



## Appeal Decision

Site visit made on 6 August 2007

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

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

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### Appeal Ref: APP/H0738/A/07/2039545

The Grange, Urlay Nook Road, Eaglescliffe, Stockton-on-Tees, Cleveland 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 06/3340/FUL, dated 27 October 2006, was refused by notice dated 15 January 2007.
- The development proposed is the construction of 16 no two and one bedroom apartments with associated parking and amenity space.

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### Decision

1. I allow the appeal and grant planning permission for the construction of 16 no two and one bedroom apartments with associated parking and amenity space at The Grange, Urlay Nook Road, Eaglescliffe, Stockton-on-Tees, Cleveland TS16 0LX, in accordance with planning application ref: 06/3340/FUL, dated 27 October 2006 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) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development 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.
  - (iii) No trees 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 include details of hard and soft landscaping, means of enclosure, soil depths, plant species, numbers, densities, locations and sizes, planting methods, maintenance and management, areas of existing planting to be retained and a scheme for their protection during construction in accordance with BS5837 2005 (Trees in relation to construction), areas of level change, precise locations of protective fencing, areas of material storage within the site and 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 diseased or 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.
- (iv) 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 west corner of the site has been submitted to and approved in writing by the local planning authority and has subsequently been carried out in accordance with the approved details.
  - (v) 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.
  - (vi) Notwithstanding the submitted plans, 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 ref: 2704/09/04B, hereby approved, unless otherwise agreed in writing by the local planning authority.
  - (vii) 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 buildings which front a highway, without the prior written approval of the local planning authority, other than those hereby approved.
  - (viii) 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 on site parking for persons working on the site.
  - (ix) During the construction phase of the development, there shall be no burning of waste on site.
  - (x) During construction of the development hereby permitted, there shall be no operation of plant outside the hours of 08.00 to 18.00 on weekdays, 08.00 to 13.00 on Saturdays and at no times on Sundays or Bank Holidays.

- (xi) No apartment hereby permitted shall be occupied until the cycle and refuse store within the site have been constructed and brought into use and 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.
- (xii) Notwithstanding the submitted details, prior to any works commencing on site, details of ground levels 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.
- (xiii) No development shall take place, unless in accordance with the mitigation detailed within section E of the protected species report, hereby approved. Mitigation shall include, but not be restricted to, obtaining a DEFRA licence and adherence to precautionary working methods. Those contractors involved in demolition work shall be informed of the potential presence of bats and provided with a method statement outlining appropriate working practices and procedures, should evidence of bats be recorded. Roof coverings and bargeboards shall be removed by hand during the summer or autumn period only, to minimise the risk of harming bats which may roost in the existing house, with the property left for a minimum of 24 hours before further demolition work to allow any bats present to escape.
- (xiv) No development shall commence until a scheme for the installation of bat boxes, including a timetable for implementation, has been submitted to and approved 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.

**Main Issue**

2. The Council's sole objection to the appeal proposals relates to their effect on the character and appearance of the street scene and the wider area. Having regard to the previous appeal decision in 2006(ref: APP/H0738/A/05/2004998), in respect of an earlier proposal by the appellant on the appeal site, to which I am referred, I agree that this is the main issue at this appeal, and I have based my decision on the way the present scheme has responded to the Inspector's criticism of the previous scheme in this respect.

**Reasons**

*Preliminary Matters*

3. The appeal is accompanied by a unilateral obligation made pursuant to section 106 of the 1990 Act, whereby the owners agree to pay to the Council the total sum of £8750.00 to be applied by the Council for the purposes of the provision, improvement or enhancement of outdoor playing space, Children's Play Area,

informal open space or equivalent environmental improvements in lieu of the lack of open space to be provided on the appeal site.

*Character and appearance*

4. Having read the Inspector's decision in respect of the previous scheme, I consider that the main criticisms, which I accept, were
  - The scale and massing of the overall built form, making it a prominent feature when approached from the north and south along the adjacent A67 and an unacceptable intrusion into open countryside on the edge of the settlement;
  - The unbroken frontage to Urlay Nook Road;
  - The contrast in scale with the more modest proportions of the adjacent domestic dwellings and, in particular, the prominence of the gable end of the building on Valley Gardens, which would dominate the street scene on the approach to the junction with the A67.
5. I note that the present scheme has reduced the ridge and eaves height of the block fronting Urlay Nook Road, as well as reducing the overall footprint. The stepping down in scale along the Urlay Nook frontage as well as the stepping back of the façade and the simpler roof forms combine, in my view, to break up the mass and reduce the overall impact of the building, when approached in either direction along the A67. The traditional design approach, incorporating details of the local rural vernacular also results in a softer feel, which is more appropriate to a rural/urban fringe location than the rather stark urban character of the previous scheme.
6. In a similar fashion, the more traditional design approach, with its more simplified form and significantly reduced footprint, would result in a more satisfactory built form for the block fronting Valley Gardens. Although Valley Gardens is characterised by detached bungalows and slopes steeply upwards towards the junction with Urlay Nook Road, I consider that the setback of the new block here, and the increased distance from the nearest bungalow, is sufficient to ensure that it would not have an over-dominant presence in the street scene. I can understand residents' concerns in this respect. However, combined with the reduction in eaves and ridge height of the main block and reduced footprint, I am satisfied that the overall massing of the proposal would not unacceptably dominate or have an overbearing impact on views along Valley Gardens, as the junction is approached.
7. I conclude, therefore, that the proposal would not have an unacceptable detrimental effect on the character or appearance of the street scene or the wider area and in this respect would satisfy the terms of Policies GP1, HO3 and HO11 in the Stockton-on-Tees Local Plan.

*Other considerations*

8. Several objectors to the appeal proposal have argued that this is not a sustainable location for residential development. However, I note that the Inspector, in the previous appeal decision, concluded that this was an

appropriate location to meet the objectives for sustainable housing development set out in national planning policy and this is now accepted by the Council. There is no new evidence before me to suggest that this conclusion is no longer valid.

9. The previous Inspector also addressed the issue of the living conditions of prospective residents and I do not consider that the present scheme raises significant new or different issues in relation to this. I consider that the unilateral obligation referred to above is necessary to fulfil the requirements of Policy HO11 of the Stockton-on-Tees Local Plan and have taken this into account in determining the appeal.
10. The proposal would increase levels of traffic using the junction of Valley Gardens with the A67. Although I note that the latter is a heavily trafficked classified road, I have seen no evidence that the junction is incapable of coping with the increased traffic volume or that it would result in any danger for highway users. There is no objection to the proposal from the highway authority, and I am satisfied that there are no sustainable objections on highway safety grounds, subject to the imposition of a condition requiring the visibility splay at the junction to be kept free of obstructions. I am also satisfied that the separation distances between the proposed blocks and existing residential property, and the internal layout arrangements of the former, are sufficient to ensure that existing residents would not suffer any undue loss of privacy through overlooking.

#### *Conditions*

11. The Council has suggested the imposition of 19 conditions in the event of the appeal being allowed and, having regard to government advice in Circular 11/95 *The Use of Conditions in Planning Permissions*, I have imposed conditions to give effect to most of the Council's suggestions. However, I have seen no specific justification for a condition requiring details of site drainage and this can be controlled in other ways. I also consider that a condition requiring the erection of a historic information plaque does not meet the tests of necessity or reasonableness.

#### *Conclusion*

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*G E Snowdon*  
INSPECTOR