



Appeal Decision

Site visit made on 8 October 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 17/11/2015

Appeal Ref: APP/H0738/D/15/3049306

1 Manor Cottages, Thorpe Thewles, Stockton-on-Tees, Cleveland, TS21 3JT

- 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 Robert Armitage against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 15/0073/FUL, dated 13 January 2015, was refused by notice dated 2 April 2015.
 - The development proposed is described as “the conversion of the loft to create an additional en-suite bedroom with a rear dormer extension and single storey extension to rear of the ground floor with the demolition of the existing single garage”.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to the rear, and demolition of existing single garage at 1 Manor Cottages, Thorpe Thewles, Stockton-on-Tees, Cleveland, TS21 3JT in accordance with the terms of the application, Ref 15/0073/FUL, dated 13 January 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 4388/100A, 4388/1B & 4388/2A.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matters

2. There is a significant degree of variation between the description of development highlighted in the planning application forms and the description used in the Council’s decision notice, which identifies the single storey extension and demolition of the existing single garage only. In this respect I note that the Council has indicated within the planning officer’s report that the proposed dormer extension and roof lights are regarded as being permitted development and do not therefore require planning permission. I have no reason to dispute this conclusion and the question of whether these elements are permitted development is not one that is before me. On this basis, I am satisfied that the following description of development is an accurate reflection of the appeal proposals:

"Single storey extension to the rear, and demolition of existing single garage"

3. During the course of the planning application, amended plans were submitted in response to the Council's concerns over the originally submitted design of the proposed rear extension, and in particular the height of the extension along the shared boundary with No. 2 Manor Cottages. The revised plans received by the Council were the plans upon which the refusal of planning permission was based, and are consequently the plans upon which I have determined this appeal.

Main Issues

4. The main issues are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposed development would safeguard the living conditions of the neighbouring occupiers of the adjoining property, No. 2 Manor Cottages, having regard to outlook.

Reasons

Character and appearance

5. The appeal site and property occupies a relatively prominent position within the centre of Thorpe Thewles, with the side elevation abutting Durham Road, which is the main road running through the village. The existing property boundary with Durham Road comprises the side elevation of the dwelling, a brick wall with gate inserted, and a modestly-sized single storey garage.
6. The proposed extension would cover the entire rear yard area and would comprise a mainly flat roof construction with a central roof lantern. The Council has concluded that the design of the extension would be contrived to address concerns over the impact on the living conditions of the neighbouring dwelling, and would create a poor form of development which would be to the detriment of both the house and street scene. I accept that the position of the proposed extension would result in it being quite visible from Durham Road, although I do not consider that the revisions required to address the relationship with the neighbouring property would in themselves be readily visible beyond the site. Furthermore, whilst I accept that the extension would be of a more unusual design and form due to the constraints of the site, I do not consider that either this or its size would erode the prevailing character of the host dwelling, which I would assess to be principally derived as a result of its appearance from the front of the property and in the context of the other dwellings along Manor Cottages.
7. On the basis of my observations at the site visit, I am satisfied that the resultant elevation to the street scene would not amount to a significant visual departure from the appearance of the existing wall and garage, utilising as it would materials which would match those used on the dwelling. I accept that the greater height of the extension compared to the existing boundary wall and garage, and the insertion of a window facing on to the pavement would provide a variation from the simpler appearance of the existing. However, I would not conclude this change to result in an adverse visual impact in the context of the street scene or the area, particularly as I noted there to be precedent

elsewhere within the village for development incorporating windows or doors positioned directly adjacent to the rear of pavements.

8. I am satisfied that the proposed extension would not result in an adverse effect on the character and appearance of either the host dwelling or the street scene. The proposals would therefore accord with saved Policy HO12 of the Stockton-on-Tees Local Plan 1997 (the Local Plan), Policy CS3(8) of the Stockton-on-Tees Core Strategy Development Plan Document 2010, and Supplementary Planning Guidance Note 2: Householder Extension Guide 2004 (SPG2). These policies and guidance seek to ensure that extensions to dwellings are in keeping with the host property and the street scene in terms of style, proportion and materials, and respond positively to local character. Furthermore, I am satisfied that the proposals would accord with paragraph 17 of the National Planning Policy Framework (the Framework), as it would amount to a high quality of design which responds to both the constraints of the site and the wider character of the area.

Living conditions

9. The proposed rear extension would occupy the full length of the shared boundary with the neighbouring property, No. 2 Manor Cottages. This boundary is currently defined by a brick boundary wall and a higher side wall of the existing detached garage. As a consequence of the revised plans submitted during the course of the planning application, the overall height of the extension on the boundary has been reduced to 2 metres along its entire length, with a sloping tiled roof beyond extending ultimately to 3 metres in height.
10. The existing boundary wall and garage feature as an evident part of the outlook from both the ground floor habitable room windows of the neighbouring property and the rear yard, but do not have an overpowering or overbearing impact on living conditions. I accept that the proposed extension would incorporate a main roof height of 3 metres, but this would not be set immediately on the shared boundary where a 2 metre height of boundary treatment is indicated, which would not differ significantly from the height of the existing boundary wall. Furthermore, I am mindful that the overall bulk on the boundary of the garage would be replaced by the reduced height of the extension. Whilst I acknowledge that the incorporation of the sloping roof would be a visible addition close to the boundary, I do not consider that despite its overall length, given the current context of development on site that its impact would be so significant as to be unacceptable.
11. The Council has referred me to the guidance set out within SPG2 and that the proposed extension would breach the '60 degree rule' line designed to indicate where there could be an unacceptable impact on the amenity of a neighbouring property. Nevertheless, whilst I have been mindful of the SPG, I am satisfied that in this instance the presence of the existing boundary wall and garage on the site are significant mitigating factors which influence whether the proposals would have a significant loss of amenity for neighbouring occupiers.
12. On the basis of my observations on site, I am satisfied that the proposed extension would safeguard the living conditions of the neighbouring occupiers of No. 2 Manor Cottages, having regard to outlook. Whilst I accept that the development would not strictly accord with the guidance provided within the SPG, I am satisfied that there would be accordance with saved Policy HO12 of

the Local Plan, which seeks to ensure that extensions avoid significant loss of amenity for the residents of neighbouring properties. Furthermore, the proposed development would not conflict with the Framework which seeks at paragraph 17 to secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

13. The Parish Council and a further representation have expressed concern over the visual impact of the insertion of windows within the roof slope to the front of the property, and particularly the impact that this would have on other properties within the area. However, as set out in the Council Planning Officer's Report and at the beginning of this decision letter, only the single storey rear extension and demolition of the existing single garage are formally included within the description of development, with all other elements of the originally applied for works not requiring planning permission. As a consequence these other works are not before me for determination.

Conditions

14. The Council has suggested a number of conditions which it considers would be appropriate were the appeal to be allowed. I have considered these in the light of paragraph 206 of the National Planning Policy Framework and conclude that in the interest of proper planning, conditions relating to timeliness and the identification of plans would be necessary, whilst a condition securing the use of matching materials would be necessary in the interest of the character and appearance of the area.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed subject to the conditions listed.

M Seaton

INSPECTOR