



## Appeal Decision

Site visit made on 19 June 2018

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>th</sup> July 2018**

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**Appeal Ref: APP/H0738/D/18/3196689**

**10 High Street, Wolviston TS22 5JX**

- 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 George Sayers against the decision of Stockton-on-Tees Borough Council.
  - The application Ref: 17/2533/FUL, dated 7 October 2017, was refused by notice dated 12 February 2018.
  - The development proposed is conversion of existing first floor playroom/games room annexe and internal alterations to existing ground floor garage and workshop, to form a self-contained annexe flat, ancillary to 10 High Street. Including installation of French doors and balcony at first floor to rear.
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### Decision

1. The appeal is dismissed.

### Procedural matter

2. The description of the development on application form is 'Internal modifications to existing first floor playroom/gamesroom, installation of patio doors and erection external of veranda'. On the decision notice issued by the Council the description is as given in the heading of this decision. This more accurately sets out the development proposed and I note that the appellant has adopted this on the appeal form. Therefore, I have also used this description for the purposes of the appeal.

### Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupier of number 8 High Street with particular regard to overlooking, noise and disturbance.

### Reasons

4. The appeal building is a large free standing, two storey, structure that houses a garage and workshop on the ground floor, and on the first floor a single large space described in the planning application, and on the submitted plans, as a play room. It is located to the rear of number 10 High Street and the side wall of the building is located directly adjacent to the common boundary between this house and the neighbouring property at number 8 High Street. From the rear of the appeal building a close boarded fence approximately 2 metres high separates the two properties. The appeal proposal would reconfigure the upper

- floor of the building to provide a lounge/dining room, bedroom, kitchen, and bathroom to form a self-contained residential annex.
5. It is common ground that the appeal building is currently in use as ancillary accommodation in association with number 10 High Street and that there are no objections in principle to the proposed use as a self-contained residential annex. The principal area in dispute is the effect that the proposed French window and balcony on the rear elevation of the appeal building would have on the living conditions of the occupiers of the neighbouring property.
  6. The National Planning Policy Framework (the Framework) expects all new development to be of a high quality of design and to secure a good standard of amenity for all existing and future occupants of land and buildings. Although the Framework is not part of the development plan for the area, it represents up-to-date government planning policy and must be taken into account where it is relevant to a planning application or appeal.
  7. There is presently a first floor window on the rear elevation of the appeal building which it is proposed to replace with a French window of similar width with a small balcony beyond. I saw when I visited the site that this window is situated a very short distance West by North of the principal entrance door of number 8 High Street and above the level of the boundary fence. A private driveway approximately 2.5 metres wide runs between the appeal building and the gable wall of number 8 High Street which provides access to the entrance door of the house and to that property's garage to the rear. I also saw that number 8 High Street has a decking area with seating located at the side of the property, beyond the gable elevation where the principal door is located.
  8. Due to the relative position of the appeal building and number 8 High Street, and the windows in these buildings, there would be no direct overlooking of habitable rooms within the neighbouring house from the appeal building. I accept that there will currently be some overlooking of the external areas of number 8 from the existing first floor window in the appeal building but, due to the proximity and resultant angle of vision, this does not unduly affect the area outside the principal door, although does allow for some casual overlooking of the decking area. Nonetheless, the increase in the extent of glazed area resulting from the conversion to a French window and provision of a balcony area would undoubtedly increase this. The proximity of the proposed balcony to the principal door of number 8 and its elevated position would be significantly more intrusive than the present window configuration, and the perception of overlooking and observation would be considerably increased. The use of the proposed balcony as a seating area would also extend the field of view of the occupants of the annex beyond that which would be possible from within the room beyond, which would increase the degree to which to the rear decking area at the neighbouring house area could be overlooked. Use of the proposed balcony as an external seating area would also increase the length of time that overlooking would occur compared to that which would occur from normal, everyday, use within a habitable room.
  9. Although within a built up area mutual overlooking will occur to an extent, and indeed currently does so between numbers 8 and 10, the proposed development, as a result of its position, would materially increase the opportunity and field of view to the extent that to would be harmful to the privacy of the occupiers of number 8 High Street. At present the principal

entrance to house and the decking are relatively secluded. The appeal proposal would fundamentally alter this by introducing main living accommodation and an external seating area in an elevated position directly outside the principal door to the neighbouring house, and which would also have direct views to the decking area at that house. This would neither represent a high standard of design, nor secure a good standard of amenity for occupiers of number 8 High Street. As such the proposal would be inconsistent with the requirements of the Framework.

10. The Council have also raised concerns in respect of noise arising from the use of the appeal building as a residential annex. There is no substantive evidence with regard to the nature or duration of any noise that may result, and I do not consider that the level of activity associated with normal domestic use is likely to cause significant disturbance to adjoining occupiers. However, this does not overcome the other harm that I have identified.
11. I conclude that the proposed development would cause harm to the living conditions of the occupiers of the neighbouring property at 8 High Street, with particular regard to privacy. It would conflict with the requirements of the Framework, which seeks to secure a high quality of design and a good standard of amenity for all occupiers of land and buildings.

### **Other matters**

12. The appeal site lies on the boundary of, but outside, the Wolviston Conservation Area. Due to the small scale of the proposal, the limited external works and the limited visibility of the proposal, I am of the opinion that the development would not cause harm to the character and appearance of the conservation area. I also note that the Council have no objections to the proposal in this respect.

### **Conclusion**

13. I have found that the proposed development would cause harm to the living conditions of the occupiers of the neighbouring residential property through loss of privacy. This is an important matter that outweighs the fact the principal of residential occupation of the appeal building is not in dispute and that it is accepted that the appeal proposal would not cause harm to the character and appearance of the conservation area, or prejudice highway safety in the vicinity of the appeal site. For this reason the appeal must fail.
14. For the above reasons and having regard to all other matter raised, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR