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## Appeal Decision

Site visit made on 15 October 2019 by Ifeanyi Chukwujekwu BSc MSc MIEMA  
CEnv AssocRTPI

### Decision by Chris Preston BA (Hons) BPI MRTPI

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

**Decision date: 22 November 2019**

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### Appeal Ref: APP/H0738/D/19/3234751

#### Roberta, Letch Lane, Carlton, Stockton-on-Tees, TS21 1ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mr Anthony Connolly against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 18/1428/VARY, dated 19 June 2018, was refused by notice dated 15 May 2019.
  - The application sought planning permission for construction of a detached Granny Annex without complying with a condition attached to planning permission Ref 17/1904/REV, dated 28 February 2018.
  - The condition in dispute is No 2 which states that: *The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan and Proposed Floorplan and Elevations.*
  - The reason given for the condition is: *In order to provide certainty.*
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### Decision

1. The appeal is allowed, and planning permission is granted for construction of a detached Granny Annex at Roberta, Letch Lane, Carlton, Stockton-on-Tees TS21 1ED in accordance with the terms of the application, Ref 18/1428/VARY, dated 19 June 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg. Nos 1755/01 'O' (Location Plan), 1755/02 'C' (Proposed Site Plan) and 1755/03 'C' (Proposed Floorplan and Elevations).
  - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Roberta, Letch Lane, Carlton, Stockton-on-Tees TS21 1ED.
  - 4) The external surfaces of the development hereby permitted shall be constructed in the materials detailed on the application form.

## Background and Main Issue

2. A revised application for the construction of a detached granny annex to rear, application<sup>1</sup> was allowed at Appeal in 2018<sup>2</sup>. Condition No 2 of this permission required that the development granted approval should only be carried out in accordance with the approved plans which were considered in determining the application.
3. The appellant is seeking to vary this condition regarding revised design plans. It is submitted that the changes would enable easy wheelchair manoeuvring for a disabled carer, and provision of a therapy room for their daughter who has specific medical needs.
4. The main issue in this appeal is the effect that varying the condition would have on the character and appearance of the host property and the surrounding area.

## Reasons for the recommendation

5. Roberta is a two-storey detached dwelling within in a generous plot. The surrounding area has a rural character. The area comprises of small pockets of linear development with long rear gardens, some of which contain outbuildings. The rear garden of the host property is laid half to grass with a substantial area of hardstanding at the rearmost part. This is occupied by a breezeblock, pitched roof outbuilding. The proposed annex would be in this part of the garden and would replace the existing outbuilding, albeit on a different footprint. The annex would utilise the existing access and driveway which runs down the northern boundary of the appeal site.
6. There would be minimal change in height and building width of the revised design as compared with the already approved scheme. The Council's SPG Note 2<sup>3</sup> suggests that the scale and design of outbuildings should be in proportion with the main dwelling. The annex would still be of a modest height and scale and would appear subordinate to the two-storey host property. Although the footprint and height would be slightly larger than the scheme previously approved at appeal the differences are not significant having regard to the scale of the original property and the size of its associated garden. According to the plan submitted, it would be well set in from the site boundaries. It would be substantially screened from views from outside the site by mature boundary hedges. As such, the proposed annex would not appear visually intrusive or unacceptably prominent from vantage points outside of the site.
7. Outbuildings and built development within rear gardens are not an uncommon feature in the locality. There is a substantial building in the rear garden of The Rush close by. The proposed annex would therefore not be incongruous with the character of the surrounding area. In addition, whilst the structure would be larger and have more rooms than the previously approved scheme, the appellant has set out the need for the accommodation based on the medical needs of the intended occupants and the nature of the intended use which would be used in association with the existing property. I

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<sup>1</sup> 17/1904/REV

<sup>2</sup> APP/H0738/D/17/3190761

<sup>3</sup> Stockton-on-Tees Borough Council, Supplementary Planning Guidance Note 2 Householder Extension Guide (February 2004).

have no reason to doubt that position and the nature of the use could be secured by condition.

8. I find that proposal would not have a detrimental impact on the character and appearance of the host dwelling or the surrounding area and find no conflict with the National Planning Policy Framework (NPPF) and policies SD3 and SD8 of the Stockton on Tees Local Plan (2019) which seek to ensure, amongst other things, that extensions in the countryside within the existing curtilage of a dwelling are of a suitable scale and subservient to the host dwelling, respond to local character and are of high quality design. The proposal would also comply with the aims of the SPG Note 2.

### **Conditions**

9. In addition to the standard time limit condition a condition is necessary to ensure that the proposed development is carried out in accordance with approved plans, in the interests of clarity. It is also necessary to impose a condition which limits the occupation of the annex to ensure the accommodation remains ancillary to the main dwelling in line with the development for which permission was sought. It is also necessary to attach a condition to ensure that the materials used are in accordance with the details on the application form in order to ensure a satisfactory appearance.

### **Conclusion and Recommendation**

10. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be allowed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

*Chris Preston*

INSPECTOR