefore includes both frontage and backland development.
8. The existing dwelling is pleasing in appearance without being special in itself, having the appearance of a brick-built inter-war style detached house with pitched timbered gables to front and rear and light-coloured render at first floor level. The house has significant open space and greenery about it, including a protected mature ash tree within the front garden and a protected mature oak tree set back within the rear garden. The traditional house with its trees of amenity value sits comfortably within and contributes to the semi-rural village streetscene within this important part of the Conservation Area near the pond.
9. The amended proposal involves the construction within the rear garden of No 33 of a detached two-storey house, with the existing drive to the host dwelling being extended rearwards to serve the new dwelling and its detached garage. The site lies within the limits of development of the village within which saved LP Policy HO3 permits residential development that meets various criteria including being sympathetic to the character of the locality.
10. A house of the scale and design proposed requires a setting within its own plot commensurate with the scale of its principal elevations. In this case the house proposed would be both very large and set at a marked tangent to both its own curtilage boundaries and the pattern of other nearby dwellings, which present a more satisfactory relationship with their own plots. The skewed arrangement would result in the siting of the house appearing uncomfortable and contrived, out of keeping with its surroundings. Additionally, despite the generous area of the plot overall, the large rear elevation of the house would stand relatively close to the western boundary, providing an unduly limited visual setting adjoining the significant extent of principal rear windows. Additionally, the host dwelling and the proposed house would present a visually awkward relationship.
11. I am satisfied from the submitted tree survey and assessment that construction of the new development would avoid any direct damage to the protected oak

tree or its roots, having regard to the 10m radius of the identified root protection zone. Looked at in isolation, the design of the proposed house would not be unsympathetic to that of the host dwelling. However, the house as proposed would fail to have a satisfactory relationship with its surroundings and the local pattern of development. The detrimental and uncomfortable visual effects would primarily be seen from a number of surrounding properties, with the oddly skewed relationship also being noticeable in some views from Wynyard Road despite the partial screening effects of the frontage hedge and ash tree and proposed replacement garage for the host property.

12. I conclude on this first issue that the scheme layout with the combined siting, scale and orientation of the house proposed would cause permanent harm to the appearance and character of the Conservation Area, contrary to the conservation and character objectives of saved LP Policies EN24 and HO3(iv), Policy CS3(8) of the Stockton-on-Tees Borough Council Core Strategy (2010) and the Framework.

*Living conditions of the occupants of the host property*

13. The host dwelling has an extant permission for a rear extension which has been taken into account in the scheme drawings. The proposed house has been orientated so that both its principal front elevation and its virtually windowless side elevation would stand at a tangent in relation to the main rear elevation of the host dwelling. I consider that the skewed relationship is such that there would not be an unduly harmful degree of overlooking of the host dwelling or its garden. The separation would also be sufficient to prevent the residents of the host dwelling from experiencing an unacceptably overbearing visual impact or reduction in outlook as a result of the physical presence of the new building.
14. Although there are several windows in the side elevation of the host dwelling that faces the shared access, most are obscure glazed and most do not appear to serve main habitable rooms. It would also be possible to require the installation of a screen fence or hedge between the access and the side elevation. Therefore, the limited new pedestrian and vehicle movements along the shared access arising from the new house would not be such as to cause unacceptable noise and disturbance to occupants of the host dwelling.
15. I conclude on this second issue that there would be no significant harm to the living conditions of the residents of the host dwelling. No material conflict would arise with the residential amenity provisions of saved LP Policy HO3(v) or the Framework (paragraph 17).

*Other matters and conclusions*

16. I have considered the other development and decisions drawn to my attention but the evidence before me fails to show they are directly comparable to the appeal scheme. My decision is made on the particulars of the scheme before me. Although I have found in favour of the appellant on the second issue, the clear-cut objections given under the first issue remain. I find that none of the other matters raised, including those made by third parties, has been sufficient to lead me to a different conclusion. Therefore, the appeal fails.

*C J Checkley*