

## Appeal Decision

Site visit made on 5 December 2016

**by David Cross BA (Hons), PGDip, MRTPI**

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

**Decision date: 12 January 2017**

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**Appeal Ref: APP/H0738/W/16/3158349**

**3 Beaconsfield Road, Norton, Stockton-on-Tees**

- 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 Gareth White against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 16/0557/FUL, dated 16 February 2016, was refused by notice dated 28 April 2016.
  - The development proposed is erection of bungalow at rear of no 3 Beaconsfield Road, Norton, Stockton-on-Tees.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - The effect on highway safety;
  - The effect on the living conditions of residents of the proposed dwelling and the host dwelling, with particular reference to outlook and amenity space; and,
  - The effect on the character and appearance of the area.

### Reasons

#### *Highway Safety*

3. The proposal consists of the erection of a bungalow on land to the rear of 3 Beaconsfield Road. The site currently consists of an elongated garden area which is detached from the host property by a lane running along the rear of the terrace. Access to the site is provided by a lane from Beaconsfield Road to the side of the host property which leads to the appeal site and the rear lane.
  4. Beaconsfield Road consists of two terraces of dwellings with detached amenity areas to the rear. I saw on my site visit that many of the amenity areas provide parking and garaging facilities for the terraced houses. I also saw on my site visit that there is extensive on-street parking on both sides of Beaconsfield Road, essentially reducing the highway to a single lane with resultant effects on the flow of traffic. Beaconsfield Road is of significance as it
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provides a main link from this residential area to the junction with the A139 to the south and the wider highway network.

5. It is proposed to provide parking spaces within the appeal site for the bungalow. However, the site could also provide parking facilities for the host dwelling, and I saw on my site visit that an opening of a suitable width for a vehicular access was provided to the front of the site, as well as areas of hardcore and hardstanding within the site. This parking provision would be displaced, most likely adding to the on-street parking on Beaconsfield Road and leading to injudicious and indiscriminate parking as identified in the comments from the Council's Highways, Transport and Environment Team (HTET). Further on-street parking in this area would be particularly detrimental to highway safety due to the importance of Beaconsfield Road in providing a route to the A139.
6. The HTET also state that the lane is not intended to serve as the primary access to dwellings due to its restricted width and 90° bends. A separate dwelling in this location would increase pedestrian movements from residents and visitors along the rear lane. Due to the restricted nature of the lane and limited visibility at sharp bends, any increase in pedestrian movements is likely to lead to an increase in conflicts between pedestrians and vehicles to the detriment of highway safety.
7. I have considered the concerns stated by the Council and a number of residents that the proposal would set a precedent for similar development along the rear lane. Whilst each application and appeal must be treated on its individual merits, I can appreciate the concern that approval of this proposal could be used in support of similar schemes. There are many opportunities to the rear of the terraces on Beaconsfield Road to develop in a similar manner with a resultant loss of parking provision and an increase in traffic and pedestrian movements along the rear lane. In my view allowing this appeal would set a precedent for equivalent proposals in the area which cumulatively would add significantly to the harm to highway safety identified previously.
8. I conclude that the proposal would be detrimental to highway safety as a result of generating pedestrian and vehicle movements which would lead to conflict between users of the highway as well as increasing on-street parking. The appeal scheme would therefore be contrary to Policies CS2 of the Stockton-on-Tees Core Strategy 2010 (CS) and HO3 of the Stockton-on-Tees Local Plan 1997 (LP) which seek to provide a safe highway network for all users and which in terms of safe access requirements are broadly consistent with the National Planning Policy Framework (the Framework).

#### *Living Conditions*

9. The Council has expressed concern that the dwelling would not provide a suitable outlook for residents resulting in a poor standard of amenity.
10. The bungalow would be in very close proximity to the site boundary. In particular the bedroom window to the rear would look directly onto the boundary fence located in very close proximity. The bedroom window would provide a view dominated by the boundary fence and which would be gloomy and oppressive with a resulting adverse impact on the living conditions of residents. The appellant submits that prospective occupiers would be aware of the situation of the property and could choose whether or not to live there.

However, that does not mean the appeal proposal would provide acceptable living conditions for future residents.

11. The Council has also expressed concern about the outlook from the dwelling onto the back lane. However, the dwelling would be set back from the lane and I consider a suitable outlook would be provided for the kitchen and bedroom windows that look onto the lane.
12. The Council's reasons for refusal also refer to the loss of the garden area for the host dwelling. However, I note that a yard area would be retained at the host property which would provide an external amenity area, albeit of a limited size. The reliance on a rear yard is not unusual for a terraced property such as the host dwelling, and I consider that the loss of the garden area to the host property would not have such an effect on residential amenity as to warrant the refusal of planning permission.
13. Notwithstanding my comments in relation to amenity space, I conclude that the layout and design of the proposal would result in inadequate provision of outlook for the bedroom to the rear of the dwelling. Residents of the dwelling would therefore have unacceptable substandard living conditions. The proposal would therefore conflict with Policy CS3(8) of the CS in relation to providing an adaptable development to meet the changing needs of residents. It would also not meet a core planning principle of the Framework which seeks to secure a good standard of amenity for future occupants of land and buildings. I find no conflict with Policy HO3 of the LP which, in relation to amenity, refers to adjacent land users rather than occupants of the site; however, this does not detract from the harm to living conditions identified previously.

#### *Character and Appearance*

14. The Council states that the proposal would be detached from the terrace and would represent backland development which does not respect the prevailing pattern of residential development. The prevailing pattern of development on Beaconsfield Road is terraced housing with extensive elongated amenity areas to the rear.
15. However, the appeal site is located on the south eastern edge of this area, adjacent to detached and semi-detached properties close to the junction with the A139. I saw that there are dwellings of various designs and layouts in the immediate area of the appeal site, particularly on residential plots in close proximity to the south east. I also saw that there are a number of detached buildings of a similar size and footprint to the proposed bungalow along the lane to the rear of the terrace, although I acknowledge that these are ancillary buildings rather than separate dwellings. Within this context, I consider that the proposal would not appear as an uncharacteristic or incongruous feature in the area.
16. I conclude that the proposal would not harm the character and appearance of the area. The proposal would therefore not conflict with Policy CS3(8) of the CS which states that development should respond positively to local character. It would also comply with Policy HO3 of the LP which states that residential development should be sympathetic to the character of the locality. It would also not conflict with the provisions of the Framework and in particular in relation to the integration of new development into the built environment.

### **Other Matters**

17. I am mindful that the proposal would create a dwelling in a sustainable location within easy reach of local services. I acknowledge that the bungalow would be a contribution to the amount and mix of housing, albeit a very modest one, in an area where the Council is not able to demonstrate a five year supply of housing land. However, these benefits do not outweigh the harm identified above.
18. I have also taken into account other concerns raised locally, including the implications for neighbours' living conditions, green space, drainage, property values, wildlife and land ownership matters. However, they do not add to my reasons for dismissing this appeal.

### **Conclusion**

19. Notwithstanding my conclusion in relation to character and appearance, I consider that the proposal would have a significant adverse effect on highway safety and would be harmful to the living conditions of future residents. It would therefore conflict with the policies of the development plan as a whole which seek to promote sustainable transport and sustainable living. The proposal would also fail to contribute to the social role of sustainable development in relation to providing housing to meet the needs of present and future generations.
20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR