



## Appeal Decision

Site visit made on 6 September 2022

**by David English BSc(Hons) DipTP MRTPI**

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

**Decision date: 01 November 2022**

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**Appeal Ref: APP/H0738/D/22/3303167**

**2 Palm Grove, Stockton-on-Tees TS19 7AX**

- 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 Lloyd Blackburn against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 22/0214/FUL, dated 7 February 2022, was refused by notice dated 3 May 2022.
  - The development proposed is single storey infill extension with pitched roof over garage and rear dormer window extension.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. A rear roof dormer was largely completed at the time of my visit which appears very similar externally to what is shown on the submitted plans. I will consider the development on the basis of the submitted plans.

### Main Issues

3. The main issues are:
  - the effect of the proposed rear dormer on the character and appearance of the host dwelling and the surrounding area;
  - the effect of the proposal on the living conditions of neighbouring residents at 1 Lealholme Grove in respect of their privacy and outlook; and
  - the effect of the proposal on the living conditions of neighbouring residents at 4 Palm Grove in respect of their outlook.

### Reasons

#### *Character and appearance*

4. The appeal property is a semi-detached bungalow situated on a corner plot in a quiet, well established residential area comprising mainly semi-detached bungalows and houses. The bungalow is attached to 4 Palm Grove and its rear elevation faces directly towards the side gable wall of 1 Lealholme Grove. A detached flat roof garage is situated in the rear garden of the appeal property along the boundary with No 1.

5. The appeal property has a strong visual connection to the row of bungalows along the northern side of Lealholme Grove. These present a generally open feeling to the area having short front gardens bounded by low walls. This row of bungalows exhibits a well-defined building line comprising main front walls with short gabled projections that have slightly lower ridgelines than their main roofs. These features create a pleasing common rhythm and symmetry to the street which help define its visual appeal.
6. The dormer as shown on the plans and that I saw on site is a large, wide flat-roofed structure which reaches close to the ridge line of the bungalow's roof and replaces almost all the rear roof slope. The dormer dominates the rear elevation of the bungalow and relates poorly to the form and size of the original building. In this respect it is harmful to the character and appearance of the host dwelling.
7. Although the dormer is not seen when entering Lealholme Grove from Fairfield Road, it becomes readily visible at the junction with Palm Grove. It appears as a large and dominant incongruous structure when viewed from positions on Lealholme Grove opposite the main gable wall of the appeal property and when approaching the property from the southern end of that street. The dormer has the effect of disrupting those otherwise pleasant regular features of Lealholme Grove described above and this is harmful to the character and appearance of the area.
8. As a result of its size and prominent location, in relation to this main issue, the dormer would be harmful to the character and appearance of both the host property and the surrounding area. This would therefore conflict with Policies SD3 and SD8 of the Stockton-on-Tees Borough Council Local Plan (January 2019) ('the Local Plan') which require high standards of design in all development, taking into consideration local context; and that extensions should be in keeping with the property and the street scene in terms of style and proportion. The development also conflicts with the Stockton-on-Tees Borough Council Householder Extensions and Alterations Supplementary Planning Document (May 2021) which expects extensions to be subservient to, and not dominate, the original dwelling, and that dormers should be in proportion with the property. Conflict also exists with the National Planning Policy Framework ('the Framework') which requires development to be visually attractive and sympathetic to local character including the surrounding built environment.

#### *Living conditions at 1 Lealholme Grove*

9. The plans show the dormer containing two bedrooms having windows facing towards the gable wall of 1 Lealholme Grove. That gable wall has windows serving a kitchen and a bedroom. Notwithstanding that the existing dormers include obscure glazing, the plans I am considering show this window serving a bedroom.
10. The height and positioning of the bedroom windows in the dormer and their proximity to windows in the gable wall of 1 Lealholme Grove are such that direct overlooking, and the perception of being overlooked, would arise to the occupiers of No 1. The proposal includes the construction of a pitched roof over the existing detached garage which would also be extended in length. The appellant contends that the pitched roof is proposed to mitigate the effects of overlooking to No 1 from the dormer windows. From my site visit I note that

overlooking would still be possible and therefore the proposed pitched roof, as a means of mitigation, would be largely ineffective. Mitigation through the use of obscure glazing in the dormer windows would be inappropriate since this would create a poor living environment within habitable rooms for future occupiers.

11. The proposed pitched roof over the garage, and the extension of that garage further along the boundary with No 1 would increase the height of built development in a position very close to the bedroom window at No 1. Whilst I recognise the proposed roof would slope away from No 1, it would nevertheless create a substantially higher structure. This added height and length of the proposal in such proximity to the bedroom window at No 1 would be oppressive and would therefore significantly diminish the outlook from that window.
12. Overall, the proximity and positioning of windows proposed for the dormer would result in direct overlooking of the kitchen and bedroom windows at No 1 thereby causing harm to the living conditions of the occupiers through a loss of privacy. The height of the proposed pitched roof over the garage and its proximity to the bedroom window at No 1 would result in an oppressive outlook from that room which would cause harm to the living conditions of the occupiers.
13. In conclusion on this main issue therefore, the living conditions of neighbouring residents at 1 Lealholme Grove would be harmed by the proposal. This would therefore conflict with Policy SD8 of the Local Plan which seeks to protect the privacy and amenity of existing and future residents. It also conflicts with the Framework which has the same intention.

#### *Living conditions at 4 Palm Grove*

14. The proposal also involves a flat-roofed extension which joins the bungalow to the extended detached garage. This would create a single storey projection from the rear wall of the existing bungalow down the full length of the rear garden. The common boundary with 4 Palm Grove comprises a tall solid close boarded fence. There are patio doors in the rear elevation of No 4 close to the boundary, and patio doors in a flat-roofed extension to that property that face the boundary.
15. The Council and the neighbour express concerns about the effect the proposed extension would have on living conditions at No 4. However, the plans show the proposal is situated approximately 1.8 metres from the common boundary. Views from the patio doors in the rear elevation of No 4 would be at an oblique angle, and the proposed extension is some distance from the common boundary and from the existing extension at No 4. This separation would ensure the proposed single storey extension and modification to the garage roof would not result in a significantly overbearing effect on the outlook from rooms in that bungalow.
16. In conclusion on this main issue therefore, the living conditions of neighbouring residents at 4 Palm Grove would not be harmed by the proposal. Accordingly, in this respect, the proposal would not conflict with Policy SD8 of the Local Plan which seeks to protect the privacy and amenity of existing and future residents, nor would it conflict with the Framework which has the same intention.

### **Other Matters**

17. The appellant has drawn to my attention other dormer extensions in the area which I saw during my site visit. Those that I saw are not directly comparable to the case before me in terms of their size or prominence and do not provide an overriding influence upon the character of the area. The existence of other dormers in the vicinity does not weigh in favour of the proposal.
18. I recognise that the appellants are attempting to provide modern family accommodation in an area with a range of facilities. These would be beneficial improvements to housing provision.
19. These other matters together with my conclusions on the third main issue do not outweigh my conclusions on the first and second main issues. The development plan as a whole is not complied with and there are no other material considerations that would outweigh that.

### **Conclusion**

20. For the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*David English*

INSPECTOR