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# Appeal Decision

Site visit made on 4 August 2015

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

**Decision date: 12 August 2015**

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**Appeal Ref: APP/H0738/D/15/3027444**  
**9 Quebec Road, Stockton-on-Tees, TS18 5DX**

- 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 K Jones against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 14/3321/FUL, dated 30 December 2014, was refused by notice dated 2 April 2015.
  - The development proposed is a single storey rear extension and a new increased pitch tiled roof to allow for living accommodation within the roof space.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposal on the living conditions of 1 and 2 Fraser Road, with specific regard to privacy and outlook.

## Reasons

3. The appeal property is situated within the Hartburn Conservation Area in a residential street characterised by semi-detached houses and bungalows. The property has previously been extended by way of a porch and a dormer window to the rear elevation. Number 1 and 2 Fraser Road, both single-storey, are situated to the west of the appeal property, although at a different orientation, resulting in their rear elevations backing onto the side elevation of the appeal property.
4. Saved Policy HO 12 of the Stockton-on-Tees Local Plan 1997 (the Local Plan) seeks to ensure that all extensions to dwellings should be in keeping with the street scene and avoid any loss of privacy and amenity for the residents of neighbouring properties. It is considered that this approach is consistent with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to secure high quality design and a good standard of amenity for existing and future occupants of land and buildings.
5. The Council's adopted Supplementary Planning Guidance (SPG) Note 2 Householder Extension Guide 2004 provides further detailed guidance. Paragraph 2.7 states that where side extensions would face the rear of a neighbouring property (or a rear extension would face the side of the neighbouring property) a gap of 11 metres is normally required between the windows of the main habitable rooms to prevent overlooking. These standards

may be reduced if obscured glazing is used or where windows are those of secondary rooms. Whilst paragraph 59 of the Framework states that design policies should avoid unnecessary prescription or detail it is considered that the objectives of the SPG are consistent with those contained in paragraph 17 of the Framework and indeed paragraph 1.4 of the SPG recognises that each extension will be considered on its merits, thus providing the flexibility required by the Framework.

6. The proposed extension will increase the height of the existing hipped roof by approximately 0.7 metres to a maximum height of 6.5 metres and extend it along the rear garden of 1 and 2 Fraser Road finishing with a gable end on the northern elevation. Three windows are proposed at a ground floor level of the western elevation, one serving the hall and two serving the living room. Four roof lights are also proposed on this elevation serving two bedrooms, the bathroom and the hallway. The rear elevation of 2 Fraser Road is situated approximately 8.2 metres from the side elevation of the existing appeal property. As a result of the proposed extension, 1 Fraser Road, which currently has an open aspect across the garden of the appeal property, would also be within 8.2 metres of the proposal.
7. On balance, I consider that the existing garage, shed and fence on the boundary of 2 Fraser Road and the existing fence and hedge on the boundary of 1 Fraser Road would help to protect the privacy of those properties and avoid overlooking from the three new ground floor windows. There is potential for overlooking from the proposed roof lights, however, these could be conditioned to restrict the extent of opening and to be obscure glazed, although this would significantly reduce the outlook available to the proposed master bedroom and particularly to bedroom 3 of the appeal property.
8. However, the proposed extension would be only 1 metre from the boundary of 1 and 2 Fraser Road and only 8.2 metres from their rear elevations, which contain habitable rooms. Whilst I accept that in respect of no 2 Fraser Road this is a historical situation, the proposed extension would increase the height and mass of the appeal property, resulting in a more imposing building and further reducing the outlook from no 2. The appellant contends that the highest part of the roof would be away from the shared boundary; however, I consider that this would not significantly reduce the overbearing nature of the proposal or mitigate the loss of outlook, given the proximity to the boundary. Furthermore, the proposed extension would be within 8.2 metres of 1 Fraser Road, having an overbearing effect and significantly reducing outlook available to habitable rooms on the rear elevation.
9. Accordingly, I consider that the proposed extension would adversely effect the living conditions of 1 and 2 Fraser Road; it would be overbearing and reduce the outlook from those properties by virtue of its scale, mass and proximity to the boundary and would, thereby, be contrary to saved Policy HO 12 of the Local Plan, paragraph 17 of the Framework and also guidance in the SPG.

#### *Other Matters*

10. The appellant refers to a similar extension, which was approved by the Council at 2 Quebec Road. Whilst I am not fully aware of the details of that case, having viewed the property, it is clear that separation distances on the shared boundaries of this property are greater than that of the appeal property. The adjacent properties are also of the same orientation as 2 Quebec Road.

11. The appellant also refers to an extension at 193 Darlington Lane which was allowed at appeal<sup>1</sup>. Although I am not fully aware of the circumstances of this case, it would appear that different circumstances were present in terms of the type, scale and orientation of properties. In any case each application or appeal must be considered on its own merits.
12. The conservation area has not been raised as an issue by either party and I am satisfied that the development would not harm the character or appearance and, thereby, the objective of preserving or enhancing the conservation area would be met.

### **Conclusion**

13. For the reasons set out above I conclude that the appeal should be dismissed.

*Caroline Mulloy*

INSPECTOR

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<sup>1</sup> APP/H0738/D/11/2143107