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## Appeal Decision

Site visit made on 11 March 2025

**by N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28<sup>th</sup> March 2025

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**Appeal Ref: APP/H0738/D/24/3356166**

**76 Weaverham Road, Norton, Stockton-on-Tees, Cleveland TS20 1QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Alan Pattison against the decision of Stockton-on-Tees Borough Council.
  - The application Ref is 24/1040/RET.
  - The development proposed is to erect single storey extension and install log burner and flue.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I noted at the site visit that a single storey extension with an external flue has already been constructed to the rear of the property. It is clear from the plans and evidence that this is the development referenced in the planning application. I have therefore dealt with the appeal on the basis that planning permission is being sought retrospectively.
3. The appeal proposals include development that is not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to these aspects of the application. Therefore, the focus of this appeal is the installation of the flue as referred to in the Council's decision notice.

### Main Issues

4. The main issues are the effect of the development, with particular reference to the flue, on:
  - the character and appearance of the host dwelling and the wider area; and
  - the living conditions of the occupants of the neighbouring dwelling at 74 Weaverham Road, with particular regard to outlook.

### Reasons

#### *Character and appearance*

5. The appeal property is a two storey semi-detached dwelling within a residential area. The front elevation faces onto Weaverham Road, and the extension with flue has been constructed within the rear garden area, with the A1027 highway and public footpath located beyond the rear boundary fence. The extension has been constructed across most of the width of the rear elevation of the property and slightly off the boundary with the adjoining dwelling at 74 Weaverham Road. The

flue has been installed on part of the rear elevation of the extension that is close to the boundary with No 74 and towards the lowest point of the roof. It has a black finish that projects a considerable height above the roof of the extension and features two supporting brackets.

6. The appellant has provided examples of other flues that they state are on the estate and wider area, although I have not been provided with details of their locations. I observed some flues of varying designs in the wider area of the appeal site that appeared to be on the roof of, or closer to, the main part of bungalows and two storey houses. However, flues in general are not a common feature of properties on Weaverham Road or prevalent in the area.
7. As a result of its siting, scale and appearance, the flue is an incongruous addition on the single storey extension. Although there may be functional and regulatory reasons for its height, the flue is a discordant addition on the extension and is excessive in scale and out of place on a domestic property. The visual impact on the property and wider residential area is exacerbated by the single storey height of the extension and its separation from the main part of the dwelling, as well as the views from the public domain to the rear.
8. I do not know the circumstances under which other flues I viewed or that are referred to by the appellant were erected, or their status with regard to planning permission. I therefore cannot draw any direct comparison with the development that weighs in its favour. The presence of these does not justify the harm that I have otherwise found with the appeal proposal.
9. I conclude that the flue is materially harmful to the character and appearance of the host property and the surrounding area. This conflicts with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (2019) (the Local Plan), which amongst other things looks to ensure new development will be designed to the highest possible standard, taking into account the context of the surrounding area.

#### *Living conditions*

10. I viewed the development from the rear garden of the appeal site, as well as from the interior and rear garden of the adjoining property at 74 Weaverham Road. The neighbouring property has rear facing double doors serving a living room at ground floor level close to the development and bedroom windows at first floor level.
11. Due to its height, appearance and proximity to the boundary, the flue is an imposing and overbearing feature clearly visible from within the adjoining property at No 74 and particularly its garden. It has an overly dominant visual effect, and therefore a detrimental impact in terms of outlook for the neighbouring occupants.
12. I conclude that the flue has a materially harmful impact on the living conditions of the occupants of 74 Weaverham Road in respect of outlook. This conflicts with Policy SD8 of the Local Plan, which amongst other things looks to ensure new development responds positively to the amenity of all occupants of land and buildings.

#### **Conclusion**

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

*N Armstrong*

INSPECTOR