



## Appeal Decision

Site visit made on 27 March 2019

**by Mr M Brooker DipTP MRTPI**

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

**Decision date: 11 April 2019**

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**Appeal Ref: APP/H0738/D/18/3219331**

**6 Wharton Close, Yarm, Stockton-on-Tees TS15 9XF**

- 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 Inderdeep Sohanpal against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 18/1902/FUL, dated 15 August 2018, was refused by notice dated 27 November 2018.
  - The development proposed is described as the erection of a two storey extension, double garage and bedroom above garage
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 7 Wharton Close and 3 Daltry Close.

### Reasons

3. The site is located in an intrinsically suburban and modern housing estate. The appeal property is located at the head of a cul-de-sac and at my site visit I observed that the properties are located in close proximity to each other in a dense form of development.

#### *7 Wharton Close*

4. The proposed extension would replace the existing single storey double doored garage situated to the side of the property.
5. I note that in the course of the planning application being determined the Appellant has amended the plans to reduce the size of the first floor element of the proposed extension and that, as detailed by the Appellant, the extension would be set approximately 15cm off the boundary with No.7.
6. Nevertheless, due to a combination of the location of the proposed extension close to the boundary, being set immediately behind the rear elevation of No.7 and the depth of the proposed extension at both the ground and first floor levels, I consider that the proposed development would appear overbearing when viewed from the private rear garden of No.7 and as such would cause significant harm to the living conditions of the occupier of that dwelling.

*3 Daltry Close*

7. The proposed extension would result in new development of significant height and width in close proximity to the boundary and dwelling of 3 Daltry Close, resulting in an unacceptable overbearing impact on the occupiers of that property.
8. I note that the windows in the rear elevation of the proposed development would be obscurely glazed and open inward and that this could be controlled by a condition. However, as a result of the proximity and orientation of the proposed extension and No.3, the windows of the proposed extension would directly overlook the rear garden and rear elevation of No.3. The effects of perceived overlooking are unlikely to be avoided even with the use of obscure-glazing and inward opening windows. In my view, this aspect of the proposal would result in an unacceptable loss of privacy for the occupiers of No.3.
9. While I accept that there have been no objections from the occupiers of No.3, I find that as a result of the combination of the overbearing impact and loss of privacy impact of the extension, the proposed development would have an unacceptable impact on the living conditions of the occupiers of No.3.
10. The proposed extension would have an unacceptable impact on the living conditions of the occupiers of No.7 and No.3 contrary to Policy SD3 and SD8 of the Stockton on Tees Borough Council Local Plan (2019) (LP) that amongst other matters seek to protect the living conditions of the occupiers of neighbouring properties.

**Conclusion**

11. For the reasons given above I conclude that the appeal should be dismissed.

*Mark Brooker*

INSPECTOR