



Appeal Decision

Site visit made on 17 August 2020

by E Symmons BSc (Hons) MSc MArborA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2020

Appeal Ref: APP/H0738/W/20/3253736

1 Auckland Way, Stockton-on-Tees TS18 5LG

- 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 Sean Brockbank against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/2004/FUL, dated 27 July 2017, was refused by notice dated 24 January 2020.
 - The development proposed is for a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. When the planning application ref 17/2004/FUL was submitted to the Council, there were four mature poplar trees on the garden boundary fronting Greens Lane. These have since been removed and a condition associated with this grant of consent is the subject of appeal ref APP/TPO/H0738/7655 under Section 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. The circumstances of these appeals are related, and as I am determining both, they have been considered accordingly.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area with respect to the level of development, standard of design and landscaping.

Reasons

4. The appeal site is located within the long, steeply sloping rear garden of 1 Auckland Way (No 1) which leads down and borders Greens Lane. To one side is a detached two-storey property, The Poplars, and to the other, is the rear garden of 3 Auckland Way. Locally, Greens Lane is mainly residential and characterised by open views up towards the rear elevations of properties on Auckland Way and towards Green's Beck Road in the opposite direction. These views are softened by the presence of wide grass verges, mature trees/shrubs and areas of open space. In combination these factors contribute to the prevailing green, verdant and open landscape character.
5. The front elevation of the proposed dwelling would face Greens Lane and consist of a contemporary split-level property with under-croft parking. All

- fenestration, other than a landing window and double doors from the dining room/kitchen to the rear, would be on the front, north east facing elevation. The roof would slope towards the rear and, when viewed from Greens Lane, would appear flat, resulting in a rectangular building outline.
6. Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (Local Plan) seeks that designs consider and positively respond to the context of the local area. The appellant has drawn my attention to the variety of house designs within the area. However, as observed during my site visit, the prevailing character of dwellings seen from Greens Lane is broadly traditional with sloping roof profiles and, where present, adjacent garages. Consequently, the proposed flat-roof profile and under-croft parking, is not characteristic of the area and not represented within any of the examples advanced by the appellant.
 7. The proposal would sit adjacent to only one dwelling, The Poplars. This has a more modern appearance with a front projecting, glazed element. However, it also more closely reflects the prevailing traditional character of the area having a pitched roof, adjacent garage and less uniform footprint and outline compared with the proposal.
 8. When viewed on approach along Greens Lane, and due to its position at an angle to The Poplars, the proposal's front building line would appear out of alignment with The Poplars resulting in its side elevation being apparent in these views. This would present an awkward relationship between the properties and add to the impression of the proposal being back garden development rather than a continuation of the building line on Greens Lane. Although The Poplars itself is a garden development, originally associated with 3 Dunedin Avenue, when viewed from Greens Lane this is not particularly apparent.
 9. The proposed garden area available for this development is 372 square metres with the developed area only comprising 25% of this. However, this measure is for the dwelling alone and the development as a whole includes considerable areas of hard standing and parking. Moreover, the rear of the dwelling has a constrained layout comprising an area of outdoor space sitting between the rear elevation of the property and directly adjacent to the proposed 2.4m high boundary for the garden of No 1. Finally, the property at No 1, in common with many of the surrounding properties, has a generous garden which adds to the openness, and therefore the character and appearance of the area. The proposed dwelling would span the width of the plot and this, in combination with its back-garden appearance and limited rear space would result in a cramped development when viewed from Greens Lane.
 10. I acknowledge that the property would be set-back from the highway behind a front driveway and that the recently planted trees and proposed landscaping scheme could soften, screen and mitigate its appearance. Furthermore, a green roof would have greater environmental benefit when compared with a tiled roof construction and integrate the proposal into the landscape when seen from Auckland Way above. However, due to the rearward slope of the roof, this benefit would not be apparent from Greens Lane.
 11. The tree species proposed, and now planted, have the potential to grow large enough to replace the visual amenity value of those removed and contribute to the character and appearance of the area. There is no evidence that these

- trees could not be accommodated and retained within the development given the proposed permeable driveway surface and three-dimensional cellular confinement system to accommodate root growth. In this respect, the proposal does not conflict with Policy ENV 5 of the Local Plan which requires that if trees which contribute to the character and appearance of the area are lost, they should be replaced with species which can attain an appropriate scale.
12. However, the trees which have been planted will take a considerable amount of time to grow. Furthermore, their position to the front of the predominantly glazed primary elevation, would decrease ambient light levels. Although there is no certainty that this would lead to pressure for tree removal, it is likely that they would need to be pruned to accommodate their growth. It is also likely that views of the dwelling would remain and the harm I have identified to the character and appearance of the area would be apparent.
13. The appellant considers that the proposal would make good use of an underused garden area. However, although the current occupiers of No 1 do not require the current amount of garden space, there is no certainty that future occupiers would feel the same. I therefore give limited weight to this argument.
14. In conclusion, the relationship of the proposal to The Poplars, the design and pattern of development is inappropriate in the open landscape setting seen on this side of Greens Lane. It therefore does not respect the strong local character in terms of layout and detailing and would harm the character and appearance of the area conflicting with Policy SD8 of the Local Plan.

Planning Balance and Conclusion

15. In principle, the general neighbourhood is sustainable in terms of services and facilities, there are no highway objections and it would not affect the living conditions of neighbours. I also accept that the dwelling would use modern construction methods, be energy efficient and not contribute to flood risk. Design features would seek energy efficiency and the green roof would help integrate the structure when viewed from Auckland Way.
16. I have no substantive evidence that the development plan or the policies which are most important for determining the application are out of date. As such, the appeal scheme cannot benefit from the presumption in favour of sustainable development.
17. As a windfall site, the proposal would add to the Council's housing supply which in turn would support local economic vitality and provide construction related jobs. However, provision of one dwelling is a modest contribution which would not make a sufficiently significant positive impact to outweigh the negative aspects with respect to the harm it would cause to the character and appearance of the area.
18. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The property is to be used as accommodation for a person with a protected characteristic, for the purposes of the PSED. However, it does not

follow that the appeal should succeed, but that I have a duty to consider the implications of my decision upon this person.

19. The desirability of providing the appeal dwelling for the appellant's family member is a primary consideration in this case as it is stated that the dwelling would allow independent living within familiar surroundings. Due to a reported limited availability of suitable accommodation in the area, this option within the curtilage of the appellant's property is being explored. Should this appeal fail, the appellant would need to investigate other options to achieve independent living for his family member.
20. However, I have been given no further substantive details in support of this need and consider there may be other ways of achieving the appellant's objectives without relying on this particular scheme. I therefore consider that fulfilment of the appellant's objectives through the proposal before me does not outweigh the harm to the character and appearance of the area that I have identified. Having regard to the policy aims to protect the character and appearance of an area, in this case, I consider that greater weight attaches to the public interest.
21. For the reasons stated above, the appeal is dismissed.

E Symmons

INSPECTOR