

STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED



Location Plan (scale 1:1250)

08 / 05 22 / 00

Sean McLean Design

The Studio, 25 St. Aidan's Crescent, Billingham, TS22 5AD
Tel / Fax : 01642 555110 E-mail: smdesign@tiscali.co.uk

PROPOSED DEVELOPMENT AT
18 LEVEN ROAD, YARM
FOR MR. T. CUTHBERT

LOCATION PLAN

Drg. No. 0621 / LP Date JUNE 06

STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

08/0522/-

PROPOSED DEVELOPMENT AT
18 LEVEN ROAD, YARM
FOR MR. T. CUTHBERT
PROPOSED SITE PLAN
Dwg. No. 0760 / 02 A Date JUNE 07

Proposed Site Plan (scale 1:500)



31.7m
LEVEN ROAD
4.5m x 0.8m vision splay
with 11.8m junction spacing

Clockwood

FORD GARDENS

PROPOSED EAST ELEVATION (scale 1:100)



PROPOSED NORTH ELEVATION (scale 1:100)



PROPOSED WEST ELEVATION (scale 1:100)



PROPOSED SOUTH ELEVATION (scale 1:100) / 0522 / --



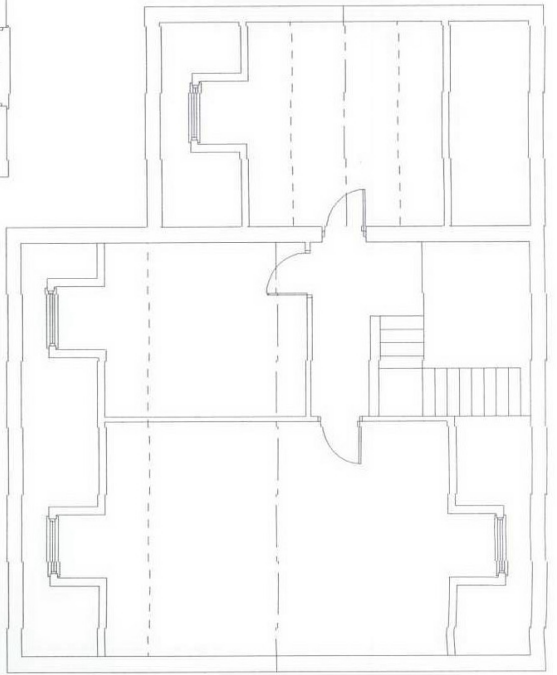
STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

PROPOSED DEVELOPMENTS AT
18 LEVEN ROAD, YARM
FOR MR. T. CUTHBERT

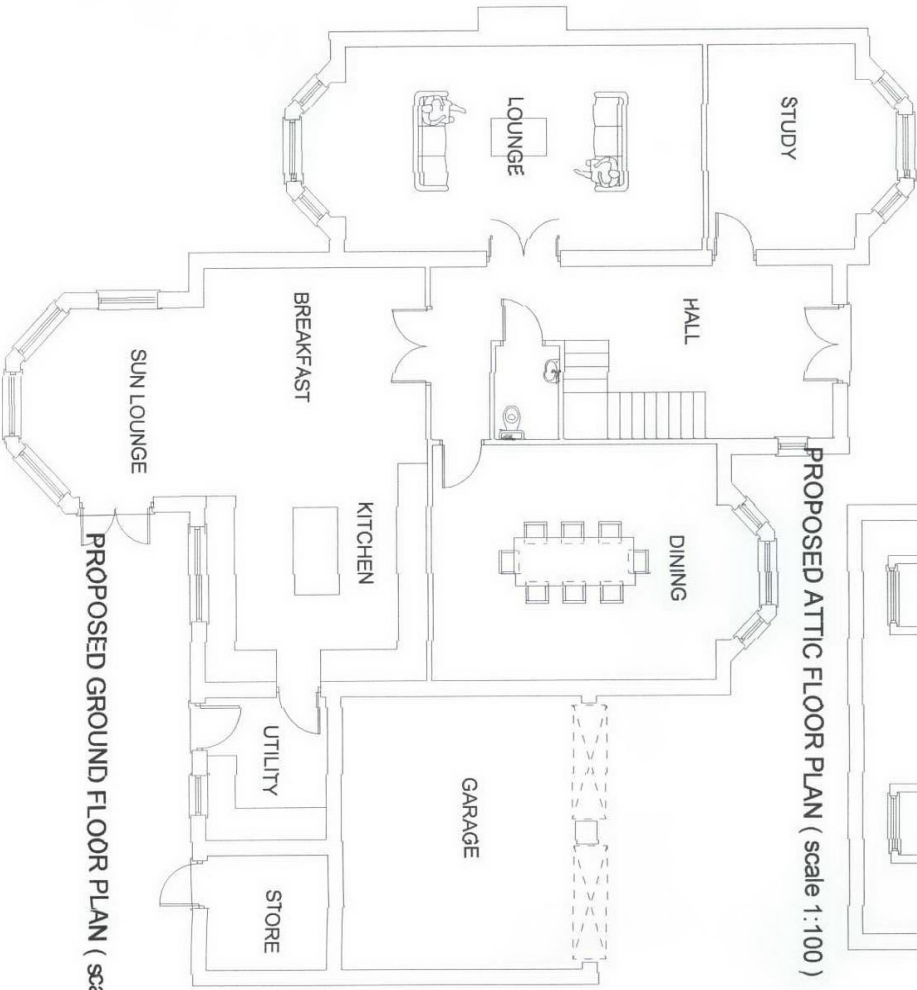
Plot 1 - PROPOSED
ELEVATIONS

Sean Mclean Design
The Studio, 28 St. Andrew's Crescent, Billingham, TS22 5AD
Tel / Fax: 01642 555110 Email: smc@seanmclean.co.uk

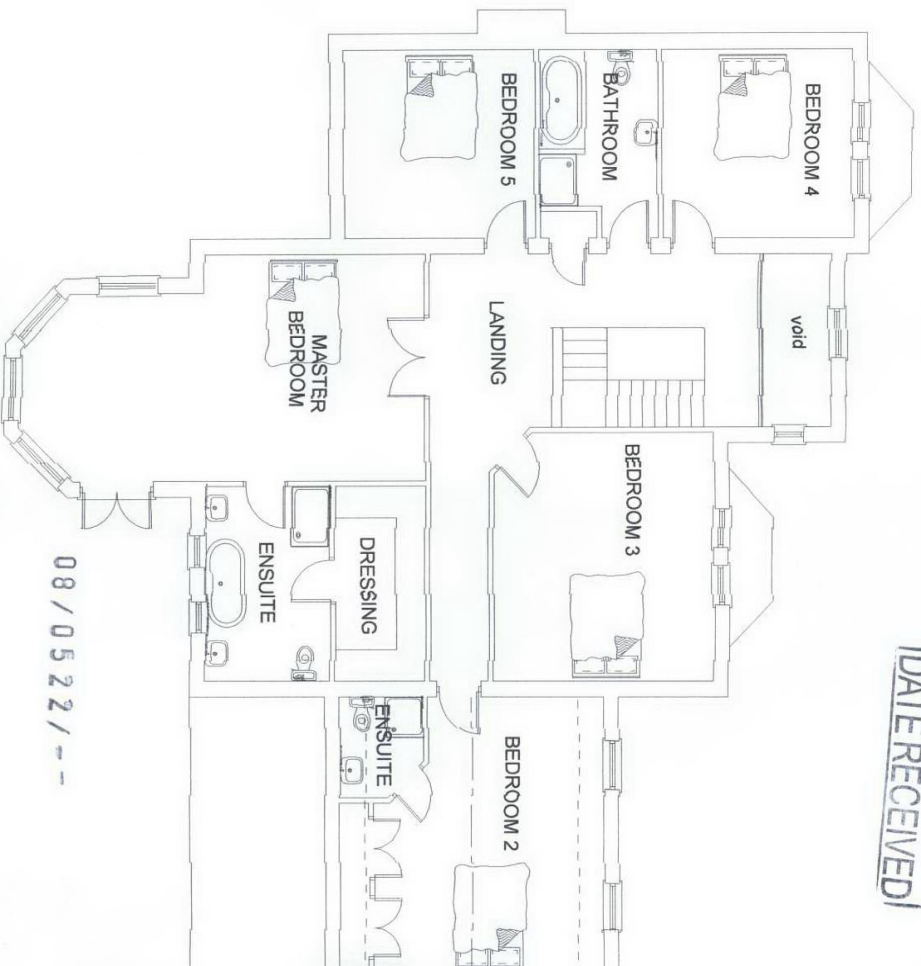
Dwg. No. 07/60/PL/1/EL Date JUNE 07



PROPOSED ATTIC FLOOR PLAN (scale 1:100)



PROPOSED GROUND FLOOR PLAN (scale 1:100)



PROPOSED FIRST FLOOR PLAN (scale 1:100)

08 / 05 22 / --

STOCKTON BOROUGH COUNCIL
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 29 FEB 2008
 DATE RECEIVED

PROPOSED DEVELOPMENTS AT
 18 LEVEN ROAD, YAKM
 FOR MR.T. CUTHBERT

Plot 1 - PROPOSED
 FLOOR PLANS

Sean McLean Design
 The Studio, 25 St. Andrew's Crescent, Billingham, TS22 5
 Tel / Fax : 01652 553110 E-mail: smdesign@btmail.co

Dwg. No. 0760/PL1/FP Date JUNE 0



PROPOSED SOUTH ELEVATION (scale 1:100)



PROPOSED EAST ELEVATION (scale 1:100)



PROPOSED NORTH ELEVATION (scale 1:100)



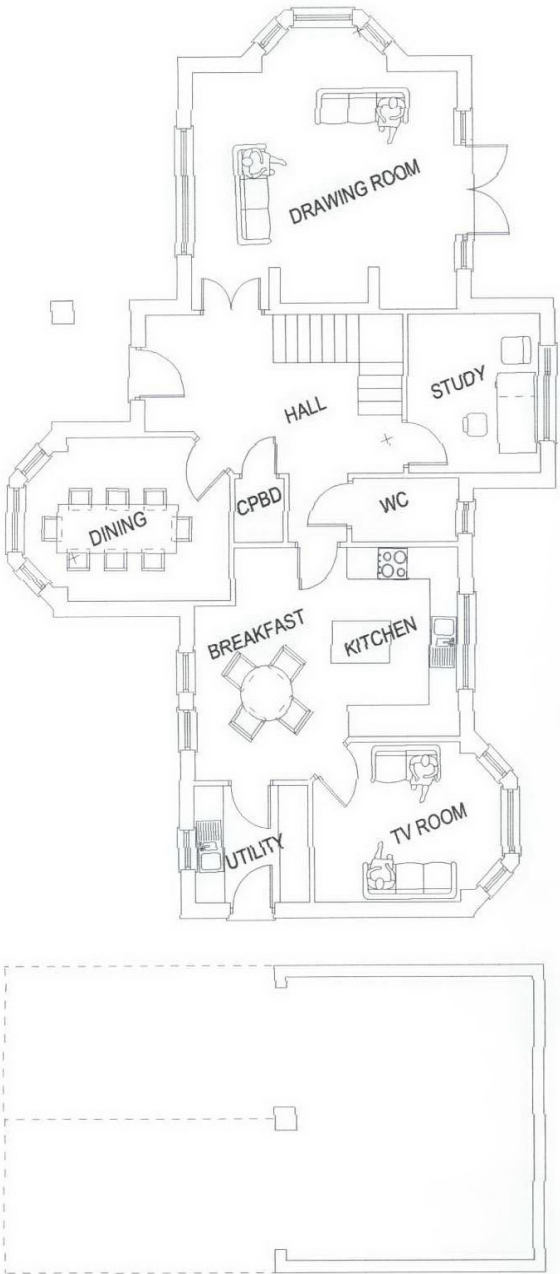
PROPOSED WEST ELEVATION (scale 1:100)

STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

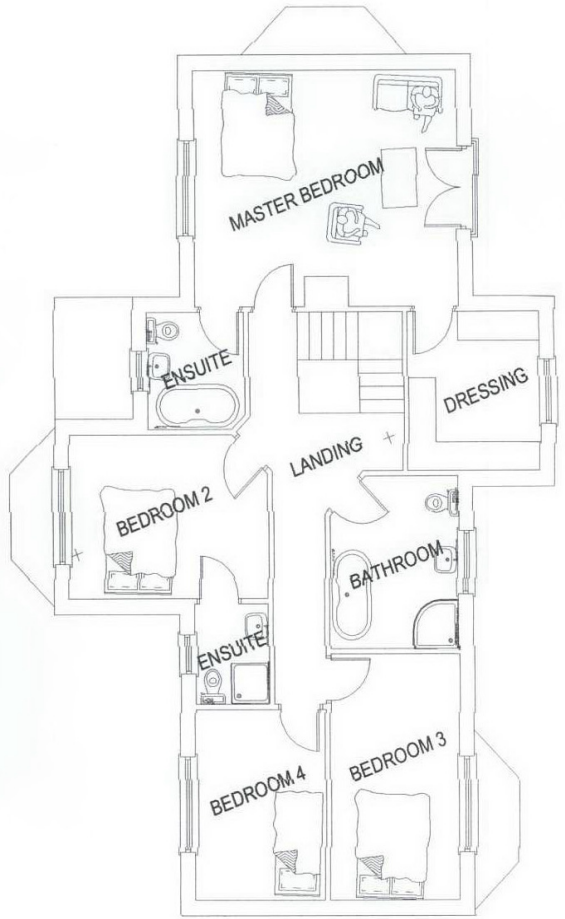
08 / 05 22 / --

<p>PROPOSED DEVELOPMENTS AT 18 LEVEN ROAD, YARM FOR MR. T. CUTHBERT</p> <p>PLOT 3 - PROPOSED ELEVATIONS</p>	<p>Sean Mclean Design The Studio, 25 St. Adens Crescent, Billingham, TS22 5AD Tel / Fax: 01942 855110 E-mail: smcdesign@btinternet.com</p> <p>Dwg. No. 0780/PL3/E1 Date JUNE 07</p>
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PROPOSED GROUND FLOOR PLAN (scale 1:100)



PROPOSED FIRST FLOOR PLAN (scale 1:100)



PROPOSED ATTIC FLOOR PLAN (scale 1:100)



08 / 05 22 / --

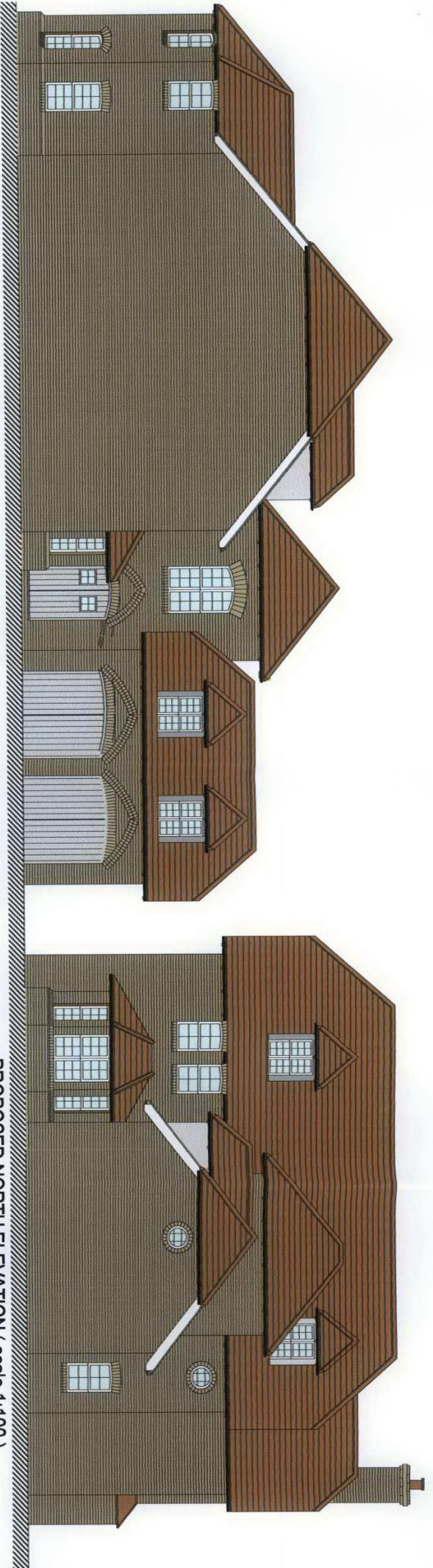
STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

PROPOSED DEVELOPMENTS AT
18 LEVEN ROAD, YARM
FOR MR. T. CUTHBERT

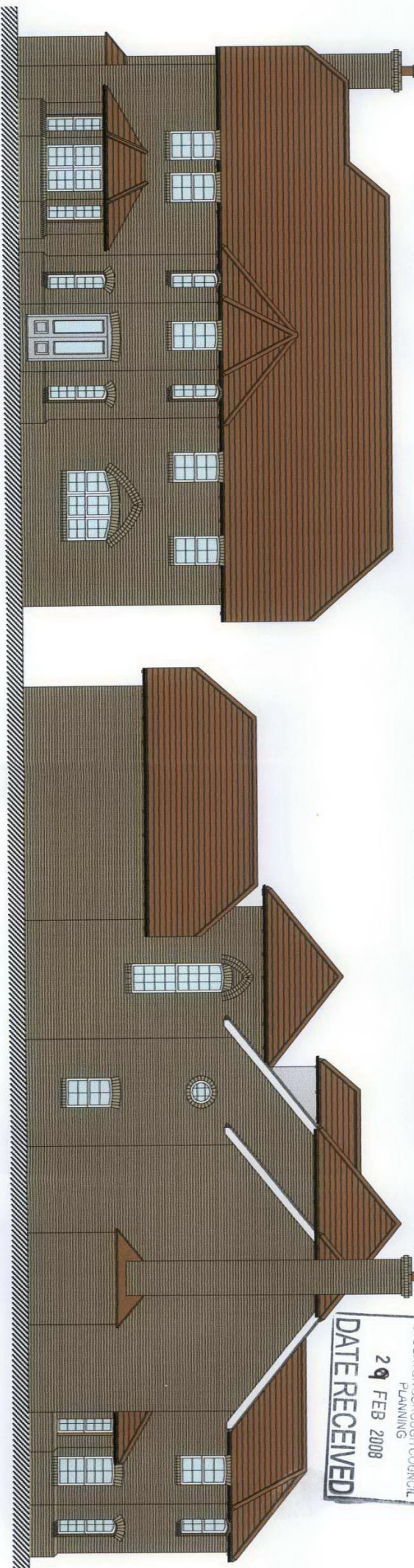
Sean McLean Design
The Studio, 28 St. Alden's Crescent, Billingham, TS22 5AD
Tel / Fax: 01642 553110 E-mail: smdesign@thehall.co.uk

PLOT 3 - PROPOSED
FLOOR PLANS

Dwg. No. 0760/PL3/FP Date JUNE 07



PROPOSED EAST ELEVATION (scale 1:100)



PROPOSED SOUTH ELEVATION (scale 1:100)



PROPOSED WEST ELEVATION (scale 1:100)

STOCKTON BOROUGH COUNCIL
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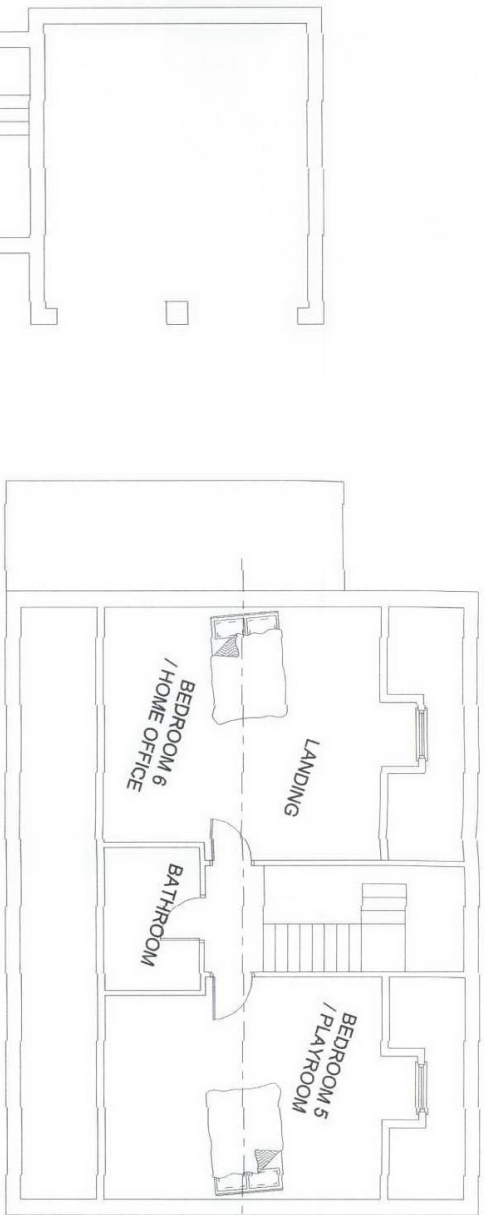
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PROPOSED DEVELOPMENTS AT
18 LEVEN ROAD, YARM
FOR MR. T. CUTHBERT

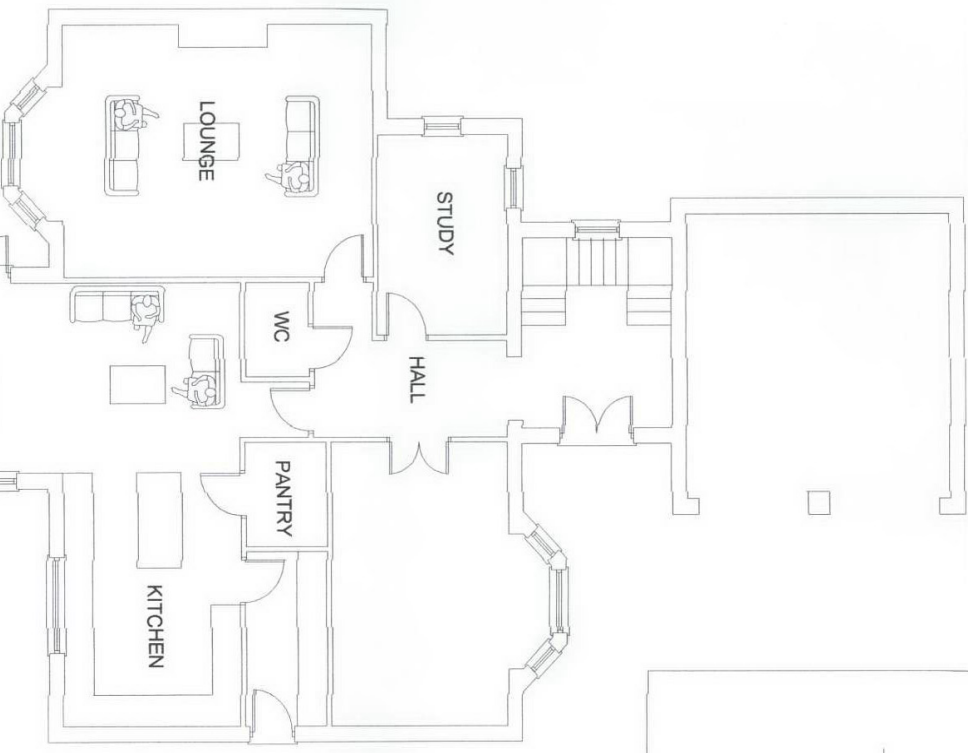
Sean McLean Design
The Studio, 28 St. Adam's Crescent, Billingham, TS22 6AD
Tel / Fax: 01642 555110 E-mail: smdesign@btisatell.co.uk

PLOT 4 - PROPOSED
ELEVATIONS

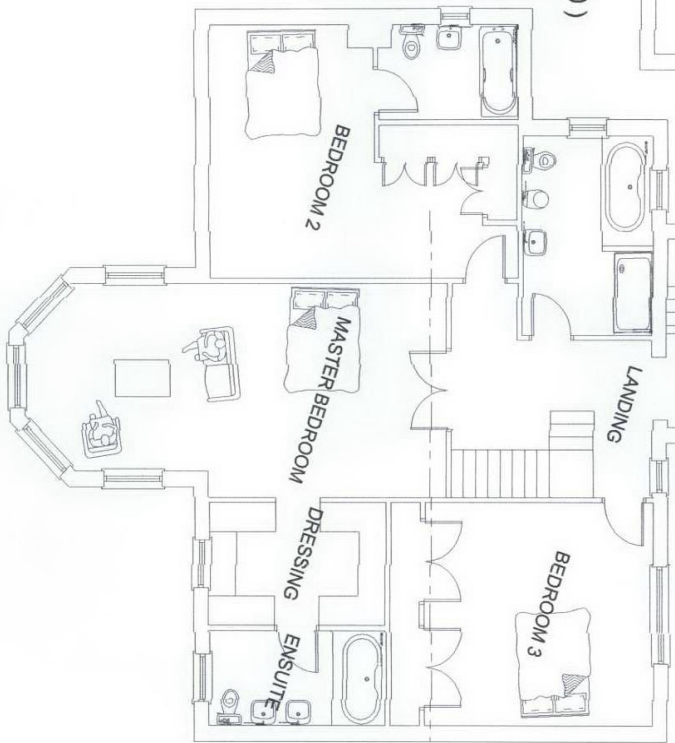
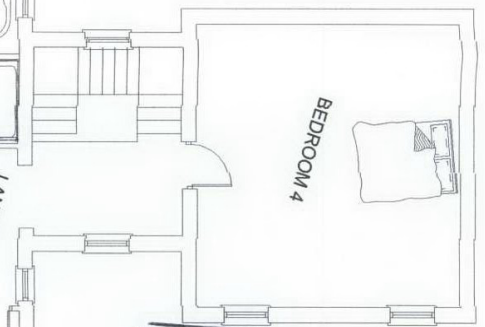
Dwg. No. 0750/PL4/ELEV Date JUNE 07



PROPOSED ATTIC FLOOR PLAN (scale 1:100)



PROPOSED GROUND FLOOR PLAN (scale 1:100)



PROPOSED FIRST FLOOR PLAN (scale 1:100)

STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

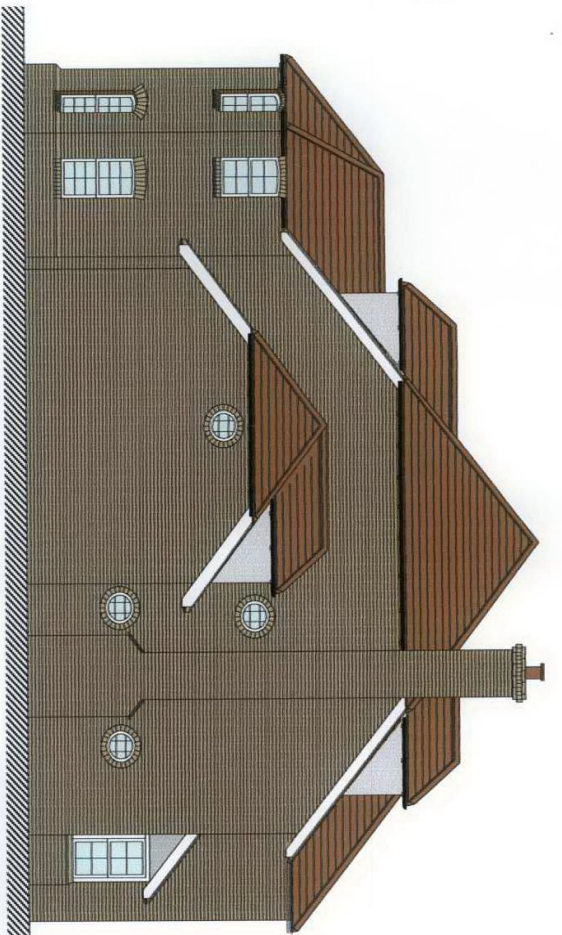
PROPOSED DEVELOPMENTS AT
18 LEVEN ROAD, YAKM
FOR MR. T. CUTHBERT

Sean Mclean Design
The Studio, 25 St. Andrew's Crescent, Billingham, TS22 5AU
Tel / Fax: 01642 552110 E-mail: emc@seanmclean.co.uk

PLOT 4 - PROPOSED
FLOOR PLANS

Dwg. No. 0760/PL4/FP Date JUNE 07

08/0522/-



PROPOSED EAST ELEVATION (scale 1:100)



PROPOSED NORTH ELEVATION (scale 1:100)



PROPOSED SOUTH ELEVATION (scale 1:100)



PROPOSED WEST ELEVATION (scale 1:100)

STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

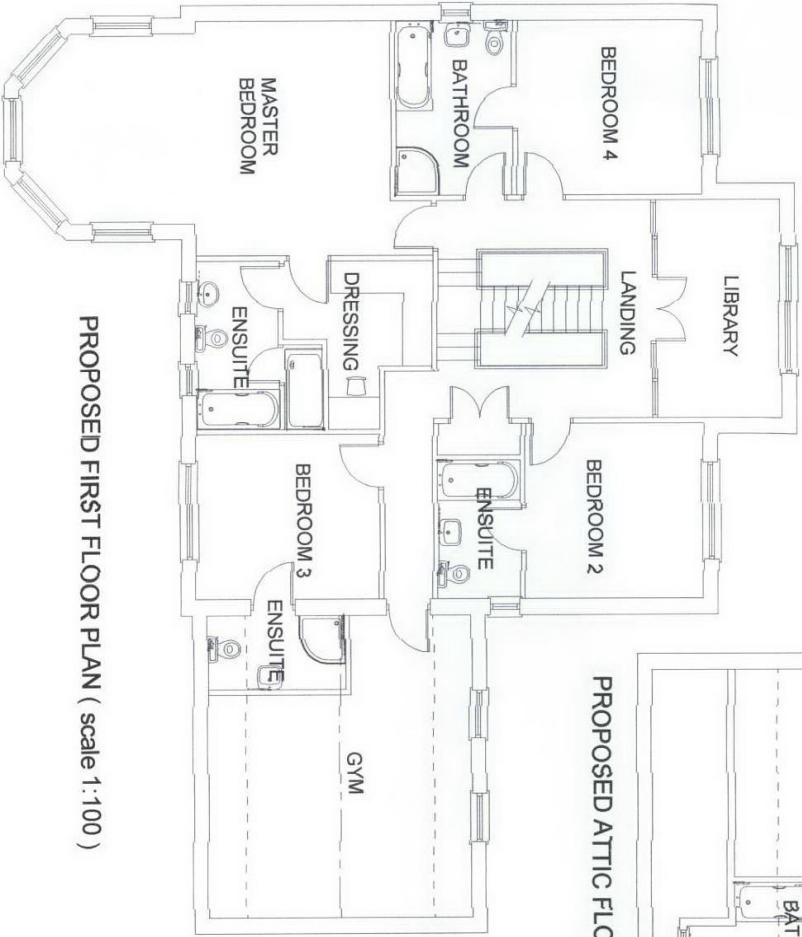
8/0522/08

PROPOSED DEVELOPMENTS AT
19 LEVEN ROAD, YARM
FOR MR. T. CUTHBERT

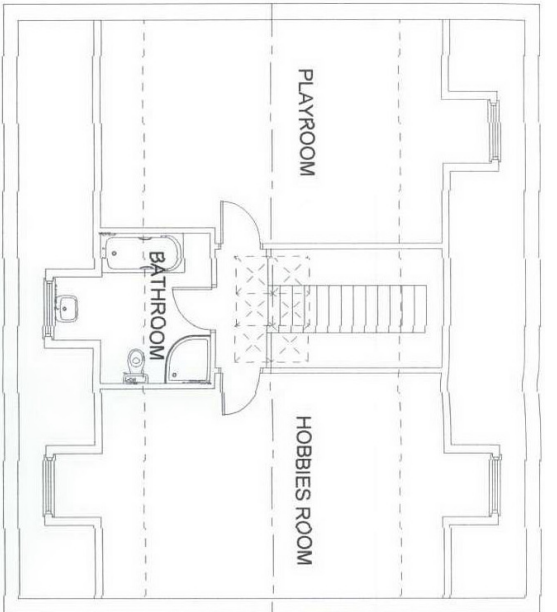
Plot 5 - PROPOSED
ELEVATIONS

Sean Mclean Design
The Studio, 25 St. Andrew's Crescent, Billingham, TS22 5AD
Tel / Fax: 01642 895110 E-mail: sean@seanmcleandesign.co.uk

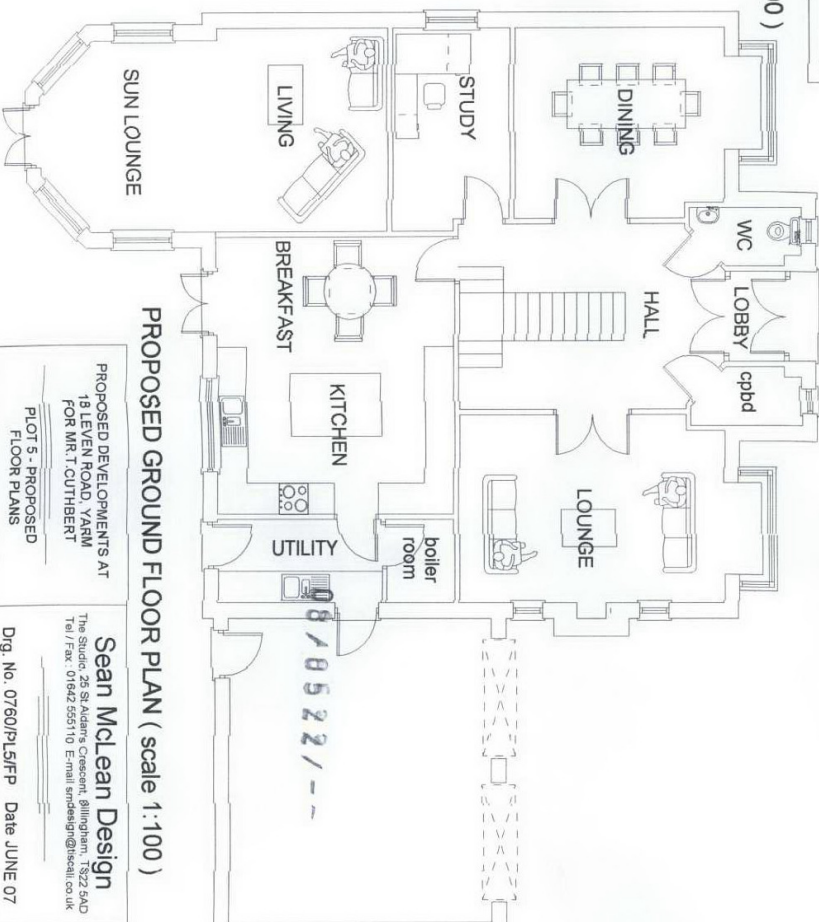
Dwg. No. 0760/PL/SEL Date JUNE 07



PROPOSED FIRST FLOOR PLAN (scale 1:100)



PROPOSED ATTIC FLOOR PLAN (scale 1:100)



PROPOSED GROUND FLOOR PLAN (scale 1:100)

STOCKTON BOROUGH COUNCIL
PLANNING
29 FEB 2008
DATE RECEIVED

PROPOSED DEVELOPMENTS AT
13 LEVEN ROAD, YARM
FOR MR. T. OUTHBERT

Plot 5 - Proposed
Floor Plans

Sean McLean Design
The Studio, 26, St Andrew's, Gillingham, TA22 5AD
Tel / Fax: 01942 255110 E-mail: smpdesign@btconnect.co.uk

Dwg. No. 0760/PL5/FPP Date JUNE 07



Appeal Decision

Site visit made on 5 June 2007

by **P J Asquith MA (Hons) MA MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Date: 12 June 2007

Appeal Ref: APP/H0738/A/07/2036383

18 Leven Road, Yarm, Stockton-on-Tees, TS15 9JE.

- 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 P Ellershaw against the decision of Stockton-on-Tees Borough Council.
- The application Ref 05/2866/OUT, dated 6 October 2005, was refused by notice dated 5 October 2006.
- The development proposed is the demolition of an existing dwelling and erection of 7 new dwellings.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. The application was made in outline but with siting and means of access to be considered. However, very shortly before the Council determined the application the appellant requested in writing that siting be treated as a reserved matter for later consideration. Notwithstanding this request the Council determined the application as originally submitted, including the proposed site plan ref. P2546/01, Rev. E. For the avoidance of doubt, and in light of the then applicant's request made before the determination of the application, I have dealt with this case on the basis that all matters other than means of access are reserved for future consideration and that the siting of dwellings shown on the above-mentioned plan is for illustrative purposes only.

Main issues

2. From all I have read and seen I consider the main issues in this case to be:
 - The impact of the proposal on the character and appearance of the locality.
 - The effect on the living conditions of existing adjoining occupiers and the future occupants of the proposed dwellings.
 - The impact of the scheme on highway safety and the free flow of traffic.

Reasons

Appearance and Character

3. The appeal site of some 0.46ha comprises Wainstones (No. 18), a substantial detached house, together with its associated garden standing to the south side of Leven Road. The proposal involves the demolition of the existing house and the construction of seven new dwellings served from a single point of access to

Leven Road. Having regard to Planning Policy Statement 3, *Housing* the site is defined as previously-developed land. It lies within the built-up part of Yarm, within defined development limits and the Council accepts the principle of residential development, subject to compliance with relevant policies of the adopted Stockton-on-Tees Local Plan.

4. Many letters of objection, including those from the CPRE and the Twentieth Century Society, lament the potential loss of Wainstones, which is seen as a good example of a 1930s Arts and Crafts movement-inspired villa and one which makes a fitting contribution to the general appearance and character of this part of Yarm. After consulting English Heritage, the Secretary of State decided that the building was not of sufficient architectural or historic interest to justify it being listed in a national context. Whilst presently it may be under consideration for inclusion on a local list of buildings of interest, it does not have any current statutory protection from demolition. Against this background, and whilst I have some sympathy for the expressed concerns given its design and present contribution to the street scene, I do not consider rejection of the current proposal on the basis of the desirability of retaining Wainstones per se would be warranted.
5. No. 18 is one of a number of substantial dwellings standing within large plots along this part of Leven Road. The area is not designated as a conservation area and there is no homogeneity in style or design of dwellings. Nevertheless, the overall character and impression of this area is that of a pleasant, low density Arcadian street scene established by these properties standing within mature gardens. In my view, whilst accepting the application plan showing siting of the dwellings as illustrative only, it is likely that development would use the full depth of the plot, with dwellings stretching from closer to Leven Road than the present dwelling to those sited near to a tall rear boundary conifer hedge. Whilst the forward projection of a dwelling closer to Leven Road need not in its own right be objectionable, since there is no clearly defined building line to either side of the site, the dwellings to the rear would be likely to be readily apparent when viewed from within the road.
6. Because of the configuration of the site, it is my opinion that, to accommodate seven dwellings of a form that would not be totally at variance with existing development round about, a layout along the lines of that shown on the application plans would be likely. That being the case, the probable relationship of the buildings and their relative closeness to each other, by reason of their individual plot sizes, would result in a somewhat cramped form of development with little apparent space about the dwellings, offering little scope for any meaningful landscaping. This would be seriously at odds with the character of this part of Leven Road. I accept that detailed siting, design and external appearance and landscaping are matters that would be subject to future control if permission were to be granted and that these in themselves would have a bearing on the overall impact of the development. However, I do not consider that even very careful attention to these factors could successfully mitigate the harmful impact I consider would result.
7. The appellant points to the denser, more recent residential development to the south and west within Hemingford Gardens as establishing a context for the proposal; and it is considered that the Council has adopted too narrow a focus in looking only at part of Leven Road in the assessment of impact on character.

It is suggested that the proposed density of development on the appeal site of some 15.2 dwellings per hectare is comparable to that of this surrounding area, which is typified by 3-4 bedroomed houses on reasonably sized plots. However, I do not agree that it is more appropriate to compare the proposal with this latter development: the appeal site is clearly visually separated from Hemingford Gardens; is screened by tall boundary trees and hedging; plot sizes would be likely to be smaller on the whole than those in Hemingford Gardens; and the site has no functional linkage to this latter residential area.

8. I acknowledge that PPS3 encourages higher density development in order to make more efficient use of land and that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. Furthermore, I accept that the density of the proposed development represents a compromise between the higher densities encouraged by PPS3 and the need to respect the character of the area. Nevertheless, it is my view that the introduction of seven dwellings within the appeal site would be materially harmful to character and appearance of this part of Yarm for the reasons indicated. I do not consider that the present scheme would be appropriate in its context and would fail to improve the character and quality of the area, as required by PPS1, *Delivering Sustainable Development*. As such, I consider it would be contrary to Local Plan Policies GP1, HO3, and HO11. Amongst other matters, these require regard to be paid to the relationship of new development to the surrounding area and for residential development to be sympathetic to the character of the locality and in keeping with its surroundings.

Living Conditions

9. The appeal site is surrounded on its common boundaries with adjoining residential properties by a mixture of hedging, much of it evergreen and conifers of varying heights. Retention of these, together with additional planting and screen fencing, and the detailed design and configuration of the proposed dwellings, could ensure that there would be no undue loss of privacy for neighbouring occupiers from overlooking. I also consider that attention to detailed design, including height, roof configuration and massing could ensure that any development need not appear overly dominant or oppressive when viewed from the flanking properties of Nos. 16 and 20 Leven Road. Similarly, from the evidence presented, I have no reason to doubt that through detailed design, siting and screening, adequate privacy and private amenity space could be provided for future occupants of the proposed dwellings such as to ensure reasonable living standards.
10. Means of access is a matter for present consideration and in this regard I have assessed the proposals on the basis that the shared access drive leading from Leven Road into the site would be located in the position shown on the submitted proposed site plan (and not simply the point of access to Leven Road). This would pass very close to the common boundary with No. 20 Leven Road. This boundary is presently marked, in part, by a reasonably substantial evergreen hedge. Its retention and possible supplementing with additional screen fencing or hedging could ensure the privacy of the occupants of this property from users of the access.

11. Nevertheless, I noted on my visit that No. 20 is sited close to the common boundary with the appeal site. A principal living room with doors opening onto a paved rear patio, and bedrooms at first floor level, lie very close to this boundary. Wainstones itself is sited close to this common boundary but I have no doubt that the amount of activity that would be associated with the occupation and use of seven dwellings, perhaps five or six of which might involve use of the access immediately adjacent to No. 20, would be likely to be considerably greater than that which occurs with a single, albeit large, dwelling. By reason of the closeness of the proposed access I have no doubt that the occupants of No. 20 would be all too well aware of this increase in activity involving vehicular use of the driveway. In my view, the additional noise, fumes and general disturbance which would be likely to arise from its use would be intrusive and would seriously mar the living conditions that the occupiers of No. 20 might reasonably expect to enjoy within the house and its rear garden. I therefore conclude that the proposal would conflict with Local Plan Policies HO3 and HO11 which seek, amongst other matters, to avoid unacceptable loss of amenity for nearby occupiers.

Highway Safety and Free flow of Traffic

12. It is proposed that the development would be served by a single new access point positioned to create a staggered crossroads junction with Leven Road and Woodland Drive, this latter road serving a residential area to the north. The separation between the stagger would be less than 20 metres. The Council considers this to be unacceptable, being below that required for a road of this type in its Design Guide and Specification for Residential and Industrial Estates Development. An assessment of traffic issues accompanied the application, including details of likely trip generation resulting from the proposal, capacity assessment of Leven Road and accident prediction analysis. This assessment indicates that the development would be likely to add only some 5 vehicles to the west-bound and 1 to the east-bound traffic flow along Leven Road in the morning peak and an additional 3 vehicles each way in the evening peak hour. Leven Road is shown to operate well within its operational capacity and that the proposal would have no material impact on this. Five-year statistics for Leven Road indicate three slight personal injury accidents along it, these occurring at its eastern and western junctions and not near to the appeal site. Accident prediction analysis indicates that, looking at scenarios both with and without the development, the expected number of vehicle injury accidents would be less than one per 10 years, taking a design year of 2016.
13. In my judgement, visibility from the proposed access at its junction with Leven Road would be acceptable, irrespective of whether the speed limit along the road remains at 40mph or is reduced to 30mph, as the Council appears to indicate is required. This is bearing in mind latest advice within the Government's *Manual for Streets*, which indicates that the distance back on a minor arm of a junction from which visibility should be measured should normally be 2.4 metres in most built-up situations (rather than the 4.5 metres currently suggested in the proposals). I have carefully noted the concerns regarding highway safety expressed by many objectors and saw on my site visit the alignment of Leven Road (notably the pronounced dip to the east of the appeal site), the restrictive white lining and presence of bus stops close to the proposed junction. Nevertheless, other than the fact that the junction

spacing would be below the 30 metres that it would expect, the Council has provided no further information to support its contention as to the unacceptability of the proposed access arrangement. No indication has been provided as to the status of its Design Guide and Specification and the findings of the appellant's traffic assessment have not been challenged. In light of these facts I conclude that the proposal would be unlikely to have any materially harmful impact on highway safety or the free flow of traffic. In this regard it would not conflict with the Local Plan policies to which reference has been made.

Conclusions

14. In conclusion, I do not consider the proposal would result in any material detriment to highway safety or the free flow of traffic. However, it would be harmful to the character and appearance of this part of Yarm and to the living conditions of the occupiers of No. 20 Leven Road and in these respects the scheme would conflict with policies of the Local Plan to which I have been referred. On balance, my conclusions on these latter two issues are sufficiently compelling to outweigh my findings in the appellant's favour on the first matter and warrant dismissal of the appeal.

Other Matters

15. I have had regard to all other matters raised, including reference to other appeal decisions which are referred to in support of rejection of the present scheme. Whilst noting the contents of these, I am insufficiently aware of their detailed circumstances to assess whether there are any direct parallels with this case and in any event I have determined this appeal on its own particular merits. Neither this, nor any other matters raised and to which I have had regard, alter the balance of my conclusions that the appeal should be dismissed.

Formal Decision

16. I dismiss the appeal.

P J Asquith

INSPECTOR



Appeal Decision

Site visit made on 5 February 2008

by **R R LYON** MA CEng MICE MRTPI FIHT

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

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email:enquiries@pins.gsi.gov.uk

Decision date:
26 February 2008

Appeal Ref: APP/H0738/A/07/2057838

The Wainstones, 18 Leven Road, Yarm TS15 9JE

- 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 TC Developments (NE) Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2442/FUL, dated 15 August 2007, was refused by notice dated 11 October 2007.
- The development proposed is construction of 5 detached dwellings (& demolition of existing dwelling).

Decision

1. I dismiss this appeal.

Main issues

2. I consider the main issues in this case to be the effect of the proposal on the character and appearance of the area and on the living conditions of neighbours and prospective residents with particular regard to overlooking and privacy.

Reasons

Character and appearance

3. There is strong local feeling that The Wainstones, an Arts and Crafts style suburban villa, should be retained; and it has been nominated for a Local List of buildings. However, such a list has not been produced, nor is there any formal protection for the building. It is one of a number of detached dwellings standing in large plots on Leven Road. The party boundaries here are not perpendicular to the highway edge. Some dwellings align with the highway, and others with the party boundaries, resulting in a staggered appearance which, combined with the lack of uniformity in building style, imparts an informal feeling about the street which appears low density in character.
4. No.18 is set well back into the site, whereas the proposed dwellings on plots 1 and 2 would lie between the dwellings at Nos. 16 and 20. Plots 1 and 2 would occupy a total width of about 29m in a site some 39m wide (74%), compared to about 18m in a 25m plot for No. 16 (72%). Thus the apparent frontage density proposed would not be out of place. Whilst elements of the new buildings would be somewhat taller than neighbouring properties, there is such variation already in the design of dwellings in the street that the proposed

designs would not be so different that they would be inappropriate in the context of this neighbourhood.

5. The dwellings on Plots 1 and 2 would be some 20m or so from the edge of the carriageway. The side elevation of plot 3 would be some 55m back from the edge, and plots 4 and 5 some 80-90m back. Seen in perspective, dwellings on the back plots would have little impact on the view into the site from the road; such impact would be further diminished because the public highway is somewhat below the level of the front plots. From my observations of the positions of the houses relative to the hedges and trees near the party boundaries, I consider that the imposition of appropriate planning conditions would protect the existing planting at boundaries and soften the development to enhance the quality of the site.
6. *Planning Policy Guidance 3: Housing* indicates that the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. In this case, I consider that the design and layout of the proposal strikes a balance that would lead to a more efficient use of land without compromising the quality of the local environment. I conclude that the proposal would not harmfully affect the character and appearance of the area.

The living conditions of residents

7. The distance between properties within the site would be such that the Council's standards for minimum distances between habitable rooms would be exceeded. The Hemmingford Gardens properties would be some 40m from the nearest dwelling on plot 5, with an intervening boundary comprising an evergreen hedge/tree line some 6m high. I consider that the proposal would have no adverse effect on the living conditions of Hemmingford Gardens.
8. The houses on plots 1 and 2 would lie between the end elevations of Nos. 16 and 20, and again I consider that no material overlooking or loss of privacy would take place between habitable rooms. The rear elevation at plot 3 would be some 10m from the garden of No.16, but would be about 30m from the house. There is significant vegetation cover at the boundary and the potential to strengthen it further. I do not consider that any materially harmful effect on living conditions would arise from that relationship.
9. The submitted plans do not show the extension to No.20 forming a wing behind the rear elevation on the east part of the house. That extension includes a raised square balcony/patio area outside the main bedroom at first floor level, below which is a ground level patio; both face No.20's own rear garden and the house at Wainstones. The location of the proposed dwelling on plot 2 is such that I do not consider it would materially harmfully affect the ground floor patio by reason of overshadowing or domination. However, I am concerned about the relationship between the raised patio and the proposed garden of plot 2.
10. Wainstones is set well back in the site and the side of the property containing the garage provides a secluded area some 8m deep along the boundary to accommodate the neighbouring raised patio area. The proposal would reduce this overlap to some 2m, taking away the seclusion. Furthermore, the ground floor room at plot 2 here would be a sun lounge, with the only direct access from the property to the rear garden. This would be the area where one would

expect maximum activity and enjoyment of the garden of plot 2. Despite the presence of a 3m hedge at the boundary, there would be direct and close intervisibility between this garden and the raised patio with overlooking and considerable loss of privacy to both sides. I do not believe that this could be overcome by the imposition of planning conditions.

11. Whilst the residents at No.20 could not expect to have a permanent untrammelled view over the Wainstones site, the situation that would arise would cause significant harm to the living conditions both of the residents of No.20 and the prospective residents of plot 2 by way of overlooking and loss of privacy. This would conflict with saved policies GP1(ii.), HO3(v.) and HO11(iii) & (iv.) of the Stockton-on-Tees Local Plan. My conclusion on the first issue does not overcome my conclusion that the appeal should fail on the second issue.

Other matters

12. I have considered all other matters raised in the written representations including comments on highway safety. I have also taken account of the previous decision relating to an appeal on this site (ref. APP/H0738/A/07/2036383).

R R Lyon
INSPECTOR