

# Appeal Decision

Site visit made on 6 August 2024

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 August 2024**

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**Appeal Ref: APP/H0738/D/24/3343881**

**3 Leven Road, Stockton-on-Tees, Cleveland TS15 9EY**

- 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 Jack Whisker against the decision of Stockton-on-Tees Borough Council.
  - The application Ref is 23/1856/FUL.
  - The development proposed is the construction of a first floor terrace structure to rear of existing property to be accessed via bedroom Juliette balcony.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effects of the proposed development upon the character and appearance of the host property and of the area; and
  - The effects of the proposed development upon the living conditions of the occupiers of 5 Leven Road with particular regard to outlook.

## Reasons

### *Character and appearance*

3. No 3 Leven Road (No 3) is a large, detached house set within a spacious plot. It is located within a predominantly residential area where other large properties served by generous gardens prevail.
4. No 3's elevations are largely finished with painted render but with brickwork elements and detailing. At the property's rear an offshoot containing a garden room with terrace above has chamfered elevations. This provides the offshoot with a distinctive appearance. Many of the property's windows and doors share a similar design, whilst the railings which serve the existing terrace and a Juliette balcony are also of like design. The incorporation of such design features means that No 3 is a property with a distinguished appearance. The design cohesion which results from its consistent approach to detailing and material usage contributes positively to its character and appearance and, in turn, that of the area.

5. The proposed terrace would be constructed of brick to match the existing house and it would utilise railings reflective of those serving the existing terrace and the Juliette balcony. However, on the proposed terrace's eastern side, a 1.8 metre (m) high timber privacy screen is proposed which would run almost the full depth of the extension. The material, height and design of this privacy screen would be harmful at odds with the railings proposed and those already at the back of the property. Furthermore, designed to prevent the overlooking of neighbouring property, the proposed terrace's privacy screen would form an unconventional and unsympathetic feature at first floor level which would undermine the design of the terrace extension as a whole and disrupt and detract from the property's design cohesion. For this reason alone, I find the design of the proposed terrace to be unacceptable.
6. In coming to this view, I acknowledge that the coniferous hedgerow running along No 3's eastern boundary does currently provide an effective screen. However, the siting of the proposed terrace would be very close to both the tree trunks and branches of the hedgerow. It seems quite likely to me that some effects upon this hedgerow would arise from the proposal, including the requirement to cut it back away from the proposed terrace. Furthermore, the evidence before me also indicates to me that there is some possibility of a reduction in the height of this hedgerow arising in the future due to the legislation which covers high hedgerows.
7. Such factors mean that I am not confident that the hedgerow would endure in the long term as an effective screen of the proposed development. Should the hedgerow be reduced in its scale, this could serve to make the proposed terrace more visible from other properties in the area. In turn, the proposal's inappropriate design would become more widely experienced. Regardless, and even if the proposal remained well concealed from neighbouring properties, it would, for the reasons given, represent an incongruous addition to No 3, unbecoming to the property and amounting to poor design.
8. Therefore, the proposal would result in harmful effects upon the character and appearance of the host property and of the area. Consequently, the proposal conflicts with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (LP) which requires development proposals to be designed to the highest possible standard and emphasises the need for proposals to respond positively to the surrounding character, to reinforce local distinctiveness and to establish a strong sense of place. The proposal also conflicts with those policies within the National Planning Policy Framework (the Framework) which seek to ensure development is visually attractive as a result of good architecture and is sympathetic to local character. The Framework also advises that development that is not well designed should be refused.

#### *Living conditions*

9. The proposed terrace would be set-in from the common boundary with No 5 Leven Road (No 5). This would ensure some separation between the proposed terrace and the back garden of No 5. The depth of the proposed terrace extension has been reduced to 4m and, given the rear elevation of No 5 projects farther to the north than that of No 3, the proposed terrace's full 4m depth would not flank No 3's decked area adjacent.

10. The proposed terrace would also be a flat roofed structure. This would limit its maximum height which, inclusive of the means of enclosures atop of it, would be set well below the eaves of the host property. Furthermore, No 5 is served by an extensive rear garden. Consequently, many parts of this rear garden could be enjoyed which would be well away from the proposal's siting.
11. These factors would all serve to moderate the effects of the proposal's scale and design upon the occupiers of No 5 so that it would not be unduly overbearing nor result in a harmful loss of outlook. As a result, I find that the effects of the proposed development upon the living conditions of the occupiers of No 5 with particular regard to outlook would be acceptable. In respect of these living conditions, the proposal complies with Policy SD8 of the LP which sets out that developments should respond positively to the amenity requirements of existing occupiers. The proposal also complies with the advice within the Framework which requires development to ensure a high standard of amenity for existing land users.

### **Other Matters**

12. Although the submitted public representation raises concerns in regard to the effects of the development upon their privacy, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter in detail.

### **Conclusion**

13. In my first main issue I have set out the reasons why the proposal would be unacceptable in design terms, and that it would harmfully affect the character and appearance of the host property and the area. Whilst I have identified that the proposal would not result in a harmful loss of outlook for the occupiers of No 5, this does not outweigh the aforementioned harm. Consequently, the proposal conflicts with the development plan as a whole and the material considerations in this case, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*H Jones*

INSPECTOR