



## 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: 13 February 2023**

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### **Appeal Ref: APP/H0738/D/22/3311524 54B Bassleton Lane, Thornaby, TS17 0AF**

- 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 Leo Barry against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 21/2501/FUL, dated 24 September 2021, was refused by notice dated 8 September 2022.
  - The development proposed is erection of detached annexe building to garden area 54B Bassleton Lane.
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### **Decision**

1. The appeal is allowed and planning permission is granted for erection of detached annexe building to garden area, at 54B Bassleton Lane, Thornaby, TS17 0AF in accordance with the terms of the application, Ref 21/2501/FUL, dated 24 September 2021, subject to the conditions set out in the schedule below.

### **Main Issue**

2. The main issue is the effect of the proposal on the character and appearance of the area.

### **Reasons**

3. The appeal site is the garden area for 54B Bassleton Lane, which is a large two-storey detached dwelling in a generous plot in a backland position. It is adjacent to another detached property in a backland location to the rear of a property known as Marvene fronting Bassleton Lane. The properties fronting Bassleton Lane have long linear gardens, and it is noticeable that Marvene is set within a wider plot than the neighbouring properties. I observed to the rear of Bassleton Lane a range of buildings, including single storey outbuildings and the two dwellings to the rear of Marvene. As such, the open areas to the rear of the houses have been eroded. Nevertheless, the area is characterised by a spacious quality.
4. The proposal would introduce a modest sized single storey detached annexe building within the grassed garden area to the front of 54B Bassleton Lane. Owing to the built form and design of the proposal, the spacious quality of the plot would remain, with large parts of the garden area remaining open, resulting in clear spacings around the property. Given the wider plot in this location, the appeal site can readily accommodate a building of the proposed size and would not result in a built-up appearance or having a 'crammed in' quality.

5. Moreover, built development within the rear gardens in this location is not uncommon. Given the prevailing character and appearance the appeal scheme would not be a prominent form of development or contrary to the existing pattern of development to the rear of Bassleton Lane. While the amenity space associated with the appeal property and proposed annexe would be smaller than some surrounding gardens, it would be seen within the context of the existing backland development where the original linear garden has already been altered in this location.
6. The proposed development would be detached from the main house. Nevertheless, owing to its height and scale, the annexe would be clearly read as being subordinate to the large detached main house. Accordingly, it would not compete with the main house. There would also be a number of connections to the main house, including a shared driveway, footpath and amenity space.
7. While different to the general appearance of the properties fronting Bassleton Lane, matching materials to the main house are proposed which would ensure a visual connection, and a complimentary architectural narrative would be achieved through the modern design features, including extensive glazing. This would contribute to the proposed annexe being read as part of the same development and not a separate individual dwelling.
8. The Council reference a previous appeal decision in this location and seek to draw comparisons. However, that proposal was for two dwellings and as such the context and overall relationship with the site differs. In any event, I must consider the appeal scheme on its own merits.
9. Overall, the proposed development would not cause harm to the character and appearance of the area and so accords with policies SD3 and SD8 of the Stockton on Tees Borough Council Local Plan (2019), which amongst other things, require development to be of a high quality of design, taking into account and responding positively to the context of the surrounding area.
10. It would align with guidance set out in Supplementary Planning Document 1: Sustainable Design Guide (2011) which advises that backland development should avoid dominating the host property and not be larger in height, scale or massing. It should not result in cramped development that unacceptably impacts upon local character and should be resisted where large rear gardens are important to the distinctive characteristic of the area. It would also be in line with the provisions of the National Planning Policy Framework at paragraphs 130 and 134 in relation to the need to achieve well designed places.

### **Other Matters**

11. An objection has been raised from a neighbour, including concerns about more traffic using the access road and the effect of this on their living conditions through noise and dust from the driveway. However, the proposal is for an annexe and therefore any increase in traffic would be minimal, as would any increase in noise disturbance or dust. Concerns were also raised about the presence of hazardous materials. A condition is imposed to ensure that in the event that any unexpected contamination is found it is dealt with appropriately, which is in the interest of protecting the living conditions of neighbouring occupiers.

### **Conditions**

12. The conditions requested by the Council have been considered and amended as necessary to ensure compliance with the National Planning Practice Guidance. In addition to the standard condition that limits the lifespan of the planning permission it is necessary to impose a condition identifying the approved plans for clarity.
13. Sufficiently precise details have been provided with regard to materials and as set out above in my reasoning, I am satisfied that the appearance of the proposed development would not be detrimental to the character and appearance of the area. As such, a condition requiring that details of the materials be provided is not necessary, however I impose a condition to secure the materials as shown on the submitted plans in the interest of visual appearance.
14. I have also imposed a condition limiting the occupation of the annexe to ensure the accommodation remains ancillary to the main dwelling. Conditions relating to construction hours and contamination are necessary in the interest of protecting the living conditions of neighbouring occupiers.

### **Conclusion**

15. For the reasons given above, I conclude that the proposal accords with the development plan read as a whole. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

*F Harrison*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Existing Site Location Plan 1:1250, Proposed Block Plan 1:500, Proposed Plans and Elevations 01C and Existing and Proposed Site Plans 02C.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on approved plan reference: Proposed Plans and Elevations 01C.
- 4) The building hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 54B Bassleton Lane, Thornaby.
- 5) Demolition or construction works, and deliveries taken at or despatched from the site, shall be carried out only between the hours of 8am to 6pm on Mondays to Fridays and between 9am to 1pm on Saturdays, and shall not take place at any time on Sundays or Bank or Public Holidays.
- 6) In the event that any unexpected contamination is found, work shall be suspended on the part of the site affected, and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued

**\*\*\*End of Conditions\*\*\***