
Appeal Decision

Site visit made on 2 June 2015

by Michael R Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 19 June 2015

Appeal Ref: APP/H0738/D/15/3009775

1A Cameron Street, Norton, Stockton-on-Tees, Cleveland TS20 1HW

- 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 P Evans against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 14/2906/FUL, dated 3 November 2014, was refused by notice dated 7 January 2015.
 - The development proposed is 2 storey rear extension and window to gable end.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular reference to privacy.

Reasons

3. The proposed development has been constructed, and the rear elevation of the extension includes a door giving access on to a large flat roofed area over a garage and store. Use of this raised area by occupiers of the dwelling would result in overlooking at close quarters of the yard/amenity space and ground and first floor windows to habitable rooms to the rear of No 1 Cameron Street. Overlooking of the back yards, amenity areas and rear windows to Nos 1, 3 and 5 Stanley Street would also occur, as the flat roofed area extends to a narrow alleyway on the southern boundary of the appeal site which adjoins the rear of these properties. As a consequence, the privacy of the neighbouring occupiers' would be severely compromised.
4. Whilst not a matter advanced by the Council, concerns regarding loss of privacy have been raised by the occupiers of 11 Newby Close and 2 Mallory Road which are situated on the opposite side of Ragworth Road. Given the separation distances involved and intervening trees, other vegetation and walls/fencing on the western boundaries of these properties, I am satisfied that the development would not result in unacceptable overlooking of the gardens and habitable rooms to the rear of the dwellings. Furthermore, I note that the attic window in the gable end of the appeal property is obscure glazed.

5. Although the appellant contends that he would not overlook surrounding properties from the flat roofed area, future occupiers may not respect their neighbours' privacy to the same extent. The appellant also submits that the access door is necessary to enable maintenance of the flat roofed area, but this is likely to be an infrequent event and I see no reason why it could not be undertaken by ladder. I acknowledge that the access door would provide a means of escape from the building in the event of an emergency, but this is a matter for consideration under other legislation and does not justify the appeal proposal.
6. It may be that there was a first floor door in the rear of the original extension to the building which gave access to a flat roofed area. However, there is no evidence to show that this opening was authorised as part of any relevant planning permission. In these circumstances, I have judged the appeal proposal on its planning merits and on the basis of the evidence before me.
7. I therefore conclude that the proposed development would seriously harm the living conditions of the occupiers of nearby properties in terms of overlooking and loss of privacy. As such, it conflicts with one of the core planning principles in the *National Planning Policy Framework*, which requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

8. The proposal does not result in overdevelopment of the property given the generous size of the site, and the new pitched roof matches the roof of the adjacent dwelling and improves the appearance of the host building and the terrace of which it forms part. Other concerns raised have no bearing on the planning merits of the case.

Conclusion

9. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael R Moffoot

Inspector