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# Appeal Decision

Site visit made on 8 May 2024

**by Paul Martinson BA (Hons) MSc MRTPI**

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

**Decision date: 14<sup>th</sup> May 2024**

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**Appeal Ref: APP/H0738/W/24/3339686**

**9 Spurrey Close, Ingleby Barwick, Stockton on Tees TS17 0SJ**

- 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 Miss Pauline Thoburn against the decision of Stockton-on-Tees Borough Council.
  - The application Ref is 23/1466/REV.
  - The development proposed is described as: 'proposed new porch, side and rear single storey extensions, with boundary wall'.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs has been received from Miss Pauline Thoburn against Stockton-on-Tees Borough Council. That is the subject of a separate decision.

## Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

4. The appeal site lies within a suburban area that forms part of a large residential development of cul-de-sacs accessed from through routes. These through routes typically comprise of wide roads with grassed verges, street trees and landscape planting. These areas are bounded by the high walls and fences of the side and rear boundaries of dwellings, which typically have driveway access from the cul-de-sacs. The grassed open spaces are an important component of the streetscene and, to a degree, offset the sense of enclosure formed by rear and side boundary walls and fences. The open character extends around the corners at the junction of the cul-de-sacs with these areas typically comprising of grassed areas or landscape planting. As above, side and rear boundaries tend to be set back behind such areas.
5. The cul-de-sacs themselves consist of narrower roads and pavements and dwellings have open frontages with little boundary definition to front gardens and driveways. This, alongside the aforementioned landscaping at the junction with the through routes, gives the streetscene an open character.
6. The appeal property is a semi-detached dwelling located on a prominent corner plot at the junction of Spurrey Close with Avens Way, backing onto the through route of Thornwood Avenue. The rear and side boundary wall of the appeal

property, set back behind grassed open space are therefore highly visible from Thornwood Avenue. From here, and in views looking towards the junction of Avens Way with Thornwood Avenue, the open space contributes to the open feel to the streetscene, consistent with the prevailing character.

7. Policy SD8 of the Stockton-on-Tees Borough Council Local Plan (2019) (the LP) seeks to ensure new development is designed to the highest possible standard, using streetscapes and buildings to create attractive and comfortable places to live, taking into consideration the context of the surrounding area and the need to respond positively to, amongst other things, the quality, character and sensitivity of the surrounding public realm, in particular at prominent junctions; the landscape contributions made by existing trees and landscaping; and the need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment.
8. The Householder Extensions and Alterations Supplementary Planning Document (2021) (the SPD) highlights the importance of existing landscaping and boundary treatments with regard to the character of the area and that such features should be retained where possible in the interests of visual amenity and biodiversity.
9. It is proposed to construct an extension to the side and rear elevation of the dwelling following demolition of the existing boundary wall and detached garage. The side extension would project out onto the open space beyond the existing boundary wall. As part of the proposals, a new boundary wall would be erected and much of the open space would be incorporated into the rear garden, with only a thin sliver of the grassed area remaining.
10. The proposed tall brick wall close to the pavement edge would become an imposing feature of the streetscene, significantly more so than those set back behind landscaped or grassed areas as is characteristic here. This, alongside the loss of the open space would make this prominent corner of the streetscene appear distinctly less open, to the detriment of the prevailing character of landscaped, open corner plots. Whilst the wall would be prominent in views from Thornwood Avenue, its impact would be particularly harmful in views from Avens Way. From here the wall would obscure views of the landscaped areas along Thornwood Avenue and appear uncharacteristically close to the edge of the pavement, in contrast with the open character of the front gardens and driveways opposite. The proposal would consequently result in an incongruous form of development that does not respond positively to the character of the area.
11. For the above reasons, the proposal would be harmful to the character and appearance of the area. The proposal would therefore conflict with Policies SD5 and SD8 of the LP which together and amongst other things, seek to ensure development proposals meet high standards of design that conserves and enhances the natural and built environment.
12. The Council has referred to Policy ENV6 in its reasons for refusal and its delegated report. However, within the context of the appeal proposal, this primarily relates to amenity open space defined in the Local Plan. The appeal site does not lie within such an area and therefore the policy has limited relevance to the appeal scheme.

### **Other Matters**

13. Reference is made to alternative proposals suggested by the Council, however my role is to make a decision on the basis of the scheme before me. Whilst I sympathise with the appellant with regard to the littering that has occurred to the appeal site, I am not convinced that the appeal scheme is the only means of resolving this situation.
14. I note the lack of objection from the occupiers of neighbouring properties, however a lack of objection does not necessarily equate to a lack of harm.

### **Conclusion**

15. The proposed development would conflict with the development plan. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*Paul Martinson*

INSPECTOR