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## Appeal Decision

Site visit made on 10 September 2025

**by Alison Scott (BA Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25 September 2025**

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**Appeal Ref: APP/H0738/W/25/3364970**

**93 Bishopton Road, Stockton-on-Tees TS18 4PG**

- 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 Shaide Iqbal against the decision of Stockton-on-Tees Borough Council.
  - The application Ref is 24/2110/RET.
  - The development proposed is Demolition of an existing property and rebuilding in the same location.
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### Decision

1. The appeal is allowed and planning permission is granted for Demolition of an existing property and rebuilding in the same location at 93 Bishopton Road, Stockton-on-Tees TS18 4PG in accordance with the terms of the application, Ref 24/2110/RET and subject to the following conditions in the attached schedule.

### Main Issues

2. The main issues with regards to the proposal are the effect upon:
  - The character and appearance of the local area; and
  - The living conditions of local residents by way of overlooking and loss of privacy, and sense of overbearing.

### Reasons

#### *Character and appearance*

3. The appeal site forms part of a residential suburb consisting of a mixed character of detached and semi-detached houses and some bungalows. The ages and styles of dwellings varies within the local area although red brick and coloured render are a consistent finished materiality throughout.
4. At the time of my site visit, I could see no evidence of the former bungalow that was originally positioned on site as a significant amount of development had commenced to erect a dwelling although building work appeared to have ceased.
5. Number 91 Bishopton Road adjacent is semi-detached and appears to be Edwardian in character as well as some of the other adjacent houses along this side of Bishopton Road. These houses are similar in style and characterful with ground floor bay windows and decorative porches. Houses of a later age sit opposite the appeal site with double height walk-in bay windows.
6. The external design of the proposed dwelling has taken design cues from the local vernacular using double height walk-in bay windows with proportionality to the

fenestration details, symmetry to the ground floor front elevation and projecting porch in line with the ground floor front bays.

7. In terms of the layout of the proposal, as a corner plot with a wide frontage to Bishopton Road, the plot differs from the narrower plots of the semi's adjacent. Therefore, the proposed width of the dwelling that spans the majority of the plot would comfortably sit within it and as it would be set back from the road like others on this side, would also create a sense of spaciousness to the dwelling. The proposed building line would also broadly follow that of the adjacent houses along this side of Bishopton Road to which it closely relates. As a proposed two storey dwelling, this is also a predominant characteristic of the local area and would therefore not appear out of scale in this context.
8. I could see from my site visit that yellow coloured brick is not characteristic of the local area. The appellant confirms their intention to fully render the dwelling. Render finish in both complete entity and as design features to other dwellings is a commonality within the street scene. A complete smooth render finish, ivory in colour would therefore appear appropriate in this location, as well as russet coloured roof tiles.
9. Overall, the design and layout would appear appropriate in this location within this residential area and therefore respect the mixed local character and its overall local distinctiveness.
10. Whilst the development is not a domestic extension, I therefore find no relevance to policy SD3 criterion 7 of the Stockton on Tees Local Plan in this regard. However, it would comply with the design objectives of Policy SD8 of the Stockton on Tees Local Plan and the National Planning Policy Framework that aims to achieve well designed places.

### *Living conditions*

11. Hazelbrook is a small, single storey property located on Allendale Road positioned to the rear of the appeal site. The side elevation of Hazelbrook would face the rear elevation of the appeal site.
12. There are high-level windows to the gable end of Hazelbrook serving habitable rooms. Due to the position of the first floor habitable room windows of the proposal, and relationship with the adjacent neighbour, I am of the view that these windows would not directly overlook those of Hazelbrook. The separation distance of around eleven metres away would also provide a sense of separation between the two. Whilst there would be some loss of privacy due to overlooking from habitable room windows, this would be limited and would not lead to a detrimentally reduced effect upon the living conditions of the adjacent occupants.
13. The ground floor windows of the proposal would have an outlook largely towards the side elevation of Hazelbrook and the garage. Both the existing timber boundary fence and tree located within the rear garden space are identified to be retained on the plans before me, and would provide some screening mitigation to the neighbour's garden. This would therefore reduce the potential to overlook and cause a loss of privacy to their living conditions. Therefore, the occupants' living conditions would be safeguarded in this respect.

14. All things considered, due to the separation distances that would be achieved to adjacent neighbours, relationship with these neighbours, the proposed position within the plot, overall scale, location of habitable room windows, it would not be so detrimental as to lead to severe overlooking and loss of privacy, or sense of overbearing to adjacent occupants.
15. Therefore, the proposal would comply with the living conditions safeguarding aims of policy SD8 of the Stockton on Tees Local Plan.

### **Other Matters**

16. Issues pertaining to site security, anti-social behaviour at the site and storage of materials, the effects of litter and vermin, and overall condition of the site has been brought to my attention. These issues can be addressed through other means outside my control. The removal of asbestos from the site can also be controlled by other means than this appeal process. The effect of the proposal on shared boundary treatments is not a planning matter and concerns pertaining to the condition of the existing garage on site is not within my scope to comment upon. The quality of workmanship and building control matters can be addressed through separate Council regulatory services.
17. Flood risk has not been raised by the Council. I have no reason to come to the view that the site would cause a risk of flooding off-site. Three incurtilage parking spaces are to be provided on site with access taken from the existing highway access. Highway safety at the site has been found to be acceptable by the Council's Transport Planner and I have no reason to come to an alternative view.
18. The tree protection order on site is noted and the appellant has provided a tree survey for three trees. The root protection areas are outside the footprint of the proposed dwelling. I find no reason to disagree with this professional report that can secure the protection of these important trees.

### **Conditions**

19. I have reviewed the conditions submitted by the Council in accordance with the 'six tests' of paragraph 57 of the National Planning Policy Framework (the Framework) for compliance. A plans condition is necessary in the interest of good planning and negates the need for a separate condition relating to rebuilding of the rear elevation. A materials condition is necessary to ensure a satisfactory finish to the proposal. Due to the trees on site, the tree protection measures shall follow the recommendations within the Arboricultural Impact Assessment and BS 5837 Tree Survey. In the interest of protecting the living conditions of the adjacent occupants at Hazelbrook, the first-floor bathroom window shall be obscurely glazed. As this is a non-habitable room, to restrict its opening would not reasonably comply with paragraph 57 of the Framework.
20. In the interest of protecting the living conditions of neighbouring occupants, the Council recommends the permitted development rights of the dwelling shall be removed. Considering the 'six tests' of paragraph 57 of the Framework, and what I deem reasonable to remove, I am content that the removal of the permitted development rights shall be limited to Classes A, B, C and E in order for the Council to assess the impact of any further development at the site.

21. As three off-street car parking spaces are required to support a four-bed home in the interest of highway safety, these spaces shall be implemented before the dwelling becomes occupied. As the dwelling is a self-build construction with no biodiversity net gain obligation, in accordance with the Self-build and Custom Housing Act 2015, a condition to satisfy the requirement, is applied to this permission. The hours of construction operations at the site are conditioned to ensure the living conditions of local residents are not adversely affected in this dense residential area.

**Conclusion**

22. For the reasons given above the appeal should be allowed.

*Alison Scott*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be carried out in accordance with drawing nos and Z24.23(9-)2C dated 19 February 2025, Z24.23(21)2B dated 6 February 2025, Z24.23(21)3B dated 6 February 2025, Z24.23(9-)1 dated 11 December and plan no. Z24.23(21)1 dated 11 December 2024.
- 2) The external surfaces of the development and hard landscaping around the site hereby permitted shall be constructed in the materials shown on plan no Z24.23(9-)2C dated 19 February 2025, and Schedule of Materials submitted to the Council on 28 March 2025 and implemented prior to the occupation of the dwelling.
- 3) All the trees shown on the landscaping plan within the Arboricultural Impact Assessment and BS 5837 Tree Survey and tree within rear garden as indicated on plan reference Z24.23(21)2B dated 6 February 2025 shall be protected by protective fencing in accordance with the protective fencing details within the Arboricultural Impact Assessment and BS 5837 Tree Survey. The fencing shall be erected before any further works continue on site or equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 4) The bathroom window to the first floor shall be fitted with factor 4 obscure glazing prior to the occupation of the dwelling and retained for the lifetime of the development.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, B, C and E of Part 1 of Schedule 2 to the Order shall be undertaken.
- 6) The car parking spaces shall be laid out on site in accordance with plan reference Z24.23(9-)2C dated 19 February 2025 prior to the occupation of the dwelling, and retained for the lifetime of the development.
- 7) The dwelling hereby permitted shall be construed as a self-build dwelling within the definition of self-build and custom build housing in the Self-build and Custom Housing Act 2015 (as amended): i) The first occupation of the unit shall be by a person or persons who had primary input into the design and layout of the dwelling. ii) The Council shall be notified in writing of the

persons who intend to take up first occupation of the dwelling hereby permitted at least two months prior to first occupation.

- 8) Demolition or construction works shall take place only between 08:00 and 18:00 Mondays to Fridays and 09:00 and 13:00 Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

**End of Schedule**