



Appeal Decision

Site visit made on 6 December 2007

by **J D S Gillis** BA(Hons) MRTPI

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

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Decision date:
2 January 2008

Appeal Ref: APP/H0738/A/07/2054226

Land to the north of 35 Chesterton Avenue, Thornaby, Stockton-on-Tees, TS17 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr George Wellburn against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/0618/OUT, dated 15 January 2007, was refused by notice dated 17 May 2007.
- The development proposed is outline application for a single detached dwellinghouse.

Preliminary matters

1. The application for planning permission was in outline with all details reserved for subsequent decision. While the submitted plans showed a siting for the proposed dwelling this was indicative only. I shall consider the appeal on that basis.
2. The appeal site is located within a designated Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 states that special consideration should be given to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Further national policy advice is given in Planning Policy Guidance 15, *Planning and the Historic Environment* [PPG15]. The site is also included in an area defined as a green wedge in the adopted development plan, a function of which is to control the encroachment of built development into the generally open area between settlements. The site is also, at least in part, within a local nature reserve.

Decision

3. I dismiss the appeal.

Main issue

4. From the representations received and my inspection of the site and surrounding area I consider that the main issue in this case is the effect of the proposal on the character and appearance of the surrounding area, with particular reference to the Conservation Area, green wedge and nature reserve.

Reasoning

5. The appeal site forms part of the garden area of 35 Chesterton Avenue and is located at the head of a cul-de-sac and overlooking the River Tees. It forms the southern most end of the Conservation Area which comprises the open area of Thornaby Green and the adjacent riverside. The site has been fairly

recently planted with many trees and also contains a number of mature trees together with mature and semi-mature shrubs. The site slopes steeply down to the river which here forms a wide meander and the site is clearly visible from a broad area along and across the river valley. It is screened from landward views by a maturing conifer hedge.

6. I consider that built development on this site would significantly harm the character and appearance of the Conservation Area by introducing a conspicuous built form into the generally undeveloped landscape. The steeply sloping site would require the construction of a split level structure and/or significant retaining walls in order to accommodate a dwelling and retain an acceptable access gradient for vehicular traffic. This would further increase the conspicuousness from the river valley and the disruption of the established character and appearance of the Conservation Area. Furthermore vehicular access to the site would be likely to require the removal of at least part of the frontage conifer hedge, thus destroying the enclosed nature of the street scene and resulting in even further harm to the Conservation Area.
7. Hence the proposal would conflict with the national policy guidance referred to above and policy ENV24 of the Stockton-on-Tees Local Plan, adopted in 1997. In addition it would represent the encroachment of built development into the open landscape and thus conflict with Local Plan policy EN14 [Green Wedges] while the extension of built development, and the construction thereof, could reduce the effectiveness of the wildlife corridor along this side of the river, contrary to policy EN2 [Local Nature Reserves].
8. The site lies within the established limits to development and can be classified as previously developed land [being within the residential curtilage of 35 Chesterton Avenue]. However national and development plan policies require that development in such locations must still be acceptable in terms of its impact on the surrounding area. Hence the proposal would fail to comply with Local Plan policies HO3 (i) and (iv) and GP1 (i), (iv), (viii) and (ix). I also note that two previous appeals in relation to the erection of a dwelling on the site have been dismissed.
9. I have had regard to all other matters raised including the extensive built development taking place on the other side of the river. However, this is much further from the river bank than the proposal before me and will be separated from the river by a significant open area. Furthermore this development represents a major residential and commercial allocation that has been contained in the adopted development plan for many years, and represents an important part of the economic development of the sub-region. I accept that no formal objections to the proposal have been recorded in relation to traffic and flood risk and that some doubt has been expressed about the accuracy of the boundaries of the green wedge and local nature reserve.
10. However, neither these nor any of the other matters raised are sufficient to outweigh those that have led to my decision. I conclude that the proposal conflicts with established national and development plan policies and is unacceptable. Therefore the appeal is dismissed.

JDS Gillis
