



Appeal Decision

Site visit made on 11 February 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/H0738/D/19/3241750

28 Mark Avenue, Norton, Stockton-on-Tees TS20 1NG

- 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 A K Homes Ltd against the decision of Stockton-on Tees Borough Council.
 - The application Ref 19/1023/RET, dated 14 July 2019, was refused by notice dated 10 September 2019.
 - The development proposed is retrospective application for the construction of a tiled canopy to the front, side and rear of 28 Mark Avenue.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council previously granted planning permission for a two-storey side and two storey front extension (18/1273/FUL) and that extension has now been constructed. However, a tiled canopy has been added to the front side and rear and the property has been rendered in a dark grey finish, contrary to a condition previously imposed on the extant planning permission.
4. The application form in relation to the appeal proposal described the development as "retrospective application for the construction of a tiled canopy to front, side and rear". The Council's decision notice included similar wording but also referred to "rendering of the whole dwelling". It is not clear if discussions took place between the parties at the application stage to include the rendering in the scope of the proposal. However, in the appeal form, the appellant describes the development as being for the erection of the canopy and the rendering of the property. Consequently, I am satisfied that the proposal includes both elements. Therefore, for the avoidance of doubt, I have considered the appeal on the basis that the proposal is for the erection of a tiled canopy to the front, side and rear of the property and the rendering of the whole house.

Main Issues

5. The development proposed has already been constructed. The main issue is the effect of the development upon 1) the character and appearance of the host dwelling and street scene and 2) the living conditions of occupants of no. 30 Mark Avenue.

Reasons for the Recommendation

Character and appearance

6. No. 28 is a semi-detached two-storey house with a side garage. As previously stated in 3 above, the property has been extended under planning permission at the side above the garage, and to the rear. It is located on the northern side of Mark Avenue and adjoins no. 26. The distinctive character of the surrounding area is derived from two-storey residential properties that are predominantly constructed with red brick and have light coloured rendered panels at the front elevation. Although a number of properties within the Avenue have previously benefitted from extensions to the side the neighbouring pairs of properties generally retain a degree of separation as a result of passageways at the side of each dwelling and that sense of separation helps to maintain the overall character of the estate and avoid a terracing effect as a result of building up to property boundaries.
7. The introduction of the tiled canopy to the front, side and rear of the host property results in an alien form of development. This is because the extension of the canopy right up to the shared boundary with no.30 reduces the gap between the properties which detracts from the pattern of development which provides a degree of separation between pairs of semi-detached properties. The canopy diminishes the visual sense of separation and notably increases the apparent width and bulk of the extension which appears incongruous as a result.
8. In addition, the rendering of the whole house in dark grey is also at odds with the character of the area, which as stated in paragraph 6 above, generally consists of red brick and light coloured rendered panels at the front elevation. In that context, the uncharacteristic and somewhat oppressive dark grey rendering causes the property to appear incongruous and stand out as an unsympathetic addition which doesn't reflect the prevailing character.
9. I have been referred to one example at no.9 Mark Avenue which was granted planning permission for a front and side canopy. However, I have not been provided information which gives a clear picture of the circumstances considered in granting planning permission for that development. Nevertheless, it is necessary to consider the merits of the appeal development. For the reasons given, the scheme has a visually harmful effect on the residential quality of the street given the overall design, scale and size coupled with the dark grey rendering of the entire property. The existence of other development is not a strong enough reason to justify visually harmful development.
10. I find that the tiled canopy to the front, side and rear of the host property and the rendering of the whole house in dark grey significantly harms the visual appearance of the host dwelling and is inconsistent with the established character of the area. Accordingly, there is conflict with the aims and objectives of Policies SD3 and SD8 of Stockton-on-Tess Borough Council Local Plan 2019

which seek amongst other things to ensure that extensions are in keeping with the host property and street scene in terms of style, proportion and materials, and new development are sensitive to the defining characteristics of the local area.

Living conditions at no. 30

11. The tiled canopy extends up to the shared boundary with no.30 Mark Avenue. This does not provide any separation distance as the canopy encloses the passage which provides access on the north side of the host property, thereby extending the built form of the property. On site visit I observed from the lounge at no.30 which is accessed from a side door from a similar passage, and the conservatory to the rear of the dwelling. When viewed from those rooms the canopy visibly reduces the gap between the dwellings and has an overbearing effect on account of its size, height and proximity to the shared boundary. This effect seems to be further exacerbated by dark grey rendering which provides an oppressive outlook from the neighbouring property.
12. I find that the development has a materially harmful effect upon the living conditions of occupants of no. 30 Mark Avenue. Consequently, there is conflict with the aims and objectives of Policies SD3 and SD8 of Stockton-on-Tess Borough Council Local Plan 2019 which seek amongst other things to ensure that new development is appropriately laid out to ensure adequate separation between buildings and avoid significant loss of amenity for the residents of neighbouring properties.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

14. 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 dismissed.

Chris Preston

INSPECTOR