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# Appeal Decision

Site visit made on 8 February 2022

**by Katherine Robbie BA (Hons) DipTP MTP MRTPI**

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

**Decision date: 22 FEBRUARY 2022**

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**Appeal Ref: APP/H0738/D/21/3287578**

**88 Fairwell Road, Stockton-on-Tees TS19 7JB**

- 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 Ms Anna Levin against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 21/1534/FUL, dated 28 May 2021, was refused by notice dated 15 September 2021.
  - The development proposed is described as "Single storey rear extension. (Removal of existing single storey rear extension). Double storey side extension and porch to the front elevation".
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## Decision

1. The appeal is dismissed insofar as it relates to the double storey side extension and porch to the front elevation. The appeal is allowed insofar as it relates to the single storey rear extension and planning permission is granted for the erection of a single storey rear extension at 88 Fairwell Road, Stockton-on-Tees TS19 7JB in accordance with the terms of the application, Ref 21/1534/FUL, dated 28 May 2021, so far as relevant to that part of the development hereby permitted, subject to the following condition:
  - 1) The development hereby permitted shall be in accordance with the following approved plans: 1:1250 Site Location Plan; 2021/AL/01;2021/AL/02;2021/AL/03 except in respect of the porch to the front and the double storey extension to the side shown on plans 2021/AL/02 and 2021/AL/03.

## Procedural Matters

2. At the time of my site visit I observed that the development has been partially carried out in that a single storey rear extension has been constructed. I have therefore considered the appeal on this basis that the development has, in part, already occurred.
3. The proposal includes a porch to the front elevation, however as it forms an integral part of the double storey side extension, I must consider it as part of this element of the proposal.

## Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of the occupants of 86 and 90 Fairwell Road, with respect to outlook, sunlight and daylight.

## Reasons

5. A double storey extension to the side of the appeal property is proposed which would extend approximately 2.8 metres from the existing side elevation. In general, as in the case of No 88, properties on Fairwell Road are two storey semi-detached properties. Typically, side facing windows serve staircases or bathrooms rather than habitable elements of the property. Dwellings here are set in regular plots, with accordingly good levels of outlook and natural light given the suburban pattern of development and the level topography of the area.
6. 86 Fairwell Road is, atypically, a bungalow with living accommodation in the roof space. The only window to the upstairs accommodation of this property is in the gable of the side elevation facing the appeal property. The upstairs accommodation at No 86 already, therefore, has a compromised level of outlook compared to that of the prevailing area. The proposal would be approximately 4.2 metres from this window and result in an unduly close interrelationship that would be markedly out-of-keeping here. The outlook from this sole upstairs window would therefore be onto a blank brick gable elevation at close quarters and would result in an overly oppressive and overbearing outlook for users of this room.
7. The appellant contends that there would be no loss of sunlight to this window and has submitted a photograph and a sunlight assessment for 13 July to illustrate this. The sunlight analysis appears to show some effect on the amount of late evening sun that would enter the window of No 86. However, there is no indication of the parameters used in that study, its typicality, or analysis of its effects on the interior of No 86. With respect to daylight, the north facing aspect of the window would mean that the proposal would have little impact on the amount of daylight received into the room. However, this does not outweigh the harm that I have found on the overbearing impact of the proposal on the occupiers of the neighbouring property.
8. For these reasons, I therefore find that the proposed double storey side extension would cause harm to the living conditions of the occupiers of 86 Fairwell Road with respect to outlook. It would therefore conflict with Policies SD3 and SD8 of the Stockton-on-Tees Local Plan (2019) (SLP) and paragraph 130 of the National Planning Policy Framework (the 'Framework') which seek, amongst other things, to ensure that new development protects the amenity of existing and future occupiers of land and buildings.
9. The single storey extension to the rear of the property, projecting approximately 2 metres from the rear elevation of the property on the boundary with No 90 would be modest in size and would not give rise to any adverse effects on the living conditions of the occupants of the neighbouring property nor would it adversely affect the character and appearance of the host dwelling or its surroundings. It would be modest in scale, comparable to other alterations to the rear of properties in the area and assimilate acceptably given the prevailing layout of the area as set out above. Therefore, it is acceptable and in conformity with SLP Policies SD3 and SD8 and the guidelines set out in the Council's Householder Extensions and Alterations Supplementary Planning Document (2021) (SPD). As the rear and side extensions are both physically and functionally severable, I consider that a split decision would be a logical outcome to this appeal.

### **Other Matters**

10. I acknowledge that there are a significant number of other similar double storey side extensions on the estate and the appellant has drawn my attention to a number of these. However, none of them have the relationship with a neighbouring property the same as the appeal before me, in that the neighbouring property in this instance has its only window to a habitable room in the side elevation. In the examples that the appellant has provided me with the majority of side windows in neighbouring properties are obscure glazed windows to non-habitable rooms or are secondary windows where the principal window is on an alternative elevation. In any event, I have considered the appeal on its own merits and the evidence before me. I note that no objection was received from the occupier of No 86. However, a lack of objection does not equate with a lack of harm.
11. I also acknowledge that the proposal has been designed in accordance with the guidelines set out in the SPD in terms of overall design and would integrate well into the street scene in all other respects. This and other matters, however, do not outweigh the harm that I have found on the living conditions of the occupants of No 86.

### **Conditions**

12. For the part of the appeal I am allowing, I have considered the conditions suggested by the Council against the Framework and Planning Practice Guidance. I agree that a plans condition is necessary and reasonable to give certainty as to what the decision relates to. As the part of the development which I am allowing has been substantially completed the standard time limit and materials conditions are not necessary.

### **Conclusion**

13. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed insofar as it relates to the single storey rear extension. However, in respect of the double storey side extension and front porch the appeal is dismissed.

*Katherine Robbie*

INSPECTOR