



## Appeal Decision

Site visit made on 13 November 2007

by **Zoë Hill BA(Hons), MRTPI,**  
**DipBlgCons(RICS), IHBC**

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

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Decision date:  
7 December 2007

**Appeal Ref: APP/H0738/A/07/2049593**

**Al Murad, 84-86 Church Road, Stockton-on-Tees TS18 1TW**

- 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 Musa Patel against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 07/0379/REV, dated 20 November 2006, was refused by notice dated 23 April 2007.
- The development proposed is described as part demolition of existing retail unit & conversion to part residential & part retail.

### Preliminary Matters

1. Additional drawings were submitted with the appeal showing alterations to the roof, to the rear ground floor elevation providing greater detail at ground floor level, and amended door details at the front of the building, as well as a car parking and turning layout. As those plans were not the ones determined by the Council and have not been the subject of consultation I shall not consider them in my determination of the appeal.

### Decision

2. I dismiss the appeal.

### Main Issues

3. The main issues in this case are whether or not:
  - (a) the proposed development would preserve or enhance the Stockton Town Centre Conservation Area, paying particular regard to the setting of nearby Listed Buildings; and,
  - (b) the proposed residential accommodation would provide suitable living conditions for future occupiers having regard to privacy and general amenity particularly in terms of daylight.

### Reasons

#### *Character and Appearance*

4. The appeal property consists of 3 main elements. The part of the property on the Church Road frontage is a former chapel which the structural survey dates at around 1880. It is prominent in the street scene having towers at each side of the main elevation with tall square based pyramidal roofs. Above first floor level it appears largely unaltered with some ornate detailing. At ground floor

there have been many alterations reflecting its change in use. The ridge of this building is perpendicular to the road. The rear section of the property also adjoins a public highway, and faces another road, Cedar Street. This part of the property has a ridge orientated in the other direction. The brickwork includes vertical columns. Although there has been alteration at ground floor level, the first floor 'gothic' windows and polychromatic brickwork remain unaltered. There is also a 2-storey section on the east side which has a lower ridge and does not have the same level of detailing. Between the front and rear sections there is a 2-storey linking element also with a lower ridge. There are some other minor additions.

5. Close to the appeal site there is a significant number of mid to late C18<sup>th</sup> buildings nos. 70-80 Church Road all being listed grade II\* and no. 82 grade II. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I pay special regard to the desirability of preserving the setting of those buildings.
6. The site is also within Stockton Town Centre Conservation Area. That area encompasses the historic core area and includes a number of Listed Buildings. The buildings within this area are mainly terraced and of a height and density reflecting their urban location. Attention to decorative detail and proportion are also important in establishing the character and appearance of this Conservation Area. Section 72 of the Act requires that I pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.
7. The appeal proposal includes refurbishment and renovation of the Church Road frontage building. However, in my opinion, some of the detailing proposed, for instance the use of white PVCU windows and the utilitarian replacement for the ground floor section between the towers, whilst 'tidying up' the building, would be harmful to its character and appearance and detract from the Church Road street scene and setting of the nearby Listed Buildings.
8. It is proposed to demolish the rear part of the property, replacing it with a single large building. That building would not reflect the level of detailing in the existing structures, especially at the rear. Discrepancies between the various drawings mean that some of the proposal is unclear, but it appears that its roof would have a wide span and a shallow pitch which would not reflect traditional buildings in the locality. The rear elevation would have paired, arched headed, narrow windows providing a vertical emphasis that would be resonant of the existing building. However, in other respects, such as the proposed roof structure and the sizeable area of blank and unrelieved (save for a large access doorway and warehouse access) ground floor brickwork, the building would lack vertical emphasis. In this respect I consider that the design and massing of the proposed building would be at odds with the character and appearance of the appeal property and buildings in the Conservation Area.
9. In the surrounding area, I saw modern rear access yards, with roller door access openings, palisade fencing at high level and other modern warehouse paraphernalia. However, that development is outside the Conservation Area. It is my opinion that the proposed development would have a harmful impact on the southern side of the street scene and the Conservation Area as a whole.

Also, even though the rear development would only be seen in the context of the less prestigious, low-key rear elevations of nos.70-82 Church Road, I consider that it would nevertheless have a harmful impact on the setting of those Listed Buildings.

10. I conclude that the proposed development would fail to preserve or enhance the character and appearance of the Conservation Area and would adversely impact on the setting of the nearby Listed Buildings. As such it would conflict with policies GP1, EN24, EN28 of the Stockton-on-Tees Local Plan<sup>1</sup> which, taken together, seek that development is acceptable in terms of its external appearance, that it is appropriate to the character of conservation areas and respects the setting of listed buildings.

#### *Living Conditions*

11. The proposed residential units would be created in the first floor of the proposed new build section. Whilst the Council expresses concern about privacy, given the distances, relationship with other buildings and uses, and the urban location, I do not consider that unacceptable levels of privacy would arise for the future occupants. However, in terms of daylight and general amenity, whilst the lack of windows for all of the proposed bathrooms is not a significant concern (mechanical ventilation being possible) I consider that the lack of windows to the bedrooms of flats 4 and 5 (both two bedroom flats) would result in unacceptable living conditions for the future occupiers of those units.

#### **Other Matters**

##### *Demolition*

12. One of the Council's reasons for refusal relates to policy EN25 and the requirement for a structural survey to accompany applications for Conservation Area Consent /Listed Building Consent for the demolition of such buildings. The appellant has submitted a structural survey with the appeal. However, this appeal relates only to an application for planning permission and not to an application for Conservation Area Consent. As I have found the proposed development unacceptable, I do not need to consider the proposed demolition further, confining myself to the planning application before me.

#### **Conclusion**

13. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should fail.

*Zoë Hill*

Inspector

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<sup>1</sup> The policies of these Plans to which I refer have been saved under the terms of a direction under paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.