



Appeal Decision

Site visit made on 20 August 2007

by **Graham E Snowdon** BA BPhil Dip
Mgmt MRTPI

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

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Date: 31 August 2007

Appeal Ref: APP/H0738/A/07/2042645

Willow Bridge, Carlton, Stockton-on-Tees TS21 1EB

- 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 Carlbury Developments Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/0050/FUL, dated 5 January 2007, was refused by notice dated 15 March 2007.
- The development proposed is an additional detached house to residential development and relocation of plots 1-4 inclusive to existing planning application.

Decision

1. I allow the appeal, and grant planning permission for an additional detached house to residential development and relocation of plots 1-4 inclusive to existing planning permission at Willow Bridge, Carlton, Stockton-on-Tees TS21 1EB in accordance with the terms of the application, Ref 07/0050/FUL, dated 5 January 2007, and the plans submitted therewith, subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - (ii) Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. This scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risks to the public/ buildings and environment when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
 - (iii) No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - (iv) No development shall take place until full details of a landscaping scheme and boundary treatment for the site have been submitted to and approved in writing by the local planning authority. These details shall include details of all trees/hedgerows to be retained on the site, any proposals for their lopping, topping or pruning and details of

measures for their protection during construction. The development shall be carried out in accordance with the approved details and all approved planting, seeding or turfing shall be carried out in accordance with a programme which has first been agreed in writing with the local planning authority. Any trees or plants (including retained trees/hedges) which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size/species unless the local planning authority gives written consent to any variation.

Main Issue

2. The main issue is the effect of the proposal on the creation of sustainable patterns of development, having regard to local and national policies designed to reduce the need to travel.

Reasons

3. The appeal is accompanied by a unilateral obligation made pursuant to section 106 of the 1990 Act, whereby the applicant company undertakes to install a range of specified renewable energy features within all 5 dwellings proposed on the appeal site.
4. The appeal site lies on the edge of the village of Carlton. Outline planning permission was granted for the erection of 10 dwellings on the site in May 2005 and details were approved in August 2006. Development has commenced on the northern part of the site in accordance with this permission. The developer acquired a narrow strip of land to the south of the site and the current appeal relates to a revised proposal involving the relocation of dwellings on Plots 1-4 further south and the creation of a new dwelling plot.
5. Despite comments by the Parish Council, I am satisfied that the appeal site lies within the defined limits to development of Carlton. Policy HO3 in the Stockton-on-Tees Local Plan (Local Plan) states that residential development may be permitted on such sites, provided that certain criteria are met. It is no part of the Council's case that these criteria are not met in this instance and I agree. Although neighbouring property owners in Poplar Lane are concerned about potential loss of privacy, I am satisfied that the separation distances involved are sufficient to ensure that no unsatisfactory level of overlooking would result. The design of the appeal scheme is similar in feel to that being built on the remainder of the site and to adjacent development and the creation of a new dwelling closing the vista along the access road into the site would, in my view, improve the overall layout. I am satisfied, therefore, that the proposal fully accords with Local Plan Policy HO3.
6. The Local Plan was adopted in June 1997 and pre-dates both the provisions of the Tees Valley Structure Plan (TVSP), which was adopted in February 2004 and more recent government advice in PPS1, PPS3 and PPS7. I accept the argument of the Council that considerable weight should be given to these documents, particularly TVSP Policy SUS2, which, among other things, seeks to

encourage development in locations which minimise the need for travel and can be well served by public transport, in line with the thrust of government policy.

7. Carlton possesses only a limited range of local facilities and, whilst there is a bus service linking the village with nearby Stockton, I accept the contention that the majority of trips for work, leisure and shopping, generated by the proposed development, are likely to involve the use of a private car. Nevertheless, the development of the site for housing, in line with Local Plan Policy HO3 was granted in 2005, following the adoption of the TVSP and in the knowledge of emerging government policy. I consider this to be significant, and note that government policy also seeks to avoid the inefficient use of previously-developed land. The present proposal would assist in this objective and, as indicated above, would, in my view, improve the overall layout of the scheme.
8. The Council has directed me to two recent appeal decisions in support of its case. Whilst I am unaware of the full circumstances of these cases, I note that the first (2013012) involved development outside the village development limits and the other (2020671), in the village of Hilton, involved entirely new development (rather than a modification to an approved scheme) in a settlement with a more limited range of local facilities (e.g. no village shop or post office and a less frequent bus service). I consider, therefore, that the circumstances in the present case are sufficiently different to warrant a more sympathetic approach to the proposal. My view on this is reinforced by the appellant company's binding offer of renewable energy features to be incorporated in the development, which would reduce its carbon footprint. Despite the reservations of the Council – which I can understand – I give significant weight to this matter.
9. I conclude, therefore, that the proposal would not have any significant adverse effect on the creation of sustainable patterns of development, having regard to local and national policies designed to reduce the need to travel. Considerations such as the loss of hedgerows, which can be controlled by a condition and devaluation of properties, which is essentially a private matter, which can be given very little weight, do not alter my overall conclusion that the proposal is acceptable.
10. I have considered the conditions suggested by the Council but, given advice in Circular 11/95, I can see no justification for conditions controlling future permitted development, drainage or finished ground and floor levels. I have, however, imposed conditions to give effect to the Council's other suggestions.

G E Snowdon

INSPECTOR