



# Appeal Decision

Site visit made on 24 January 2023

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 February 2023**

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**Appeal Ref: APP/H0738/D/22/3310238**

**Highgrove House, Aislaby Road, Eaglescliffe, Stockton-on-Tees, TS16 0QN**

- 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 Mark Taylor against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 22/0855/FUL, dated 4 April 2022, was refused by notice dated 24 October 2022.
  - The development proposed is described as extension to provide an adjoined annex for elderly relative suffering from dementia. Works to include removal of existing rear conservatory, conversion of existing integral garage into a living room, new one story extension to replace conservatory which wraps around the eastern side of the house to a new single garage constructed to the front elevation. Works include the realignment of the driveway entrance and the construction of a new porch on the front of the house to provide joint access to both the house and the annex. Annex layout has been designed to allow for future integration into the main house when no longer required as an annex for medical care.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on:
  - the character and appearance of the area, including the appeal property;
  - the living conditions of the occupiers of the appeal property, with regard to outdoor space; and
  - the living conditions of the occupiers of The Old Smithy, with regard to outlook.

## Reasons

### *Character and Appearance*

3. The appeal property is located on Aislaby Road, which comprises large, detached dwellings of varying design and appearance. Properties are set back from the road by grass verges and front gardens and are located within generous plots, with clear spaces in-between properties. The similarity in the general scale of the built form and spaces around the properties creates a spacious character. This creates a sense of place and contributes positively to the character and appearance of the area. An exception to this is the bungalow

opposite the appeal site which is much closer to the main road. Nevertheless, the area is characterised as having an open quality.

4. The proposed development would have materials to match the existing appearance and has been designed to reflect the appeal property, with a feature gable on the porch extension and a gable end on the garage. The proposed porch is modest in projection from the main elevation and given the large property size and steep roof, the proposed height and width would not unbalance the property. The proposed boundary treatment and relocated entrance from the road into the site would relate positively to the character and appearance of the area.
5. The side extension would be set back from the primary elevation and would be single storey, accordingly, despite its extensive length it would appear subservient to the appeal property. However, it would fill the open space between the main property and the shared boundary entirely, and the garage would project substantially into the front garden, thereby reducing the space around the property. Irrespective of the numerical increase in footprint, overall, the proposal would appear as a dominant development, eroding the existing spaciousness, and would not relate positively to the prevailing character and appearance of the area.
6. The proposed garage would bring development closer to the road and would be of a substantial height and depth. It would be an incongruous addition, appearing prominent in the otherwise open character and breaking the relatively consistent building line in this section of the street. Replacing the gable roof with a hipped roof would not mitigate the harm identified.
7. I note the neighbouring property has a garage with a gable roof in a similar location to the proposal. However, the neighbouring garage is set within a larger plot, is detached from the main property, and there remains clear spacings around it. As such, this development has not undermined the character and appearance of the area in the way that the proposal would.
8. I have considered the examples of properties in the wider area which are located closer to a road. The context of the examples differs in overall appearance and relationship with the street scene. They are on a different section of Aislaby road or on a different street, and as such would not be seen with the appeal scheme and are not directly comparable. The other examples do not, therefore, lead me away from my above findings. While the proposed garage would appear to be in broadly the same location as a previous planning permission, that scheme was of a different scale, with clear spacings around it, contributing to the spaciousness at the plot.
9. For the reasons given, the proposal would cause significant harm to the character and appearance of the area, in conflict with policies SD3 and SD8 of the Stockton on Tees Borough Council Local Plan (2019) (the Local Plan), which amongst other things, require development to be of a high quality of design and in keeping with the property and the street scene, taking into account and responding positively to the context of the surrounding area.
10. The proposal would also be contrary to the provisions of the National Planning Policy Framework (the Framework) at paragraph 130 in relation to the need to achieve well designed places.

### *Outdoor Space*

11. While I note the modest paved yard to the rear would be broadly unchanged, the proposed garage has a substantial footprint and would significantly project from the main elevation, taking up a large part of the front garden. The remaining open space to the front would primarily be used for car parking, thereby reducing the useable amount of outdoor space.
12. While the number of bedrooms may alter in the future, the proposal would result in a sizeable property with limited usable outdoor space. The proposal would not therefore create an attractive environment or a comfortable living space for the occupiers. Even if the current occupiers have never utilised the front garden, I am mindful that the harm identified would be permanent.
13. My attention has been drawn to levels of outdoor space at other properties in the wider area. While they may have similar numerical levels of provision, I do not have precise details regarding the context of the other properties and the circumstances are likely to be different. In any event, I have determined this appeal scheme on its own planning merits.
14. As such, the proposed development would cause moderate harm to the living conditions of the occupiers of the appeal property, with regard to outdoor space, in conflict with Policy SD8 of the Local Plan, which seeks new development that is appropriately laid out to ensure an attractive environment that responds positively to the amenity of existing and future occupants and creates comfortable places to live.
15. The proposal would also be contrary to paragraph 130 of the Framework where it states development should have a high standard of amenity for existing and future users.
16. The Council alleges a conflict with Policy SD3, however my attention has not been drawn to any words in this policy that are relevant to this main issue. It has not, therefore, been determinative in my decision on this main issue.

### *Outlook*

17. From my site visit I observed the difference in ground level between the appeal property and the neighbouring property known as 'The Old Smithy', which is noticeably lower than the appeal property. The proposed side extension would be on the shared boundary and be of a significant length, the full extent of which would be experienced from the paved outdoor space at The Old Smithy.
18. While of a low height and partially screened by the existing boundary treatment, the side extension would result in a noticeable difference in the built form above the fence and appear as a dominant and oppressive feature. Owing to the difference in ground levels, this would have an overbearing effect that would be detrimental to the levels of outlook that could reasonably be expected in a private outdoor space.
19. The appellant has indicated that the extension could be reduced in width which would not bring development right up to the boundary line. However, I do not have any plans showing this and it would not be appropriate to comment on a scheme I have not seen. It may well be that this element of the proposal is within the scope of permitted development rights, however this has not been demonstrated through a certificate of lawfulness. While there were no

objections from neighbouring occupiers to the scheme, this is not a reason, in itself, to allow harmful development.

20. Accordingly, the proposal would cause moderate harm to the living conditions of the occupiers of The Old Smithy, with regard to outlook, in conflict with policies SD3 and SD8 of the Local Plan. Amongst other things, these policies seek development that responds positively to the amenity of the residents of neighbouring properties.
21. The proposal would also be contrary to paragraph 130 of the Framework regarding development having a high standard of amenity for existing and future users.

### **Other Matters**

22. The proposal would provide a separate annex for an elderly family member with deteriorating health to provide some form of independence. I must therefore have due regard to the Public Sector Equality Duty (PSED) contained in Section 149(1) of the Equality Act 2010 (EA), and the aims within it, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability and age.
23. I fully appreciate the health circumstances surrounding the appellant's family member and the benefits the proposal would deliver in terms of providing suitable accommodation at the appeal site where appropriate care can be given and allow a level of independence. However, there is insufficient specific evidence for me to draw a clear conclusion that the proposal, and in particular, the configuration and use of the whole development, is the only reasonable option available to meet the family member's needs. Accordingly, there is limited evidence before me to suggest that the dismissal of the appeal would have a disproportionate effect on the personal circumstances identified by the appellant, when weighed against the planning harm set out above.
24. As a result, taking all relevant matters into account, I can only give moderate weight to the personal circumstances identified by the appellant which does not outweigh the significant harm that I have identified in relation to character and appearance and the moderate harm that I have found with regard to living conditions. Taking into account the legitimate and well-established planning policy aims to protect the matters raised in the main issues, in this case I consider that greater weight attaches to the public interest. Dismissal of the appeal is therefore necessary and proportionate and there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
25. While the appellant has expressed frustrations with the Council's handling of the case, this has not affected my consideration of the planning merits of the scheme.

**Conclusion**

26. For the reasons given above the proposal would conflict with the development plan, read as a whole, and there are no material considerations that outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

*F Harrison*

INSPECTOR