



## Appeal Decision

Site visit made on 20 February 2018

by **Caroline Jones BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> March 2018

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**Appeal Ref: APP/H0738/W/17/3191384**

**554 Thornaby Road, Thornaby, Stockton, TS17 0AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr A Bryan against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 17/01485/OUT, dated 29 May 2017, was refused by notice dated 10 October 2017.
  - The development proposed is detached dwelling and private drive to rear 554 Thornaby Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was made in outline with all matters reserved for future approval. I have therefore considered the plans submitted as indicative only.

### Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area and on the living conditions of the occupiers of neighbouring properties with particular regard to outlook.

### Reasons

#### *Character and appearance*

1. This part of Thornaby Road is typically characterised by detached houses, set well back from the road with deep rear gardens featuring mature vegetation. Generous spacing between the dwellings allows for views over these gardens, which combine with the generous road width and grass verges to give the locality a characteristic sense of spaciousness. Backland development is not a feature of the area.
2. The proposed dwelling would be sited in the rearmost part of the large, established garden of 554 Thornaby Road accessed by a drive along the southern boundary. Although it would not be readily apparent from the road, it would be very visible in views from the rear windows and rear gardens of a number of houses in the immediate vicinity of the site.

3. There does not appear to be an 'in principle' policy restriction on backland/garden development in the Borough and I acknowledge that the site lies within the settlement limits of Stockton and therefore Policy HO3 of the Stockton Local Plan (1997) (SLP) permits residential development in principle. However, this does not mean that all residential development is *de facto* appropriate. Policy HO3 and Policy CS3 of the Stockton Core Strategy (2010) (SCS) require development to be sympathetic and respond to the character of the locality and to make a positive contribution to the local area.
4. The proposed dwelling would unacceptably erode the established spacious character of this part of Thornaby Road. It would result in both the host property and the proposed dwelling having significantly smaller gardens in comparison to the adjacent dwellings on Thornaby Road at odds with the distinctive and prevailing pattern of linear development. The result would be an incongruous and uncharacteristic form of development out of keeping with its surroundings.
5. Whilst I note that the adjacent properties on Cromore Road form part of a more densely developed estate, the houses along this part of Thornaby Road have a character quite distinct from the adjacent housing estate. The proposed dwelling would be read in the context of those properties on Thornaby Road having long rear gardens and set in generous plots. The absence of an objection from the Landscape and Visual Officer does not automatically mean that the proposal is acceptable in planning terms.
4. I therefore conclude that the development would materially harm the character and appearance of the area and would not comply with Policy HO3 of the SLP Policy CS3 of the SCS in this regard, the requirements of which are outlined above, and paragraphs 17 and 56 of the National Planning Policy Framework (the Framework) which state that planning should always seek to secure high quality design and that good design is indivisible from good planning.

#### *Living Conditions*

5. The adjacent properties have particularly short rear gardens, with their rear elevations only 5m from the common boundary, some with conservatories which are closer still. As the proposal is in outline, those matters relating to appearance and scale are reserved for future approval. However, the appellant has submitted an indicative site plan with the appeal which shows that the dwelling sited 14 metres from the rear elevations of the adjacent properties. Furthermore, the design and access statement submitted with the application indicates that the proposal would be single storey and this could have been conditioned should the appeal have succeeded. Given the above, I consider that a single storey bungalow could be accommodated on the site without causing material harm to the outlook for neighbouring residents.
6. I therefore conclude that the proposal would not have a materially harmful impact on the living conditions of neighbouring residents and find no conflict, in this regard, with Policy HO3 of the SLP, guidance within the Supplementary Planning Document 1: Sustainable Design Guide (2011) or paragraph 17 of the Framework. These seek, amongst other things, for proposals to take into account the scale of development in relation to neighbouring properties, to ensure that it does not result in an acceptable loss of amenity and to always seek to ensure a good standard of amenity for existing occupants of land and buildings.

## Other Matters

7. I note that the Highway Authority did not object to the proposal and I have no reason to take a different view on that matter. In this respect the appellant refers to the lack of conflict with criterion (vi) of Policy HO3 as well as its accordance with criteria (i), (ii), and (iii). Whilst I note the above, Policy HO3 requires that all six listed requirements are satisfied in order for residential development to be acceptable. As I have found harm to the character and appearance of the area, the proposal does not satisfy criterion (iv) and therefore conflicts with this policy.
8. The appellant has referred to Government Policy requiring local planning authorities to look favourably on the potential for small housing developments within residential curtilages of existing dwellings with abnormally large gardens. The appellant's statement goes on to say that in such situations, 5 dwellings off a shared private drive is considered to be acceptable and sustainable. However, the appellant has not drawn my attention to the source of these statements and thus I can attach very little weight to this argument. Furthermore, paragraph 17 of the Framework states that planning should encourage the reuse of land that has been previously developed and residential gardens in built up areas are specifically excluded from the definition of previously developed land within the Framework.
9. It is noted that the appellant sought pre-application advice from the Council. However, the Council are not bound by the officer's pre-application advice in making their final decision and I must consider the appeal on its own merits.

## Planning Balance and Conclusion

10. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of housing. The Council accept that its demonstration of a 5 year supply is dependent on the housing requirement of the emerging Local Plan and as such they agree that the proposal should be determined in accordance with paragraph 14 of the NPPF. For decision taking this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
11. I have found conflict with Policies HO3 of the SLP and CS3 of the SCS in finding harm to the character and appearance of the area. The aims of the policies accord with the Framework which states that planning should always seek to secure high quality design that responds to local character and that it is proper to seek to promote or reinforce local distinctiveness<sup>1</sup>. The policies therefore attract significant weight.
12. On the other hand, the proposal would bring about benefits namely the supply of and economic benefits of one dwelling in an accessible location. However, taking the above into account, I consider that the adverse impacts significantly and demonstrably outweigh the limited benefits associated with one dwelling. As a consequence, the proposal does not benefit from the presumption in favour of sustainable development as set out in paragraph 14 of the Framework. The proposal would be contrary to the SLP and the SCS and material considerations

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<sup>1</sup> Paragraphs 17, 58 and 60

do not indicate that the proposal should be determined other than in accordance with the development plan.

13. For the reasons set out above and taking all matters into account, I conclude that the appeal should be dismissed.

*Caroline Jones*

*INSPECTOR*