
Appeal Decision

Site visit made on 27 August 2019 by Ifeanyi Chukwujekwu BSc MSc PIEMA Assoc RTPI

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/H0738/D/19/3231460

7 Martindale Grove, Egglecliffe, Stockton-on-Tees, TS16 9DL

- 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 Peter Stabler against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 19/0705/FUL, dated 10 April 2019¹, was refused by notice dated 7 June 2019.
 - The development proposed is to build an orangery to rear of property with glass roof and change rear window to French doors.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposed development upon the living conditions of occupants of no. 5 Martindale Grove with particular regard to outlook.

Reasons for the Recommendation

4. No. 7 is a two-storey semi-detached dwelling which is adjoined with 5 Martindale Grove. There is an existing two-storey extension to the rear and the rear garden is enclosed by fencing with dense vegetation along the boundary shared with no. 5.
5. The proposed orangery would attach to the existing two-storey extension to infill the vacant space between the existing extension and the side boundary. The proposed orangery would exceed a projection of 3 metres and thus, in accordance with Stockton-on-Tees Borough Council's Supplementary Planning Guidance Note 2 Householder Extension Guide (the 'SPG') the Council has applied the 60-degree rule which the proposal would breach.

¹ Although the application form is dated 25 March 2019, all of the papers suggest the application was properly made to the Council on 10 April 2019.

6. The appellant accepts that the proposal would breach the 60-degree line but argues that this would not cause overshadowing and overbearing. It is contended that the existing two-storey rear extension already casts a shadow in the area which the proposal would occupy. Be that as it may, there is an existing single storey extension at the rear of no. 5. The addition of the orangery to the side of the existing rear extension would create an enclosed area between it and the neighbouring extension with a resultant tunnel effect. That would adversely affect outlook from the neighbour's rear elevation. Consequently, the proposed orangery, by virtue of its siting, scale and massing, would have an unacceptable overbearing impact on the occupants of no. 5 contrary to the SPG.
7. I find that the development would have a materially harmful effect upon the living conditions of the occupiers of no. 5. Accordingly, it would conflict with the objectives of Policies SD3 and SD8 of Stockton-on-Tees Borough Council's Local Plan (2019).

Conclusion and Recommendation

8. For the reasons given above and having had regard to evidence before me, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

9. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR