



Appeal Decision

Site visit made on 20 February 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/H0738/W/23/3334211

29 Carnoustie Drive, Yarm TS16 9JA

- 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 and Mrs Grubb against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 23/1125/COU, dated 12 June 2023, was refused by notice dated 13 September 2023.
 - The development proposed is change of use from open space to residential garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the decision notice, which accurately and succinctly describes the proposal. The scheme was amended during the application to enclose the new garden area with low shrubs. The drop kerb, which is also shown on the proposed plan to increase the parking area to the front of the property, was installed at the time of my site visit. The Council has raised no concerns regarding the drop kerb, and I have no reason to disagree. I have therefore focussed my consideration of the main issue on the proposed new garden area.

Main Issue

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

Reasons

4. No 29 Carnoustie Drive (No 29) is located in a suburban residential estate. The wider estate is characterised by, amongst other things, parcels of grassed informal land sometimes containing trees. This green infrastructure contributes to a pleasant open environment by softening and contrasting with the buildings and often enclosed gardens of dwellings.
5. No 29 is located on the corner with Player Court and contains one such open parcel of land to the side of No 29's enclosed garden. It contains two trees, and the grassed area wraps around narrowly to the rear of No 29 and the neighbouring properties gardens. In this regard, the area of informal land adjacent to No 29 connects both physically and visually with other areas of informal land adjacent to gardens and footpaths in the estate. As such, it makes a small but positive contribution to the overall character and appearance of the surrounding area.

6. The proposal would result in the loss of the informal grassed parcel of land and would sever the visual links between the other parcels of grassed land in the estate. The low shrubs would provide a clearly defined boundary and there would be no control over the height of the shrubs in the long term even if it is intended to maintain it at a low level. The change of use, bringing the land into a domestic garden use, would result in the land being more intensively used in association with No 29 than the existing open and informal situation. The visible manifestations from the domestication of the land, including from its use and planting, would harmfully erode the informal openness of the green infrastructure.
7. The appellants do not intend to erect structures or hardstanding on the land, and I'm told conditions on the sale of the land limit this. However, no firm details have been provided of any such conditions. In any case, any private covenants on the land are private matters that could be subject to change in the future and not matters that I can take into consideration as part of a planning appeal. Moreover, there would be harm from the loss of the informal open space, even without additional hardstanding or structures.
8. I therefore find that the proposal would have a harmful effect on the character and appearance of the surrounding area. As such, the proposal would conflict with the requirements of Policies SD5, SD8 and ENV6 of the Council's Local Plan (2019) and paragraph 135 of the National Planning Policy Framework, when taken together and in so far as they relate to this main issue. These say, amongst other things, that to ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will conserve and enhance the natural, built and historic environment through a variety of methods including protecting and enhancing green infrastructure networks and assets.
9. The proposal would reduce the potential for tipping on the land. However, I have not been presented with any evidence of a particular tipping issue here limiting the weight I afford this matter. In support of the appeal, my attention was drawn to properties in the area that have extended their gardens into other areas of informal open space. However, I do not have full details of these other examples and so cannot be certain that the circumstances are the same. Moreover, allowing this appeal would make it more difficult to resist further planning applications for similar schemes. The cumulative effect of such ad-hoc changes of use would exacerbate the harm I have identified to the character and appearance of the surrounding area.
10. For all the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
11. Therefore, I conclude that the appeal should be dismissed.

Mr R Walker

INSPECTOR