

Appendix ref. 1
06/3612/FUL
69 – 71 Greens lane, Hartburn, Stockton on Tees
Site Location Plan



69 – 71 Greens lane, Hartburn, Stockton on Tees
Proposed site layout plan of this scheme and previously refused scheme

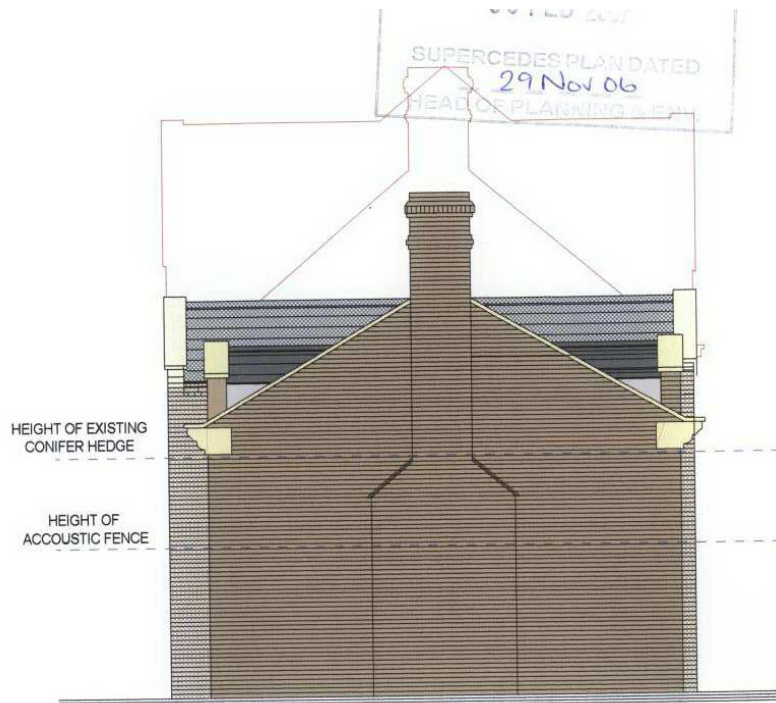


Current scheme shown above. Scheme dismissed at appeal shown below



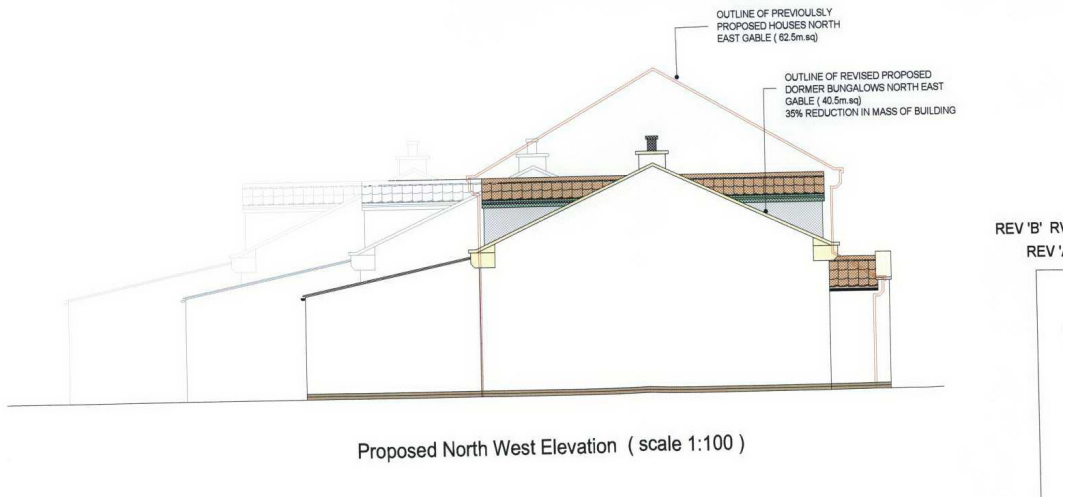
Appendix ref. 3
06/3612/FUL
69 – 71 Greens lane, Hartburn, Stockton on Tees
Block of 5 apartments (front and side elevations)

Outline of previous proposal shown overlaid

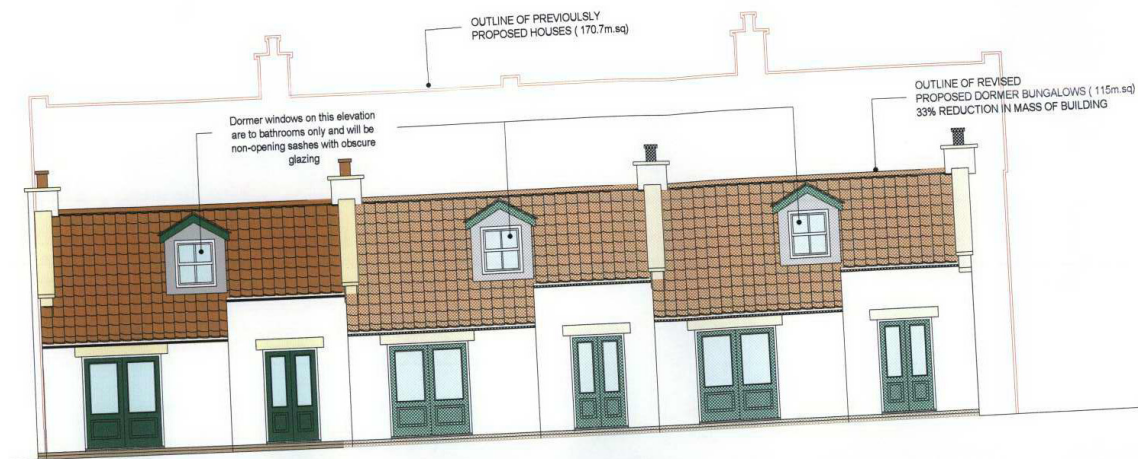


Appendix ref. 4
06/3612/FUL
69 – 71 Greens lane, Hartburn, Stockton on Tees
Proposed Bungalows

Front Elevation with outline of previous proposal overlaid



Proposed North West Elevation (scale 1:100)



Proposed North East Elevation (scale 1:100)

Appendix ref. 5
06/3612/FUL

69 – 71 Greens lane, Hartburn, Stockton on Tees
Main block of 9 apartments and 1 cottage (elevations)



Proposed South Elevation (scale 1:100)



REV 'B' NORTH WEST E
REV 'B' COTTAGE REV
REV 'A' REVISED TO SUIT PL

Sean Mc
The Studio, 25 St Aidan's
Tel / Fax : 01642 55511

PROPOSED
AT 69-71 GREE
STOCK

11 APART
PROPO



Proposed North Elevation (scale 1:100)



06 / :

REV 'C' R.H.E. REVISED 7-2-07
REV 'B' COTTAGE REV'D TO 2 FLAT:
REV 'A' REVISED TO SUIT PLANNING OFF

Sean McLean
The Studio, 25 St Aidan's Crescent,
Tel / Fax : 01642 555110 E-mail sn

PROPOSED DEVEL
AT 69-71 GREENS LANE
STOCKTON-ON

11 APARTMENT:
PROPOSED ELE



Appeal Decision

Site visit made on 22 January 2007

by **Graham E Snowdon** BA BPhil DipMgmt MRTPI

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

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Date: 29 January 2007

Appeal Ref: APP/H0738/A/06/2027002

69-71 Greens Lane, Hartburn, Stockton-on-Tees TS18 5HR

- 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 L Blackburn against the decision of Stockton-on-Tees Borough Council.
- The application ref: 06/1182/FUL dated 18 April 2006, was refused by notice dated 8 August 2006.
- The development proposed is the construction of 15 no apartments and 5 no houses and new access road.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The application was amended prior to determination to show, among other modifications, 14 no apartments. I have based my decision on these amended plans and have modified the description of the development accordingly.
2. Reference is made in the appeal documentation to the provision of commuted sums by the appellant in respect of the costs of making an off-site Traffic Regulation Order and as a contribution to the provision of off-site open space. The appellant has indicated his willingness to enter into a section 106 Agreement to provide the specified sums. However, no such agreement is before me, neither has a unilateral undertaking been provided. I consider this matter below.

Main Issue

3. In the light of the Council's reasons for refusal and third party representations, I consider the main issues to be the effect of the proposed development on
 - the character and appearance of the area;
 - the living conditions of adjacent residents in terms of outlook, light, privacy and noise and disturbance and
 - the safety of users of Greens Lane.

Development Plan and other Planning Policies

4. The development plan includes the Stockton-on-Tees Local Plan of June 1997 (Local Plan). The Council cites Policies GP1, HO3 and HO11 in its reasons for refusal and my attention is also drawn to Policies TR6, TR7 and TR9 as well as Supplementary Planning Guidance Notes 2 and 4 (SPG 2 and 4), the Tees Valley Structure Plan and to government advice in PPS1, PPG3 (now replaced by PPS3) and PPG15.

Reasons

Character and appearance of the area

5. The appeal site lies within a mature mainly residential area of mixed dwelling types. It is presently occupied by two large and well-maintained detached properties. These have some presence in the street scene, and are obviously valued by some local residents. However, they are not, in my view, of special architectural merit and their loss would not, on its own, justify a refusal of permission. The proposed development would be of a traditional style, incorporating features of the local vernacular. Whilst there have been criticisms that the building design is more appropriate to a rural area, I also do not find this to be a decisive objection. Style is not generally a planning matter and, in an area where no specific style prevails, I consider the design approach taken to be acceptable.
6. In my view, the layout and scale generally respects the configuration of the site and loss of existing mature vegetation would be kept to an acceptable minimum. Nor do I have any fundamental objection to the density, which, I am informed, amounts to 56 dwellings per hectare. It is not in dispute that the site constitutes “previously-developed land” and, whilst there is some detailed disagreement, I am satisfied that the site is in a sustainable location, which broadly meets the criteria for the location of high density flats and apartments, set out in the Council’s SPG4. Given this – and government policy to avoid the inefficient use of land – I can see no objection, in principle, to the overall design solution, which, I consider, generally respects the local context and provides an acceptable balance in density terms.
7. On this issue, therefore, I conclude that the proposal would not have an adverse effect on the character and appearance of the area and, in this respect, would comply with Local Plan Policies GP1, HO3 and HO11.

Living conditions of adjacent residents

8. The northern boundaries of the appeal site abut the rear boundaries of bungalows in Levisham Close. The plots of these bungalows are small and the rear elevations are close to the common boundaries. Furthermore, the submitted plans do not show the rear conservatory at no.5 or the converted garage accommodation at no.6. At its nearest point, the north-west gable of the proposed cottage block would only be some 6 metres from the converted garage extension at no.6, significantly less than the recommended separation distance in the Council’s SPG2. I am, however, more concerned by the relationship between the rear elevation of the northernmost cottage and the rear conservatory at no.5, which I consider would facilitate direct overlooking from the new development and a significant loss of privacy for the occupants of the latter.
9. The relationship of the proposed northernmost apartment block to 7 Levisham Close and 65 Greens Lane would meet the separation distances recommended by SPG2 and, whilst I regard the potential adverse effect of the development on the sunlight, which would be received by properties to the north, to be minimal, the closeness of the new blocks to the common boundaries with their neighbours would contribute to an overall loss of amenity for the latter. The introduction of an open car park for 23 cars within 2 metres of the boundary of the properties to the north would also lead to a significant deterioration in living conditions for the residents to the north, in comparison with the

tranquil conditions currently enjoyed.

10. Together, all these concerns, in my view, would result in unacceptable detriment to living conditions for adjacent residents, which would be contrary to criterion (i) in Local Plan Policy GP1, criterion (v) in HO3 and (iv) in HO11 as well as guidance in SPG2.

The safety of users of Greens Lane

11. At the time of my site visit, Greens Lane was not heavily trafficked and there was limited roadside parking. However, I accept that, during rush hours and at times when pupils are entering or leaving the adjacent school premises, the conditions would be substantially different. I can, therefore, fully understand the concerns of local residents.
12. However, I am satisfied that the traffic generated by the development, and the presence of adequate on-site parking to meet the Council's requirements, would be unlikely to have any significant impact on traffic conditions on Greens Lane. I am also satisfied that the required visibility requirements at the junction with Greens Lane could be achieved and note that there is no sustained objection to the development from the Council's highway officers. I accept, however, that roadside parking in association with the adjacent school could affect visibility and agree that a Traffic Regulation Order to deal with this is necessary. No legal agreement is in place to secure this, but I consider that the imposition of a "Grampian" style condition, preventing occupation of the development until such Order is implemented, would be possible.
13. In conclusion, I do not accept that the proposed development would have an unacceptable effect on the safety of users of Green Lane and, in this respect, would comply with Local Plan Policies HO3 and HO11.

Other Considerations

14. I have noted the considerable local opposition to the proposed development, but this, in itself, cannot necessarily constitute a justification for refusing planning permission. I have addressed many of the local concerns above. There is no evidence before me that the proposal would lead to an unacceptable loss of detached accommodation in the area and loss of property values is essentially a private interest, to which I can attach very little weight. I can appreciate concern about potential overlooking of the school playground, but the issue of who might occupy the development is also a matter to which I can attach very little weight. Other matters such as noise and disturbance during construction could be adequately controlled through the imposition of a condition restricting construction hours. None of these matters, therefore, have had any significant influence on my overall conclusions.
15. I note that the Council "requires" a contribution towards the provision of offsite open space as it considers that the scheme fails to provide any meaningful formal or informal playspace as required by criterion (ii) of Local Plan Policy HO11. No planning policy justification for the sum sought is set out, but I note that the appellant has indicated a willingness to make such a contribution and I accept the necessity for this. However, again there is no legal agreement to this effect in place and, in this instance, having regard to government advice in Circulars 11/95 and 05/2005, I consider that the contribution could not be secured by the imposition of a condition. This provides an additional reason for the appeal to fail.

Conclusion

16. Despite some reservations, I do not consider that, overall, the proposed development would have an unacceptable effect on either the character and appearance of the area or the safety of users of Greens Lane. However, there are decisive objections on the basis of effect on the living conditions of adjacent residents. I am also concerned by the absence of a legal agreement in relation to the provision of a contribution towards offsite open space. For these reasons, as set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

17. I dismiss the appeal.

G. E. Snowdon

INSPECTOR