



## Appeal Decision

Site visit made on 21 October 2015

by **P Eggleton BSc(Hons) MRTPI**

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

Decision date: **28/10/2015**

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**Appeal Ref: APP/H0738/D/15/3130225**

**7 The Green, Thornaby, Stockton-on-Tees TS17 8PT**

- 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 D Darragh against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 15/0502/FUL was refused by notice dated 24 June 2015.
  - The development proposed is a single storey extension to front elevation; and a two storey extension to the rear elevation.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect on the character and appearance of the area, including the setting of the conservation area; and the effect on the living conditions of the residents of neighbouring properties with regard to privacy and outlook.

### Reasons

3. The proposal would result in a front and rear extension. A number of concerns have been raised by local residents that are not included within the Council's reasons for refusal. I have considered all the impacts of the proposal on the neighbouring properties.

#### *Character and appearance*

4. The front extension would be a substantial addition which would obscure the existing detailing of the dwelling and dominate the appearance of the property. The combination of the unrelieved form of the single storey addition and the lack of architectural interest, would detract from the appearance of the property. I consider that the lack of respect for the original form and appearance of the dwelling and the failure to introduce new development of interest, would represent poor design.
  5. The dwelling is set back within the plot and although screened in some views by neighbouring buildings and vegetation, it is clearly visible from The Green to the front. I acknowledge that there are a variety of property styles and clearly differing building lines. I noted also the existence of the balcony to 5 The
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Green although this has little in common with the terrace proposed. However, I do not agree that this proposal would represent high quality design or that it would improve the appearance of the dwelling.

6. The front extension would detract from the character and appearance of this area and it would be contrary to Policy HO12 of the Stockton-on-Tees Local Plan 1997 (LP) which requires that extensions are in keeping with the property and the street scene in terms of style, proportion and materials. The rear extension would not be visible within the public domain and although it would not reflect the design detail of the original house, it would have little wider impact.
7. The proposal also includes the introduction of a 1.8 metres high fence to the front of the property. The boundaries to The Green do vary significantly but predominantly properties have low or open boundaries or where privacy is required, hedges or walls. The introduction of a high fence would detract from the character and appearance of this area and the setting of the Thornaby Green Conservation Area. It would be contrary to Policy CS3 (8) of the Core Strategy 2010 (CS) as this requires that new development makes a positive contribution to the local area and responds positively to existing features of natural, historic, archaeological or local character, including hedges and trees.

#### *Living conditions of neighbouring residents*

8. The front extension and large terrace would be close to the boundary with 6 The Green. Because that property is set further forward, the new works would effectively lie between the rear facing elevation of number 6 and the front facing elevation of the appeal property. Given the levels of the site and the combined height of the proposed structure and its balustrade, it would be overbearing when in the rear facing room and the rear garden of the neighbouring house.
9. The terrace would allow for clear views, from a high vantage point, into the neighbouring property. Whilst some views are available from the existing first floor windows, the impact of the use of the terrace would be substantially greater. It would result in unacceptable harm to the living conditions of the residents of 6 The Green with regard to privacy and outlook. The proposed rear extension would include a side facing window at first floor level. Although this would not reduce privacy within the dwelling of 6 The Green, it would unacceptably overlook the garden.
10. The first floor window to the rear of the two storey extension would allow views directly towards 422 and 424 Thornaby Road. As it would be a considerable distance from the rear facing windows of those dwellings, it would not reduce privacy within the houses. However, although the properties have long gardens, the residents are entitled to a reasonable level of privacy within them. The new large window would allow clear views, from a high level and from a very short distance, into the rear part of the neighbouring gardens. This relationship would also be unacceptably harmful with regard to privacy.
11. Despite the changes in levels and the high boundary fence, the raised terrace would also allow for views directly over the boundary into the garden of 8 The Green. That house is orientated differently and has its driveway and parking area adjacent to the proposed development. Because of this, the impact on

the living conditions of the neighbouring residents would be less significant but nevertheless, given the height and proximity of the terrace and the prospect of significant levels of activity on it, I consider that this relationship would also be unacceptable.

12. Although the relationship with 6 The Green would result in the most harm with regard to privacy and loss of outlook, I also find that the living conditions of the residents of 422 and 424 Thornaby Road and 8 The Green would be unacceptably reduced because of the loss of privacy within their gardens. The proposal would be contrary to LP Policy HO12 which seeks to avoid any significant loss of privacy and amenity for the residents of neighbouring properties. This policy and CS Policy CS3 generally accord with the amenity and design requirements of the *National Planning Policy Framework* and I therefore afford them considerable weight.

#### *Other matters*

13. I acknowledge that this is a large plot that could accommodate greater amounts of development. I also accept that new windows can and have been inserted into the property offering greater views of the neighbouring houses and gardens. However, the proposal would substantially increase the level and impact of overlooking. Screening of the raised terrace would assist but would further reduce the outlook from 6 The Green and may result in greater harm to the appearance of the property.
14. Reference has been made to the Council's Householder Extension Guide Supplementary Planning Guidance Note 2 (2004). I am not aware of the process that led to the adoption of this document and as such, I am not able to afford it significant weight. However, the matters of relevance are adequately addressed by the design and amenity requirements of Policy HO12. As the proposal does not lie within the conservation area, LP Policy EN24 is not directly relevant.

#### *Conclusions*

15. The proposed front extension would represent poor design and together with the new fence, would detract from the character and appearance of the area. The scale and position of the terrace would result in unacceptable harm to the living conditions of the residents of 6 The Green in particular, with regard to privacy and loss of outlook. There would also be harm to the residents of 8 The Green with regard to loss of privacy to the front of their dwelling. I have also found harm from overlooking within the gardens of 6 The Green and 422 and 424 Thornaby Road due to the first floor windows in the rear extension.
16. The proposal would conflict with the design and amenity requirements of the development plan and the *Framework* which is also clear that permission should be refused for development of poor design. I acknowledge that the works would improve living conditions within the appeal property. However, I have not found any of the matters put forward to be sufficient to outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*  
INSPECTOR