

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**DATE 10<sup>th</sup> January 2007**

**REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES**

**06/3340/FUL**

**The Grange, Urray Nook Road, Eaglescliffe**

**Revised application for erection of 16 No. apartments and associated parking and amenity space (demolition of existing dwelling and outbuildings)**

**Expiry Date: 26<sup>th</sup> January 2007**

### **Summary**

Planning permission is sought for residential development on land currently occupied by an existing property known as The Grange on Urray Nook Road, Eaglescliffe. The site measures 0.25ha and is located on the periphery of the settlement at the entrance to Valley Gardens, a residential estate of 24 bungalows.

The site is a brown field site located within the 'Limits to Development' as defined by the Borough Local Plan although there is no site-specific designation within the Local Plan. The site is currently occupied by a residential dwelling and its associated outbuildings although is currently vacant.

A previous proposal (05/0984/FUL) for a similar development of 16no. apartments was refused by the Planning Committee and dismissed at appeal on grounds of its scale and massing within the street scene.

The proposed development would result in the demolition of all structures on the site and the erection of 16 no. one and two bedroom apartments with associated parking, amenity space and ancillary development. It is proposed to replace the existing vehicular access to the site off Urray Nook Road with a new access off Valley gardens.

Residents have raised a number of objections to the new application, particularly in respect of highway safety, insufficient parking provision, over development, inappropriate scale and character and the sustainability credentials of the proposal. Other objections include the loss of the existing building.

The Head of Transportation and Environmental Policy considers the scheme to provide adequate parking and as such has no objections subject to appropriate visibility splays being achieved and the path leading to the refuse store being realigned to allow the collection vehicle to park away from the adjacent road junction.

The concerns of the Councils Leisure Services relating to the provision of open amenity space have been overcome by the requirement for a section 106 agreement to contribute £8750 towards off site play or informal open space.

The siting and nature of the development is considered to generally accord with the guidance of Supplementary Planning Guidance no. 4 relating to flatted development

in terms of its massing, scale, design, parking provision and access. Local residents are concerned that the development does not meet the requirements of Supplementary Planning Guidance Note no. 4, particularly in respect to the proximity of the development to local services. However, It has to be appreciated that this is a guidance document and the previous Planning Inspector's decision on a similar proposal for flatted development on the site, the proximity of the development to local services was not considered to be a material planning consideration against the proposal

## **RECOMMENDATION**

***It is recommended that planning application 06/3340/FUL be approved subject to the applicant entering into a Section 106 Agreement in accordance with the Heads of Terms as listed below and subject to the following conditions***

***In the event of the S106 having not been signed, or there still being outstanding matters on the 26<sup>th</sup> January 2007, that the application be refused.***

- 01. *The development hereby approved shall be carried out in accordance with the following approved plan(s): unless otherwise agreed in writing with the Local Planning Authority.  
Drawing Number(s): - 04.54.01rev01, 2704/9/2, 4b, 5b, 6b, 7b, 8b, 9, 10***

***Reason: To define the consent.***

- 02. *Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.***

***Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development.***

- 03. *No trees or landscaping on the site shall be lopped, topped, pruned or felled until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall detail the following:***
- a) Hard and soft landscaping,***
  - b) Soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.***
  - c) Areas of landscaping to be retained and a scheme for their protection in accordance with BS5837 2005 (Trees in relation to construction).***
  - d) Areas of level change,***
  - e) Precise locations of protective fencing,***
  - f) Areas of material storage within the site, and***
  - g) Excavations required for service runs.***

***The development shall be carried out in accordance with the approved details. Planting works shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in***

***the next planting season unless the Local Planning Authority gives written consent to any variation.***

***Reason: In the interests of visual amenity and in order to adequately protect the landscape features of the site.***

- 04. *No development shall take place until a scheme for the recording of the existing building and the remnants of the former Corn Mill in the south western corner of the site has been submitted to and approved in writing by the Local Planning Authority and the approved recording has taken place to the satisfaction of the Local Planning Authority and a copy been submitted to the Local Planning Authority.***

***Reason: In the interests of recording the built heritage of the area prior to the redevelopment of the site.***

- 05. *Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.***

***Reason: To achieve a satisfactory form of development.***

- 06. *No Development hereby approved shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.***

***Reason: To ensure the proper restoration of the site.***

- 07. *No development hereby approved shall commence on site until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. No Development hereby approved shall commence until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance which will be carried out in accordance with the requirements of the report.***

***Reason: To ensure the proper restoration of the site.***

- 08. *All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected before the development hereby approved is occupied.***

***Reason: In the interests of the visual amenities of the locality.***

09. ***Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwelling(s) which fronts onto the highway, without the prior written approval of the Local Planning Authority other than those hereby approved.***

***Reason: In order that the Local Planning Authority may exercise further control in this locality in the interests of the visual amenities of the area.***

10. ***Prior to works commencing on site a scheme for a temporary car park to be provided on site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site and brought into use during the initial construction phase to provide in curtilage parking for persons working on the site.***

***Reason: In the interests of highway safety.***

11. ***During the construction phase of the development there shall be no burning of waste on the site.***

***Reason: To protect the amenity of the occupants of nearby properties.***

12. ***During construction of the scheme hereby approved there shall be no operation of plant outside the hours of 8.00a.m. - 6.00p.m. weekdays, 8.00a.m. - 1.00p.m. Saturdays and at no times on Sundays or Bank Holidays.***

***Reason: To avoid excessive noise and disturbance to the occupants of nearby properties.***

13. ***No dwelling of the scheme hereby approved shall be occupied until the cycle and refuse store within the site have been constructed and brought into use.***

***Reason: To ensure that adequate on-site cycle parking and refuse facilities are made available.***

14. ***No dwelling of the scheme hereby approved shall be occupied until the car park and its associated access have been laid out, constructed and surfaced in accordance with the approved plans and the car park has been brought into use.***

***Reason: In the interests of highway safety.***

15. ***Notwithstanding details hereby approved, there shall be no objects, planting or structures above 600mm high located within the section of the 4.5m x 90m visibility splay at the junction of Valley Gardens and Urlay Nook Road, which falls within the site and which is indicated on site layout plan reference 2704/09/04B hereby approved, unless otherwise agreed in writing by the Local Planning Authority.***

***Reason: In order to retain adequate visibility for vehicular traffic from Valley Gardens onto Urlay Nook Road.***

16. ***Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for all properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.***

***Reason: To take into account the sites location in respect to surrounding properties.***

17. ***No development shall commence until a scheme for the installation of bat boxes including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the bat boxes shall be retained, replaced and/or repaired as required in order that the requisite bat boxes are retained at The Grange in perpetuity.***

***Reason: In order to adequately provide for protected species, in the interests of nature conservation.***

### **Heads of Terms**

***A commuted lump sum of £8750 is required as a contribution in lieu of the provision of adequate on site open amenity and play space. The monies will be used for such provision within the surrounding area.***

### **THE SITE AND ITS SURROUNDINGS**

1. The site lies on the southern side of Urlay Nook Road on the periphery of Eaglescliffe, at the entrance to a cul de sac of detached bungalows. The application site and the development of Valley Gardens is at a lower level than Urlay Nook Road itself with land continuing to fall away in a southerly direction.
2. Existing development to the north of the site is mainly in the form of two storey detached Houses fronting onto Urlay Nook Road. These properties are generally located to the east of the site whilst immediately in front of the site lies a small area of open space and a detached residential property. Open fields lie to the west of the site.

### **BACKGROUND**

3. A similar planning application was considered for the erection of 16no. two and three bed apartments on the same site as this current proposal. The earlier application (ref.05/0984/FUL) was recommended for approval by officers although Committee resolved to refuse the application on the 26<sup>th</sup> October 2005 for the following reasons;

***In the opinion of the Local Planning Authority it is considered the proposed development would result in the over development of the site as a result of its high density, the lack of meaningful open space within the site, and the requirement for a significant level of on site parking provision. As such, the proposal would be contrary to the guidance of Policies GP1 and HO 11 of the***

*Stockton Borough Local Plan which require residential developments to take into account their relationships with the surrounding area, incorporate open space for both formal and informal use and ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity.*

*In the opinion of the Local Planning Authority, as a result of its location in respect of local services, the proposed development site is considered to be an unsuitable and unsustainable site for flatted development, being development, which should be located on sites within close proximity to a wide range of provisions and services. As such, the proposal would be contrary to the guidance of Supplementary Planning Guidance Note No. 4. and therefore is considered unsustainable*

4. The determination was appealed against. The Planning Inspector accepted the sustainability element and the location of apartments in view of surrounding services, the density of the site, levels of parking and the provision of play and amenity space. However, the inspector concluded that the proposed development would result in a significant mass of development on the edge of the urban area. A copy of the Inspectors decision is appended to this report (appendix ref. 5).

## **THE PROPOSAL**

5. Planning permission is sought for the erection of two apartment blocks totalling 16no. 1 and 2 bed apartments. The main block of 12 units fronts onto Uraly Nook Road to the north with a smaller secondary building fronting onto Valley Gardens to the east.
6. A total of 24 parking spaces are provided within the scheme, a group of 22 parking spaces to the rear of the site with a single access point from Valley Gardens and two spaces that individually access onto Valley Gardens.
7. Other elements of the scheme include a cycle store; refuse store, small area of children's play space and associated indicative landscaping.

## **PUBLICITY & CONSULTATIONS**

### Historic Buildings Officer (summarised)

8. Does not consider the existing buildings on site to be worthy of listed status and specific protection although considers a scheme of recording work should be undertaken.

### Environmental Development Officer (summarised)

9. From today's discussion, I understand that this application has progressed having been successful at planning appeal. I must therefore reiterate my requirement for an off site commuted lump sum of £8750.00 as mention below and as per my email reply of the 12th October 2005.

### Environmental Health Unit (summarised)

10. I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions be imposed on the development should it be approved relating to Noise disturbance between living accommodation, due

to the probability of noise complaints resulting from the intensified use of these residential premises, Possible land contamination and mitigation, Construction Noise and the working hours for the site in view of its proximity to surrounding properties.

#### Head of Integrated Transport and Environmental Policy (summarised)

11. The car parking provision of 1.5 spaces is in accordance with the Councils Design Guide, therefore no objection is raised subject to adequate visibility splays being achieved, the realignment of the footpath serving the refuse store and a dropped kerb being provided.

#### Cleveland Archaeologist Section (summarised)

12. Tees Archaeology recognise the sites former uses, suggesting the foundations of the mill may remain beneath the sites surface. However, in view of the likely age of the Mill, Tees Archaeology raise no objection to the principle of redevelopment although recommended that a planning condition be imposed to ensure the developer carries out appropriate archaeological recording to mitigate against the loss.

#### Councillors

Cllr's Rigg and Fletcher - Summarised:

13. The current proposal still has a two-storey building on Valley Gardens, and does not seem to have resolved the issue of bulk and scale made by the inspector, although the mass of the main building fronting on Uray Nook Road has been reduced significantly from the original.

There are no elevation drawings to show the view on entering Eaglescliffe from the West, or to show the view that would be seen from Valley Gardens approaching the proposal. Both of these impacts were mentioned in the LPA statement of case to the appeal inspector and in his subsequent judgement.

It is expected that the engineers will comment on the car parking spaces being served off Valley Gardens and the likelihood of vehicles reversing off these spaces.

Who has responsibility for putting bins and recycling boxes out on bin day.

Would the play area be better served as additional garden area in view of there being only one and two bed apartments proposed as against a mix of two and three bed apartments proposed previously.

#### Parish Council

14. It is felt that the frontage onto Uray Nook Road as regards the size, looks reasonable. However, the Valley Gardens frontage would have a massive impact on the street scene, would overlook and overshadow neighbouring house and bungalows. This is especially the case as this site is elevated from surrounding properties. Had the development been based on the original footprint it would be more acceptable.

This proposal, as the previous application, would be detrimental to the character and appearance of the area in general.

Taking into consideration recently built flatted developments; if this application is to be approved we would request that more care is taken with regards to building materials, especially the brick colours.

In addition, my Council feels that a planning condition/obligation should recommend a pedestrian crossing in the vicinity.

#### Northern Gas Networks

15. No objections

#### Durham Bat Group

16. Believes that this net loss of conservation importance, though small, is still contrary to the requirements of PPS9. DBG would suggest that in this case it would be very easy to include some provision in the new build to remedy the loss. E3, the consultants in this case will be able to supply suggestions and designs, which cost coppers to install.

One of the requirements is to define the mechanism by which will the mitigation will be delivered and the most effective way to do this is to include it in the plans that are passed so that the bat mitigation is an integral part of the planning permission. DBG would not be happy with this mitigation appended, as a condition of consent as SBC would have no mechanism for ensuring that the bat mitigation supplied was effective.

#### **No comments have been received from the following consultees:**

17. Landscape Officer,  
Joint Public Transport Group,  
Northumbrian Water Limited,  
Care For Your Area,  
Development Plans Officer,  
Natural England

#### **Neighbours were notified and comments were received from the following addresses:**

18. 26 letters of objection were received as a result of the neighbour consultation exercise. Objection has been received from the following addresses:  
CPRE Stockton Group, EPAG, Hendal House Urray Nook Road, 1, 2, 4, 6, 13, 14, 15, 19, 21, 23 Valley Gardens, 36 Lingfield Drive, Windlestone Urray Nook Road, 65 Mayfield Drive, 648 Yarm Road, 6, 8, 12 Emsworth Drive, Moss Moor Caldwell, Tony Mills, Nicky Farish, Mr & Mrs Campbell of Valley Gardens, Colin Scott

As well as a signed petition form from the occupants of 3, 5, 7, 10, 11, 15, 16, 19, 23 Valley Gardens.

19. The basis of the objections are summarised as follows:-

- *The proposal still represents an over development of the site which is out of proportion with the surrounding houses and bungalows, having a substantial three storey building overlooking bungalows on Valley Gardens.*
- *The findings of the appeal decision have not been taken into account.*
- *The proposed two storey flats on Valley Gardens would be entirely out of keeping with the character of the road as there are no houses on Valley Gardens whilst it is noted that the Inspector objected to this as an unacceptable domination of the street scene in the approach to the junction with the A67.*



- *The development would intrude unacceptably into the edge of the settlement in the generally rural approach from the west into Eaglescliffe.*
- *The existing property is important and could be converted with further suitably scaled and located development within the grounds.*
- *The Grange is one of the few older properties in this area giving character and a sense of history to the place whilst has been nominated for Local Listing and it is the Authorities responsibility to protect our Heritage.*
- *The site is not considered to be sustainable and EPAG consider it to be contrary to the guidance of SPG 4.*
- *The first floor windows of The Grange have clear views down Valley Gardens and it is considered that an additional floor of development would result in little or no privacy for the people in the adjacent bungalow.*
- *There is traffic problems associated with Urray Nook Road in terms of queuing traffic at peak times. There have been several recent developments in the area, which will worsen this situation, as would this proposal. In view of this it is considered a traffic survey should be provided.*
- *There is a bend in the A67 when turning left out of Valley Gardens and this would cause a blind spot.*
- *There are no parking facilities near The Grange and any overflow parking would obstruct the exit onto Urray Nook Road.*
- *There are no pedestrian crossing facilities within this locality and groups of children have to dodge traffic to get to the comprehensive school.*
- *There is insufficient parking provided on site as most properties have two or more vehicles as well as visitors.*
- *Erecting multi storey dwellings will not improve the way of life for the surrounding residents, many of whom are elderly.*
- *Local residents would suffer from the noise and fumes of vehicles entering and leaving the site, particularly the adjoining bungalow.*
- *The character of Eaglescliffe is being eroded by development such as this and the monstrosity being built at the Tesco Roundabout.*
- *Concern remains in respect to the additional loading on the public sewer and rainwater drains to accept the additional loading.*
- *The play area is indicated as being secure but it is adjacent to a car park, which could never be considered to be secure.*
- *It is considered we have reached saturation point with flatted development in the area, with several remaining unsold.*

## **PLANNING POLICY CONSIDERATION**

### **National Planning Policy**

20. National Planning Policies are set out in Planning Policy Guidance Notes (PPG's) and the more recent Planning Policy Statements (PPS's). Those relevant to this application are:
- PPS1 Delivering Sustainable Development.  
 PPG3 Housing. (Advises that most additional new housing should be on previously developed land within urban areas to minimise the amount of Greenfield land developed)  
 PPG 13. Transport. (Promotes more sustainable transport choices and greater accessibility by all forms of transport with housing located principally within the urban areas).
21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any

determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plans are the Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy.

22. Regard also has to be given to the Emerging regional Spatial Strategy RSS, which is at the consultation stage and will ultimately replace Regional Planning Guidance Note no. 1 (RPG 1). Policies in RPG 1 set out the need for a sequential approach to development; sub regional guidance to include inter alia, targets for the re-use of previously developed land and buildings, and a managed release of housing land for development.
23. Stockton Borough Local Plan

#### **Policy GP1**

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

#### **Policy HO3**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

#### **Policy HO11**

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment, which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;
- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;

(vii) Subject to the above factors, to incorporate features to assist in crime prevention.

### **Policy EN30**

Development, which affects sites of archaeological interest, will not be permitted unless:

- (i) An investigation of the site has been undertaken; and
- (ii) An assessment has been made of the impact of the development upon the remains; and where appropriate;
- (iii) Provision has been made for preservation 'in site'.

Where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during development.

## **MATERIAL CONSIDERATIONS**

24. The application site is a brown field site, which falls within the 'Limits of Development' as defined within the Borough Local Plan although has no site specific allocation within the Local Plan. The site has no existing recreational value and is not directly beneath electricity lines. As such, the principle of a residential development on the site accords with Policy H03 of the Borough Local Plan. In determining the application, detailed consideration is required of several key issues, including the recent appeal decision. Issues are considered as follows;

### **Loss of Existing Building**

25. The building is a large structure, which defines the periphery of the settlement on the southern side of Urlay Nook Road.
26. Based on historic maps it would appear that the existing property on the site dates back to the later part of the 19th century and a corn mill once stood within the southwestern corner.
27. The Councils Historic Buildings Officer has indicated that 'The existing dwelling has been substantially altered with no original features of interest remaining in the interior of the building. Modern windows and doors have been installed and a conservatory extension added to the rear'. In view of the level of alteration the building has been submitted to and its current dilapidated state of repair, it is considered that the building is not worthy of listed status. As such, although the proposed development would result in the loss of a historical building, it is considered this loss would not be contrary to the guidance of Local Plan Policy GP1 or paragraph 4.3 of SPG 4 which requires development proposals to take account of the quality, character and sensitivity of existing landscapes and buildings and would seek the retention of architecturally or historically interesting buildings in preference to demolition. The Councils Historic Buildings Officer does however consider it appropriate for a suitable scheme of recording to be undertaken in respect of the dwelling in line with guidance set out in PPG 15.
28. Tees Archaeology recognise the sites former uses, suggesting the foundations of the mill may remain beneath the sites surface. However, in view of the likely age of the Mill, Tees Archaeology raise no objection to the principle of redevelopment although recommended that a planning condition

be imposed to ensure the developer carries out appropriate archaeological recording to mitigate against the loss.

29. In view of the bastardised appearance, dilapidated condition and subsequent limited value of existing buildings on site and taking into account the comments of the Councils Historic Buildings Officer, it is considered the loss of the existing buildings on site would not be contrary to Local or National Planning Guidance relating to the retention of architecturally or historically important features of the site. Furthermore, in considering the previous appeal, the Planning Inspector did not raise the loss of the existing buildings as a reason to dismiss the appeal. In order to adequately record the site as indicated necessary by both Tees Archaeology and the councils Historic Buildings Officer, a suitable condition has been attached which requires an adequate survey of the existing buildings and former corn mill to be carried out, a copy of which would then be made available to Tees Archaeology for record purposes. It is considered this will accord with the requirements of Policy EN30 of the Local Plan, which advises where preservation is not appropriate, the Local Planning Authority will require the applicant to make proper provision for the investigation and recording of the site before and during the development.

### **Sustainability**

30. Supplementary Planning Guidance Note No. 4 relates to the provision of flatted development and the need for such development to be located and designed in a manner to achieve and encourage increased levels of sustainability. This document further advises of the necessary location for flatted development to a range of local services. The proposed development does not meet the criteria as listed within SPG 4, however, this is a guidance document and within the previous appeal on the site the inspector specifically considered the sustainability credentials of the site concluding;

*'the site is within the defined settlement limit for Eaglescliffe / Yarm and I note from the appellants detailed sustainability checklist that this relatively small and discrete area of urban development benefits from a comparatively high level of shopping, education, health care and other community services. Moreover, these facilities are scattered throughout the built up area, with many located within an acceptable walking or cycling distance of the site. I am satisfied, therefore, that the proposed apartments would be in a location that is sufficiently close to essential services for a good proportion of journeys to and from the site to be made by alternative modes of travel to the private car.'*

*'The provisions of this guidance (SPG4) do not turn me away from my conclusion that although the site is at the edge of the urban area, it is nevertheless in an appropriate location to meet the objectives for sustainable housing development set out in national policy.'*

31. In view of the Inspectors acceptance of flatted development on the site, which has taken into account the guidance of SPG 4, it is considered that the proposed development of 16 apartments is acceptable.

### **Traffic and Highway Safety**

32. The proposed development of 16 residential units is served via a vehicle access off Valley Gardens. Objections have been raised in respect to the access, the level of parking, overspill parking, the impact on existing congestion problems and other highway safety issues. Ultimately, it is considered by local residents that the development would have a detrimental impact on highway safety at a point where there is already an existing problem relating to traffic.
33. The Head of Integrated Transport and Environmental Policy has considered the proposed scheme and considers the level of parking to be adequate at 1.5 spaces per unit (24 spaces in total) whilst advises that no objection is raised subject to adequate visibility splays being achieved at the junction of Valley Gardens and the A67 and for the two private drives onto valley gardens, as well as subject to the realignment of the footpath leading to the refuse store to allow the collection point for refuse to be further away from the Junction of Valley Gardens and the A67.
34. The site layout plan shows a 4.5 x 90m visibility splay being achieved onto Uraly Nook Road. Having considered the plans it is considered that a 2.4 x 2.4 visibility splay can be easily achieved to serve the two private driveways onto Valley Gardens. Objections have been received in respect to poor visibility, additional traffic onto Uraly Nook Road and vehicles reversing out of the development onto Valley Gardens, however, in view of the comments of the Head of Integrated Transport and Environmental Policy and the provision of adequate visibility splays, it is considered that the traffic implications of the proposal are acceptable. In order to achieve and ensure adequate sight lines are achieved and retained in perpetuity a suitable condition has been recommended.
35. The agent has been made aware of the requirement to realign the footpath leading to the bin store and has verbally confirmed that an amended plan will be submitted to achieve this. It is expected that this will be submitted prior to committee although should this not be the case then a condition can be imposed to address this issue.
36. Objection has been raised with regard to the lack of crossing places along Uraly Nook Road. There is a crossing facility adjacent to Tesco to the east of the site which is within close proximity to the school and shopping provision within the locality. In view of this existing provision and there being no requirement for such indicated by the Head of Integrated Transport and Environmental Policy, it is considered that this is not a significant issue.

### **Impact on Street scene**

37. The impact of a similar proposal under an earlier application has been considered by committee in November 2005 under application reference 05/0884/FUL. This application was refused by committee and subsequently appealed against. The Planning Inspector concluded the following within the previous appeal;

‘whilst I accept the existing building group is substantially larger than most modern houses and bungalows nearby, nevertheless, I consider that it retains a scale and proportion that does not look unacceptably out of keeping with its locality. Usefully, The Grange provides a benchmark against which to judge the height, scale and proportions of the two proposed buildings’.

38. The Inspector further considered;  
*'the larger of the two apartment blocks would have an unbroken frontage onto Urray Nook Road of approximately 45m, significantly greater than the existing run of buildings. The eaves level of much of this block would be at or slightly below that displayed by the Grange although the walls of the three storey sections would extend well above this height'.*

*'as a consequence of its overall scale and proportions this main building would present a frontage onto the street that would clearly have a much greater mass than the existing building group and I consider that it would be noticeably and unacceptably out of scale with the more modest proportions of the domestic dwellings within the immediate vicinity'.*

39. The Inspector considered that the large size of the proposal would be especially conspicuous on the skylines as viewed from the east along the A67 and as viewed from within Valley Gardens looking north. The Inspector further stated that;

*'Notwithstanding the use of only two storeys to the secondary building on Valley Road, the rear elevation of the main block would still seem readily apparent in the views northwards along this short cul-de-sac. Moreover, both of the elevated buildings would be elevated well above the single storey dwellings lining this cul-de-sac and I consider that the proposal would unacceptably dominate the street scene in the approach to the junction with the A67'.*

40. It is considered that the Inspector singles out the height and scale of the main apartment block as proposed within the earlier application as being the dominant form and which is of a much greater significance than the existing buildings on site. It is appreciated however that the inspector also refers to the cumulative impact of the development, although considered that the main issues related to the main apartment block.

41. The scheme currently being considered is based on the earlier refusal, although has attempted to take on board the Inspectors comments and amend the scheme accordingly. The main amendments to the scheme relate to the size of the apartments, the external design treatments and the overall heights and footprints of buildings. The table below indicates the main changes between this proposal and the previous refusal (05/0984/FUL).

<b>Previous refusal and appealed application</b>	<b>Element of scheme</b>	<b>Current proposal being considered</b>
4no. 3 bed	No of apartments	2 no. 1 bed
12 no. 2 bed		14 no. 2 bed
36	Total no. of beds	30
24	No. of parking spaces	24
13m	Distance between secondary block and nearest bungalow (2 Valley gardens)	14m
	<b>Ground floor areas</b>	
475.5sqm	Main Block	455.5sqm
224sqm	Secondary Block	179sqm

700sqm	Total of both	634.5sqm
	<b>Elevation heights</b>	
7.8m max. to eaves 10.3m max. to ridge	Main Block	6.2m max. to eaves 9.5m max to ridge
5 – 5.8m max. to eaves 8m to ridge	Secondary Block	5.2–5.9m max to eaves 8.1m average ridge
22.1m	Elevation width of secondary block	16.7m

42. This table indicates the following;
- 16.7% reduction in the number of bedrooms within the development, and therefore;
  - An increase in the average number of parking spaces (per bedroom) from 0.66 to 0.8.
  - An increase in the distance between the existing properties on Valley Gardens and the proposed units.
  - A 20% reduction in the footprint of the two-storey block fronting Valley Gardens and a 9.5% reduction in the overall footprint of the apartment buildings.
  - A clear reduction in the eaves and ridge heights of the main building block.
  - Minimal change to the eaves and ridge heights of the secondary building.
  - A reduction in the width of the secondary apartment block from 22.1m to 16.7m
  - An amendment in the location of the secondary block to create a 2m gap between the secondary and main blocks where it was previously proposed as a 1.4m overlap of building elevations as viewed from the east.

These changes are further emphasised in the appendices in the form of elevation details.

43. The Planning Inspector specifically considered the additional wall height of the main block within the previous proposal to be a significant factor in view of it extending beyond the wall height of the existing building on site. Furthermore, the Inspector considered the existing building on site to be a suitable benchmark against which to consider the height, scale and proportions of the proposed buildings. The main building of the current proposal has an eaves height (wall height) and ridge height, which matches that of the existing building on site, although, has a greater width than that of the existing dwelling.
44. The design of the apartment blocks has been significantly altered to create a more simplistic appearance as a result of amended roof style and a more traditional treatment of elevations, see appendix ref's 3 and 4. It is considered these changes result in the proposals being more in keeping with the existing, relatively traditional group of buildings, give a clear break along the main elevation of the main block in terms of design and scale whilst it is considered that the more simplistic and less busy design further reduces the dominance of the proposed development. It is considered that the proposed buildings would have a reduced dominance as viewed when travelling west along the A67 due to the reduced ridge and eaves levels of the main block as well as a greater spacing being achieved between the main and secondary

blocks and the reduction in the width of the secondary block. Furthermore, it is considered that the changes would reduce the dominance of the buildings as viewed from within Valley Gardens, specifically as the secondary building would be located 1m further north would be 400mm lower, would have a reduced width and a more simplistic design as well as a result of the main block having a reduced height.

45. In view of these factors, it is considered that the replacement buildings have adequately addressed the comments made by the Planning Inspector in the dismissal of the earlier appeal.
46. The two blocks of development include stepped elevations, rooflines and ridge heights, which will assist in breaking up the mass of the proposed development, preventing the creation of a monolithic block. The graduated increase in height achieved through the three-storey element being located within the central section of the development and their being a break between the existing bungalows and the proposed units is considered to result in the scale, mass and bulk of the proposed development being acceptable.

### **Impact on neighbouring properties**

47. The position of the building results in there being over 25 metres between main facing elevations of the proposed development and properties on all sides. This exceeds the guideline 21m distance indicated in SPG 2 relating to householder extensions as being a suitable distance between main elevations of dwellings. In addition, the majority of the building fronting Urayl Nook Road faces directly onto open space whilst the site is set at a lower level than the road to the north and the development beyond.
48. The development would be set at a higher level than that of the surrounding bungalows located on Valley Gardens to the south. This, along with the buildings scale will result in the proposed development being a prominent feature within the street scene as is the existing property already on the site. In view of the proposed development resulting in a greater level of built development on the site, having an access and car park adjoining no.2 Valley Gardens it is considered that the proposed development would undoubtedly have a greater impact on the surrounding properties than the existing dwelling on the site. However, the three storey block of development is set approximately 34 metres from the bungalow adjoining the southern boundary of the site (no. 2 Valley Gardens) whilst the side elevation of the two storey section of the development would be distanced from this property by approximately 14 metres. In addition, the agent has verbally indicated that the finished floor level of the proposed secondary apartment block can be lowered by a further 400mm from the level indicated on the submission and on the proposal considered at appeal. In view of the distances involved, the height of elevations and the type of elevations facing boundaries it is considered the proposed development would not significantly affect the amenity or privacy of adjoining properties and their occupiers.
49. The proposed ground floor level of the secondary apartment block is indicated as being 48.8m although the agent has advised this can be reduced to 48.4m. The ground level of the nearest bungalow in Valley Gardens is shown as 47.44m although would have an internal floor level of approximately 150mm above that. This would result in the ground floor levels of the proposed secondary apartment block being 0.8m above that of the ground floor level of the adjoining bungalow. In addition to this there would



be a 14m gap between the secondary apartment block and the adjoining bungalow, (1m greater than previous proposal). In view of these factors it is considered that the impact on the amenity and privacy of the adjoining bungalow would not be significantly detrimental.

50. The Planning Inspector raised no specific objections in respect to the impact of the development on the adjoining residents (aside from the scale and massing issues which have been considered elsewhere within this report). In view of all these factors, it is considered the proposed development would not unduly compromise the privacy or amenity of the surrounding properties.
51. The provision of the car park at the rear of the proposed flatted development lies partially adjacent to the boundary with the adjoining bungalow of no.2 Valley Gardens, although, the majority of parking lies either adjacent to the field boundary to the west or is located within the centre of the site. Specific objection has been raised in relation to the impact of the access road and parking in that it is felt this would detrimentally affect the occupiers of the adjoining bungalow as a result of noise and fumes. In view of the car parks layout, the majority of the parking provision being located away from the boundary and their being indicative landscaping against the boundary it is considered the overall affect on the adjoining bungalow and its occupants will not be significant, particularly as the scheme is of a limited scale. The Planning Inspector did not raise issue with the location and scale of the parking area in considering the appeal of the previous refusal, the parking details of which were almost identical in detail to this current proposal.

### **Protected species**

52. The applicant has undertaken a protected species survey, which has indicated that Great Crested Newts are not present at the site. The summary does indicate however, that there is a local population of common pipistrelle bats with a maternity roost outwith the development area. The report also indicates that the site has a low conservation value with no roost or Great Crested newt populations proven although it provides a mitigation strategy.
53. English Nature and the Durham Bat Group have been consulted on the submitted survey details. Durham Bat Group consider the survey to be perfectly adequate although consider the mitigation should include the provision of an alternative casual roost site once the buildings are demolished and replaced as the demolition of the buildings would effectively reduce the potential for casual roosting. Durham Bat group has indicated this should be incorporated into the submitted plans and not as a condition. The applicant has submitted details of bat roosts which can be incorporated into the buildings construction and it is considered that this matter could be adequately dealt with by condition. A consultation response is awaited from Natural England.

### **Play space**

54. The proposed site involves the erection of 16 one and two bedroom apartments, which is considered to result in a demand for amenity open space. There is a degree of open amenity space surrounding the blocks of development although these are particularly small and offer no specific areas for play.

55. An 80sq metre area of land has been allocated to the rear of the buildings for the creation of a children's safe play area. This is particularly limited, although, the provision of any meaningful on site play space would be likely to result in significant detrimental impacts on the amenity and privacy of future occupants of the flats as well as the residents of the surrounding properties. Objection has been made that the play area would be unlikely to be secure although it is considered that there is no specific need for any significant level of secure environment in view of the area being associated with the development which it serves.
56. In view of the scale of the site, the limited opportunity to achieve meaningful outdoor play space on site and the demand generated by the development, the applicant has offered to enter into a Section 106 agreement to provide a sum of money in lieu of on site provision.
57. The Council's Leisure Services team has suggested that it would be suitable for such monies to go towards some off site environmental improvement works within the locality.

### **Other considerations**

58. Indicative landscaping has been indicated within the site and importantly around its periphery with the surrounding highway network, the residential curtilage to the south and the field boundary to the west. More detailed landscaping proposals would be controlled through the imposition of conditions.
59. A refuse and cycle store is indicated within the northeastern corner of the site, in close proximity to the adjoining highway network. The building has an octagonal design which should generally relate to its position at the junction of two roads, effectively returning the built development around the corner. The Head of Integrated Transport and Environmental Policy has indicated that the service path to the refuse store should be realigned to meet the path along Valley Gardens at a point 10m further to the south. This request has been made to the agent and an amended site layout plan is expected to address this.
60. Objection has been raised in respect to the additional loading on the public sewers. No objection has been received from Northumbrian Water which indicates the sewer is at capacity and as such it is assumed the local sewer network can accept the additional load. A condition has been attached however which requires the submission of drainage details in order to ensure adequate provision is made.
61. Objection has been made that Eaglescliffe has reached saturation point with regard to the provision of flatted development, indicating that many flats remain unsold within the area. However, it is considered that there are a number of factors which could result in development remaining unsold and this could not be an accurate measure of over provision. It is considered that flatted development remains to be limited in respect to the remainder of provision in the area.

### **CONCLUSION**

62. The application site constitutes previously developed land in an unallocated site within the adopted local plan, located within the limits to development. It

is considered the development would not give rise to a significant highway concern notwithstanding the concerns of local residents. The new blocks should not have any significant adverse impact on the character or appearance of the area or indeed on the privacy or amenity of adjoining properties or their occupiers as a result of their location, scale and design.

63. The proposed scheme makes adequate provision for parking, cycle and refuse storage whilst the applicant has agreed to enter into a S.106 agreement for a commuted sum in lieu of on site amenity and play space.
64. In view of the Planning Inspectors previous considerations of this issue in respect to the proposal for 16 apartments on the same site, it is considered that the development is located within adequate distance of a wide range of services which would allow the future occupants to access these services without having specific demand on the private car.
65. Taking into account the several changes made to the position, design, mass, height and level of provision associated with the development it is considered that the proposed development adequately addresses the issues raised in the recent dismissal of an appeal for a similar development on the site.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop  
Telephone No 01642 527796  
Email address [development.control@stockton.gov.uk](mailto:development.control@stockton.gov.uk)**

**Background Papers  
Planning application 05/0984/FUL  
Appeal determination PINS ref. APP/H0738/A/05/2004998  
Stockton on Tees Local Plan  
Regional Spatial Strategy**

**Human Rights Implications  
The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report**

**Financial implications  
As report**

**Environmental Implications  
As Report**

**Community Safety Implications  
As Report**

**Legal Implications  
As report**

<b>Ward</b>	<b>Egglescliffe</b>
<b>Ward Councillor</b>	<b>Councillor J.A. Fletcher MA, Councillor Mrs M Rigg &amp; Councillor M. F. Cherrett</b>

Appendix ref. 1  
Site Location Plan



06/3340/FUL  
The Grange, Urlay Nook road

Appendix ref. 2  
Site Layout Plan



Appendix ref. 3  
Proposed elevations



Appendix ref. 4  
Comparison between current and previously appealed scheme.

THESE PLANS ARE NOT SHOWN TO SCALE – AND ARE INTENDED TO  
COMPARE THE APPEARANCE OF THE ELEVATIONS ONLY

**Currently proposed elevation of main block fronting Urlay Nook Road**



**Appeal dismissal - elevation of main block fronting Urlay Nook Road**



**Currently proposed elevation of secondary block facing Valley Gardens**



**Appeal dismissal - elevation of secondary block facing Valley Gardens**







## Appeal Decision

Site visit made on 12 April 2006

by **Anthony J Wilson** BA(Hons) MA DipLA MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4th Floor  
Tisbury Court  
2 The Square  
Tisbury  
Wiltshire  
BA14 7JG  
Tel: 01292 422000  
www.planninginspectorate.gov.uk  
Date: 19 May 2006

**Appeal Ref: APP/H0738/A/05/2004998**

**The Grange, Urray Nook Road, Eaglescliffe, Stockton-on-Tees, TS16 0LX**

- 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 Kieran McMurray against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 05/0984/FUL, dated 30 March 2005, was refused by notice dated 1 November 2005.
- The development proposed is the construction of 16 No two and three-bedroom apartments with associated parking and amenity space.

**Summary of Decision: The appeal is dismissed.**

### Main Issues

1. I consider the main issues are:-
  - a) the effect of the proposal on the character and appearance of the area;
  - b) whether the use of the site for housing would be consistent with the achievement of sustainable development objectives, as sought through national policy; and
  - c) whether the proposed development would offer an acceptable level of amenity to its prospective residents.

### Planning Policy

2. There is no dispute between the parties that the residential use of a previously-developed site, within the development limits of Eaglescliffe, would generally accord with national and strategic development plan policy for new housing. However, it is the more detailed policies of the Stockton-on-Tees Local Plan (1997) that would determine the acceptability of such normally satisfactory development in terms of its local environmental effects. In relation to the main issues that I have identified, therefore, I consider the following policies to be the most relevant.
3. Policy GP1 sets out the matters that will be taken into account when assessing development proposals and these include the external appearance of the development and its surrounding area. Policy HO3 provides for residential development to be permitted when a series of criteria are met and these include the requirement for it to be sympathetic to the character of the locality. Policy HO11 deals with new residential development and, amongst other things, states that it should be laid out to provide a high quality of built environment which is in keeping with its surroundings and that it should ensure the residents of the new dwellings would have a satisfactory degree of privacy and amenity.

4. Planning Policy Guidance Note 3: Housing sets out the Government's objectives for new housing and one of its most important underlying principles is the creation of sustainable residential environments.

**Reasons**

*Character and appearance*

5. The appeal site lies on the edge of Eaglescliffe, abutting open areas of agricultural land which flank Urray Nook Road (the A67) as it enters the urban area from the west. The site therefore defines part of the edge of the urban area, together with a row of single-storey dwellings built on Valley Road, which follows the sloping profile of the land as it falls away to the south. Urray Nook Road also descends steeply to the south east after it passes the appeal site frontage. As a consequence, the site is prominent in views from Valley Road and along the A67 in both directions and it marks the point of transition from the urban area to the countryside beyond.
6. The site is presently occupied by The Grange, a vacant house with a range of attached, single and two-storey outbuildings, all arranged close to the Urray Nook Road frontage. The site stands slightly separately from the surrounding development which extends away from it on three sides. Whilst I accept that existing building group is substantially larger than most of the modern houses and bungalows nearby, nevertheless, I consider that it retains a scale and proportion that does not look unacceptably out of keeping with its locality. Usefully, The Grange provides a bench mark against which to judge the height, scale and proportions of the two, proposed buildings.
7. In this respect, the larger of the two proposed apartment blocks would have an unbroken frontage to Urray Nook Road of approximately 45m, significantly greater than the existing run of buildings. The eaves level of much of this block would be at or slightly below that displayed by The Grange, although the walls of the three-storey sections would extend well above this height. I acknowledge the creditable attempt by the architect to disguise the significant size of the apartment complex by varying the roof lines and by extensively articulating the front wall of the proposed building. I also recognise that the building would be set below the level of the adjacent highway and that the overall height of the development would be mostly below the existing ridge level of The Grange. Nevertheless, as a consequence of its overall scale and proportions, this main building would present a frontage to the street that would clearly have a much greater mass than the existing building group and I consider that it would be noticeably and unacceptably out of scale with the more modest proportions of the domestic dwellings in the immediate locality.
8. The large size of the proposal would be especially conspicuous on the skyline in the views along Urray Nook Road when travelling uphill on the A67 from the east. From these lower level public vantage points, in particular, I consider that the proposal would appear as a significant and inappropriate feature, out of keeping with the character and appearance of the existing street scene. This detrimental effect would be equally apparent at closer quarters in the views northwards along Valley Road. Notwithstanding the use of only two storeys to the secondary building on Valley Road, the rear elevation of the main block would still be readily apparent in the views northwards along this short cul-de-sac. Moreover, both of the new buildings would be elevated well above the single-storey

dwellings lining this cul-de-sac and I consider that the proposal would unacceptably dominate the street scene in the approach to the junction with the A67.

9. The proposed buildings would stand at the edge of the urban area and, following the Council officers' lead, the appellant has sought to justify the proposals by reference to the creation of a scheme that would make a statement at one of the main entrances into the settlement. However, mainly as a consequence of the local topography and the presence of the bungalows along Valley Road, I do not consider that the edge of the existing urban development intrudes significantly into the countryside when approaching Eaglescliffe from the west. I acknowledge that The Grange and its outbuildings are visible from the A67 as it enters the settlement but, to my mind, these buildings are appropriate to their setting. The proposed apartment complex, on the other hand, would give rise to a significant mass of development on the edge of the urban area in two buildings that I have already concluded would appear much larger than The Grange and out of scale with the surrounding houses and bungalows. I consider that this would intrude unacceptably into the edge of the settlement in the generally rural approach to Eaglescliffe from the west.
10. I have had regard to the fact that PPG 3 encourages higher density housing development to make best use of available land within urban areas. However, this does not divert me from my conclusion that the proposed development would harm the character and appearance of the area, in conflict with Policies GP1, HO3 and HO11 of the Local Plan.

#### *Sustainability*

11. The Council argues that location of the site, on the edge of the urban area, is unsustainable for flatted development. However, as with any housing site close to the edge of a settlement, it is inevitable that its residents would live at the maximum distance from most of the existing, local, community services and facilities that are generally located centrally. In this case, the site is within the defined settlement limit for Eaglescliffe/Yarm and I note from the appellant's detailed sustainability checklist that this relatively small and discrete area of urban development benefits from a comparatively high level of shopping, education, health care and other community services. Moreover, these facilities are scattered throughout the built up area, with many located within an acceptable walking or cycling distance of the site. I am satisfied, therefore, that the proposed apartments would be in a location that is sufficiently close to essential services for a good proportion of journeys to and from the site to be made by alternative modes of travel to the private car.
12. I have noted that the Council has recently prepared Supplementary Planning Guidance (SPG) Note 4: High Density Development, Flats and Apartments, which contains advice on locating flatted development in relation to services and facilities. However, there is conflicting evidence from the main parties in the application of the SPG accessibility criteria to the proposed development. Given my findings above, therefore, the provisions of this guidance do not turn me away from my conclusion that, although the site is at the edge of the urban area, it is nevertheless in an appropriate location to meet the objectives for sustainable housing development set out in national planning policy.

#### *Living conditions for prospective residents*

13. I acknowledge that the footprint of the proposed buildings, together with the area intended for car parking, would leave only very small areas of the site available for use as outdoor amenity space by prospective residents. However, I am guided by the advice in PPG 3,

which encourages a more flexible approach to the standards applied to new housing as part of the objective of making the most beneficial use of available land within the urban areas. I have also noted that a strict adherence to the Council's own parking standards has obliged the appellant to provide a level of on-site parking that would be at the upper limit of what PPG 3 indicates to be acceptable for a sustainable residential environment (paragraph 62). Nevertheless, the appellant indicates that a modest play/seating/amenity area would be provided at the rear of the complex and that the small incidental spaces close to the edge of the site would also be landscaped so as to be available for some limited amenity use. In addition, a unilateral undertaking has been submitted which makes provision for a contribution towards the cost of providing or upgrading play and amenity spaces elsewhere in the locality.

14. When all of these factors are taken into account, I do not consider that the amenity provided by the completed development would be so detrimental to the occupiers of the proposed apartments that it would infringe Local Plan Policy HO11. I also consider that there would be sufficient openness about the building to ensure that the outlooks and privacy of the individual apartments would not be unduly compromised.

#### **Other Matters**

15. In reaching my conclusions on the character and appearance issue, I have taken into account the other large buildings, including blocks of apartments, which have been constructed in the area. However, I do not consider that these other developments are directly comparable with the proposals for the appeal site in terms of either their position or their relationship to their immediate surroundings.

#### **Conclusion**

16. I have concluded that the use of the site for housing would be a sustainable form of development and that the proposed development would provide a satisfactory level of amenity for its future residents. However, I consider that the greater weight should be attached to the harm that the proposal would cause to the character and appearance of the area. For the reasons given above, therefore, and having regard to all other matters raised, I conclude that the appeal should be not succeed.

#### **Formal Decision**

17. I dismiss the appeal



INSPECTOR