



Appeal Decision

Site visit made on 12 March 2008

by **J D Waldron** MCD BArch Architect

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

The Planning Inspectorate
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Decision date:
2 April 2008

Appeal Ref: APP/H0738/A/07/2058082

Ground Floor, Bridge House, 124 High Street, Yarm TS15 9AU.

- 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 William Gate against the decision of Stockton-on-Tees Borough Council.
- The application Ref: 07/2399/COU dated 10 August 2007 was refused by notice dated 5 October 2007.
- The development proposed is **Change of use of ground floor from use as residential to Use Class Retail A2 (Financial and Professional Services)**.

Decision

1. I dismiss the appeal.

The application

2. In the Town and Country Planning (Use Classes) Order 1887 as amended, the definition of use Class A2 does not include the word "Retail". The word is used in connection with use Class A1 "Shops". The representations of the appellant relate to use Class A2. For the avoidance of doubt the appeal is determined on the basis that the word "Retail" is deleted.
3. The proposed development does not include any alterations to the building. Indeed the appellant has no tenant in mind as yet. At the site visit the ground floor was in residential use.

Reasons

4. The sole reason for refusal refers to policy S9 of Alteration No 1 of the Stockton-on-Tees Local Plan. Alteration No 1 was adopted in March 2006 and remains in force for 3 years thereafter. Policy S9 is up-to-date.
 5. Under policy S9 change of use from residential will not be permitted in 20 specified parts of Yarm District Centre, the intention being that existing blocks of dwellings should be retained as dwellings. The preamble to the policy refers to Yarm having fine buildings and distinctive townscape and a long history as a shopping and commercial centre; the small number of residences that remain are considered to add variety and interest to the life of the centre.
 6. Yarm Conservation Area is of outstanding quality. The vast majority of the buildings that line the long wide High Street are of traditional appearance. Most of them are listed. A residential presence is clearly evident in parts of the High
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Street and in the wynds and narrow alleyways running from the High Street. The residential presence contributes considerably to the distinctive character and appearance of the Conservation Area.

7. Bridge House is at the northern end of High Street. As its name implies, it is adjacent to the bridge over the River Tees. It is well away from the main commercial frontages of the High Street, the commercial use petering out towards the northern end. Indeed the character of the commercial uses on the opposite side of High Street to Bridge House reinforces this impression.
8. Bridge House is at the northern end of one of the 20 parts of Yarm District Centre specified in policy S9, namely "Nos 110-126 High Street (evens)". The ground floor of Bridge House has residential property at the side, behind and above. The northern end of High Street has the character of a "backwater" where residential use seems wholly appropriate and should be encouraged. The proposal would bring more commercial footfall into the northern end of High Street, making it a less attractive place in which to live.
9. The proposal is contrary to relevant and up-to-date policy in the development plan, namely policy S9. It would result in a diminution of the residential presence on the High Street, to the detriment of the character and appearance of the Conservation Area, contrary to the aims of section 72(1) of the 1990 Act and policy EN24 of the Stockton-on-Tees Local Plan which seeks to ensure that the siting of new development does not harm the character of Conservation Areas. It could well lead to pressure, difficult to resist, for the change of use of other residential property between Bridge House and the main commercial frontage to the south, to the further detriment of the Conservation Area.
10. The appellant considers that the ground floor is not suitable for residential use because of its layout and the large size of the rooms. He considers that commercial use would be more suitable and more profitable, allowing more money to be spent on the maintenance, restoration, and modernisation of the property. However no plans have been submitted showing the size and layout of the rooms on the ground floor, and no evidence to support the assertion that commercial use would be more suitable or profitable in this peripheral location.
11. Although most of the buildings bordering High Street are listed at Grade II, Bridge House is one of few listed at Grade II*. Its preservation is important. Nevertheless, I am not persuaded, on the information before me, that the advantages of the proposal outweigh the harm to the character and appearance of the Conservation Area. Material considerations in this case do not persuade me that planning permission should be granted contrary to relevant and up-to-date policy in the development plan.

J D Waldron

Inspector