



Appeal Decision

Site visit made on 17 January 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th February 2018

Appeal Ref: APP/H0738/W/17/3185975 108 Junction Road, Norton, TS20 1QB

- 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 Mrs Tracy Godden against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/1487/FUL, dated 2 June 2017, was refused by notice dated 18 August 2017.
 - The development proposed is construction of a detached dormer bungalow and associated vehicle parking.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a detached dormer bungalow and associated vehicle parking at 108 Junction Road, Norton, TS20 1QB in accordance with the terms of the application, Ref 17/1487/FUL, dated 2 June 2017, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 1 of 5; 2 of 5; 3 of 5; 4 of 5; 5 of 5.
 - 3) No construction works or deliveries shall be carried out except between the hours of 8:00 and 18:00 on Mondays to Fridays and between 9:00 and 13:00 on Saturdays. No construction activity including demolition works shall take place on Sundays or on Bank Holidays.

Main Issues

2. The main issues are the effect of the development, firstly, on the character and appearance of the area and, secondly, on the living conditions of adjoining occupiers with regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises an area of open land to the rear of Nos 100-106 Junction Road. It is roughly 'L' shaped and is bounded by tall hedgerows and trees along its northern and eastern edges.

4. The proposed dwelling would sit within a generous plot that would be comparable in size to many of the surrounding properties. The development would not be prominent in views from Junction Road and would only be partly visible through the gap between Nos 108 and 106. Its squat height would give it a subservient appearance when viewed from this position. The hedgerow along the site's northern boundary would largely restrict views of the development from Kenley Gardens, and only the apex of the roof would be visible. It would not be unduly prominent or noticeable when viewed from this location. Whilst the development would be clearly visible from the rear of Nos 100-106, these properties have relatively long gardens and their outlook would not be unduly restricted.
5. The proposed dwelling would have a relatively large footprint compared to the host property at No 108. However, this would not be readily apparent from public vantage points, and its low height would ensure an appropriate degree of subservience when viewed from the street. Whilst the appeal site itself is currently open, its atypical shape and limited visibility from public vantage points, limit the contribution it makes to the character of the wider area.
6. The appellant has drawn my attention to a number of nearby developments and approvals, and I viewed several of these during my site visit. In this regard, it is clear that there are a number of backland dwellings in the surrounding area and that these can be successfully accommodated on appropriate sites.
7. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policy CS3 of the Stockton-on-Tees Core Strategy (2010) and saved policy H03 of the Stockton-on-Tees Local Plan (1997). These policies seek to ensure, amongst other things, that new development is sympathetic to the character of the locality.

Living conditions

8. The development would be accessed via an existing route that runs along the side of No 108. This passes next to the boundary fence with No 106. A number of habitable room windows are located in the side elevation of this property.
9. The proposed access already serves an existing garage block at the rear of No 108. Whilst the proposal would intensify the use of this route, a single dwelling would attract only a small number of vehicle movements. The use of this access on a limited number of occasions each day would not create an undue source of disturbance to the adjoining properties in my view. Moreover, the existing boundary fence would be sufficient to prevent direct headlamp glare to habitable room windows in No 106, and would provide some mitigation against noise. I further note that No 106 is set back from the boundary by approximately 5 metres which would limit any residual impact from occasional vehicle or pedestrian movements. In this regard, I do not consider it necessary to install a new acoustic boundary fence.
10. In terms of the effect of the development on the host property, I note that the main habitable room windows in its front elevation are located to the west of the house and away from the access route. The side / rear boundary fence would also prevent any significant headlamp glare to rear facing windows.

11. The Council has drawn my attention to 2 appeal decisions¹ in the surrounding area, and I visited both of these sites during my visit. However, I am not persuaded that these cases are directly comparable to the current appeal proposal. In this regard, the appeal at 101 Junction Road proposed a dwelling directly to the side of the existing property rather than to the rear. In addition, the appeal at No 24 Junction Road proposed 4 new dwellings and a new access route, which is not the case here. I have therefore come to my own view on the appeal proposal.
12. For the above reasons, I conclude that the development would not significantly harm the living conditions of adjoining occupiers with regard to noise and disturbance. It would therefore accord with Policy CS3 of the Stockton-on-Tees Core Strategy (2010) and saved policy H03 of the Stockton-on-Tees Local Plan (1997). These policies seek to ensure, amongst other things, that new development does not result in an unacceptable loss of amenity.

Other Matters

13. The level of traffic that would be associated with the development would be modest, and would not contribute significantly to congestion in the area.
14. Interested parties express concern that this appeal could set a precedent for further developments in the area. However, the shape of the appeal site is not typical of the surrounding area, and in any case, each application and appeal must be determined on its individual merits.
15. There is no evidence before me that the development would place a significant strain on existing sewers, and I note that Northumbrian Water have not objected to the development on these grounds.
16. The issue of impact on property values has also been raised. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.

Conditions

17. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty. I have also attached a condition that restricts the hours of construction, which is necessary in order to protect the living conditions of adjoining occupiers during the construction period.
18. The Council suggested a further condition that would have required the width of the driveway to be a minimum of 4.1 metres. However, there is an existing passing place in front of No 108, and a further passing place would be provided in front of the proposed dwelling. This condition is therefore unnecessary.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

¹ APP/H0738/A/08/2088038 and APP/H0738/A/09/2097882