



## Appeal Decision

Hearing held on 26 February 2008

Site Visit made on 26 February 2008

by **Peter F Davies BSc(Hons) DipTP MRTPI**

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

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Decision date:  
11 April 2008

**Appeal Ref: APP/H0738/A/07/2050226**

**Clock House, Leven Road, Yarm, Stockton-on-Tees TS15 9JF**

- 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 Clarion Homes Ltd against the Decision of Stockton-on-Tees Borough Council.
- The application, Ref: 06/0996/FUL, dated 4 April 2006, was refused by Notice dated 15 January 2007.
- The development proposed is 5 No detached dwelling houses together with associated means of access, landscaping and drainage.

### Procedural Matters

1. The application is for full planning permission.
2. The Appeal proceeds in the name of the original applicant for planning permission.
3. The submitted planning application referred to the development as one for 6 detached houses and associated works. However, following submission of the application, it was amended by the deletion of plot 4 - to 5 detached dwellings. The Council's determination was based on a development description as set out above. My Decision proceeds accordingly with references to plots 1, 2, 3, 5 and 6. The main parties confirmed to me that the application plans (revised), subject of the Council's Decision, were those set out below. Here, the appellant has also confirmed to the Inspectorate that the version of application plan 1012.1B before me at the opening of the Hearing would need to be scaled at 1:500, rather than the stated 1:250.
4. I have taken into account the planning history at the site and in the vicinity.
5. Finally - as pointed out by the appellant at the Hearing and to avoid repetition in my Decision - I record that the Council's Decision was taken against the advice of its Officer. This, it was entitled so to do. It is the Decision that is before me and which I need to assess in the light of all the evidence submitted.

### Decision

6. I allow the Appeal and grant planning permission for 5 No detached dwelling houses together with associated means of access, landscaping and drainage at Clock House, Leven Road, Yarm, Stockton-on-Tees TS15 9JF in accordance

with the terms of the application, Ref: 06/0996/FUL, dated 4 April 2006, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision.
- 2) The development hereby permitted shall not begin until details of both the design and materials to be used, including submitted samples, in the construction of the external surfaces of the dwellings, as well as hard surfaced areas, have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) Before the dwelling at plot 3 is occupied, the existing conservatory on the west elevation of Clock House shall be removed. That remaining elevation shall be finished in accordance with details first submitted to, and approved in writing by, the local planning authority.
- 4) Prior to the commencement of the development, details of existing and proposed finished ground levels relating to the dwellings hereby permitted shall be submitted to, and approved in writing by, the local planning authority. Those details shall include the relationship of the dwellings approved to existing houses adjacent to the north and east boundaries of the site. For the avoidance of doubt, this includes No 34 Valley Drive. Development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of the development hereby permitted, details of the design and materials of the accesses to plots 1 and 2 and the amended shared access to Clock House shall be submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection in the course of development.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 8) No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected at the site. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

- 9) Notwithstanding the provisions of Classes A, B, C, D and E to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no such development shall take place without the written approval of the local planning authority.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoarding
  - v) wheel washing facilities to prevent the deposition of mud on the public highway
  - vi) measures to control the emission of dust and dirt during construction
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
- 11) None of the dwellings hereby permitted shall be occupied until surface drainage works at the site have been carried out in accordance with details to be submitted to, and approved in writing by, the local planning authority.
- 12) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul drainage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to, and approved in writing by, the local planning authority.

#### **Main Issues**

7. These are whether the proposal would:
  - firstly**, adversely affect the setting of a listed building;
  - secondly**, represent an unsustainable location for the intended residential development; and
  - thirdly**, result in unacceptable harm to the living conditions of the occupants of nearby properties.

#### **Reasons for the Decision**

##### **First Main Issue: The Setting of the Listed Building**

8. While, the site includes and surrounds the listed Grade II Clock House, the development proposed would not affect the building itself. The statutory listing is before me and carefully assessed. This 18<sup>th</sup> century house has 2 single-storey rear wings enclosing a yard (Clock House now being sub-divided into 2 properties).

9. Moving from the general to the particular, any past tradition of the building as a farmhouse has now been lost due to the site having largely been subsumed by modern development about and garden areas to the front. Reflecting, in my opinion, the listing – the setting of Clock House is largely established by its southern presentation towards Leven Road. Here, the rear wings have been the subject of varied alteration over time. Most relate to window openings, including modern elements. Further, a decidedly plain and intrusive conservatory has been added to the west elevation of the House.
10. While Clock House is elevated above Leven Road, it is some distance away and views to its south elevation from there are largely obscured by road side planting. From there, it is revealed by its existing access approach, its line being maintained for the access to 3 of the 5 dwellings proposed. Plots 1 and 2 would be to the south-west of the site at the road frontage, each with their own access, and around 40 metres from Clock House. Substantial planting would remain between. As a result, this part of the proposal would not result in any material harm to the setting of Clock House primarily established by its south elevation and the land extending to the road. While the accesses to these plots would involve the removal of sections of hedgerow at Leven Road, the majority would remain at the frontage.
11. Plots 5 and 6 would be to the north of the listed building, including land that falls to adjacent residential properties. The north elevation of the House with adjacent land makes only a limited contribution to its setting. In my view, some thought has been given to the location of these 2 dwellings. Symmetrical in plan form, they would frame the courtyard, accentuating positively the presence of that part of Clock House that is somewhat lacking at present. This would establish a tight grouping of buildings consistent - in my view – with a past agrarian tradition at Clock House.
12. That takes me to plot 3 - to the west of the listed building with a single storey facing elevation, 2-storey on its west elevation reflecting falling ground levels. Its ridge would be lower than that at Clock House and the dwelling would be set back from the south elevation of the House. It would be subservient to it, not least when viewed from the west where it would be seen against the backdrop of the House.
13. Bringing all these matters together, a substantial open area would remain at the site - not least to the south, thereby protecting the determining presentation of Clock House. Further, and appropriately, the 5 dwellings would not be modern in appearance - their design acceptably reflecting Clock House and with the use of traditional detailing. My conclusion on this main issue is that the proposal would not conflict with the intent of Policy EN28 of the Stockton-on-Tees Local Plan (1997) - this, a saved policy following the Secretary of State's Direction dated 31 August 2007.

**Second Main Issue: Sustainability**

14. To begin, neither main party materially disputed either side's overall record of the location of the site in relation to local services. This was established, mainly, in paragraph 3.8 of the Council's Statement and that in Appendices HSP5 and HSP6 submitted by the appellant. While the appellant recorded a reservation on the table at paragraph 3.8 over the basis of its assessment, it

was prepared to accept its generality – requiring my assessment of all the evidence in this respect.

15. The site is within the urban area of Yarm. Further, based on the evidence before me and my site observations, I agree with appellant and Council Officer that the site should be considered as previously-developed. It would have an acceptable relationship to local services - including a primary school and local shopping, encouraging travel by means other than the private car. A bus service with stops about the site offers access to Yarm Town Centre and, thereafter, to other urban centres. Yarm's railway station is to the south-west of the site with services to Thornaby and Middlesbrough to the north, as well as Northallerton, York and Manchester to the south. Connections would appear to be able to be made at Northallerton to services on the East Coast main line. On the basis of my unaccompanied Visits to the station, before the Hearing and after its closure, that rail facility appears to be well-used by car drivers - reasonably including "commuter" and "day-out" elements on journeys that would otherwise have been undertaken by car. That potential would also be available to the occupiers of the 5 dwellings proposed.
16. Next, to Yarm Town Centre and access to it. Likely resident access from the site would, initially, be along the overall level grade on Leven Road to Thirsk Road and then falling to the High Street at Yarm. A reasonable prospect, outward, would result for means other than the private car. Inward, however, the rising grade from the High Street to Leven Road would be a disincentive. Nonetheless, a bus service would be available for the return journey, while I also saw a substantial presence of taxis on the High Street.
17. Bringing all these matters together, my assessment is that neither the Council nor local objectors have submitted any substantive evidence to justify the 2<sup>nd</sup> Reason for Refusal. In the specific circumstances of this case, the development would represent an acceptably sustainable location for residential development. It would reflect the overall intent of both PPG 13: Transport and PPS1: Delivering Sustainable Development. Neither, that Reason for Refusal nor, the Council's Statement refer me to a policy of the adopted plan that indicates conflict with it.

**Third Main Issue: Living Conditions**

18. There are a number of preliminary matters. Here, the Council's Decision Notice at Reason for Refusal 03 refers to an unacceptable effect on the privacy and amenity of the occupiers of nearby properties. Its Statement at page 3 clarified this as relating to existing properties on Valley Drive following the construction of proposed properties to the northern section of the site. In addition, there is also local objection arising from the occupiers of other properties about the site. For the avoidance of doubt, and in the interests of clarity, I shall deal with the implications for all resulting from the proposed dwellings.
19. As to the Leven Road frontage (plots 1 and 2), there would be a substantial separation distance to Clock House, the nearest properties to east and west, as well as those opposite on the south side of Leven Road. No privacy/visual impact concern arises. I come to a similar view on The Mount as it relates to plot 3. Next, to the rear of the properties on Friarswood Close where - in my

opinion - the relevant houses are Nos 16, 18 and 20 and their relationship to, primarily, plot 6. Those rear elevations face the site with extensive rear gardens, the outlook from them including - to varying degrees - the existing land to the north of the listed building. The nearest rear elevation to the site boundary is that at No 20, about 20 metres distant. Further, the single-storey east elevation of plot 6 would be set back from the boundary by around a further 8 metres, the 2-storey east elevation to the rear being recessed in the order of 16 metres from the site boundary. While there would be some change in the nature of the outlook from these 3 properties, no dominating visual impact would result. Further, not least reflecting separation distances, the design of the east elevation at the house at plot 3 has properly addressed privacy implications.

20. Houses on Valley Drive are to the north of plots 5 and 6 and below the site. At the nearest point, there would be a separation of about 25 metres between their elevations - albeit the raised position of the 2 proposed houses would effectively reduce this, visually, to a degree. Varied planting and boundary treatment is at the site boundary that would be able to be added to by condition. Having looked at the View towards the site from properties on Valley Drive, my assessment is that there would, again, be satisfactory separation distances. Here, the design of the rear elevations at plots 5 and 6 is material, with a general absence of windows at first floor facing Valley Drive. As a result, the proposal would be acceptable in terms of privacy and dominating visual impact. While there would be likely to be some reduction in the level of sky visible from properties to the rear, as well as the level of sunlight as the sun moves across the sky, both would be insufficient for me to dismiss the Appeal. I come to a similar view on the level of noise experienced by occupants of Valley Drive from the additional use of the turning area between Clock House and plots 5 and 6.
21. Next, and raised with me at the Hearing, was the potential effect of the proposal on the living conditions of existing occupants of the 2 properties at Clock House (not, however, by either those or the Council). The main outlook from them is to the front, unaffected by the proposal. Windows on the east and west elevations of the 2 rear wings face the yard, plots 5 and 6 having little visibility from them. Further, the existing rear elevation of the main body of Clock House (enclosed by the 2 wings) would be over 30 metres from the relevant part of the 2 plots. This relates to an existing elevation where my assessment was of a limited presence of main living space window openings. As to the east elevation of plot 3, single storey facing Clock House, the distance/design of its window openings/limited window openings on the facing Clock House elevation make that element of the proposal acceptable.
22. Finally, to Clock House Lodge where the access to plots 3, 5 and 6 would pass close to that property. The appellant argues persuasively that the likely, and limited, level of additional traffic would be acceptable. I agree, not least as the Lodge is at the frontage to Leven Road where there is an existing and substantial level of traffic noise arising from vehicles passing along it.
23. My conclusion on the 3<sup>rd</sup> main issue is that the proposal would not unacceptably harm the living conditions of the occupants of nearby properties and would not conflict with Policy HO11 of the adopted plan - this, also a saved policy.

### **Other Material Considerations**

24. The Council does not object to the proposal on general access/traffic/highway safety matters but, subject to conditions. There is, however, substantial local objection. Plots 3, 5 and 6 would be subject to a shared access with the 2 existing dwellings at Clock House. Its principle would be acceptable. Plots 1 and 2 would have their own additional accesses to Leven Road, 3 resulting from the development. My assessment - not least in the light of visibility available to exiting drivers and traffic flows - is that they would also be acceptable. A local objector would prefer one access to serve the development. I have to determine the Appeal before me. Further, dimensions shown on submitted plans would be able to secure acceptable access for refuse vehicles and those wishing to service the intended water treatment plant.
25. The site includes some trees included within the Borough of Stockton-on-Tees Tree Preservation Order, Land adjacent to Clock House, Leven Road, Yarm [TPO(1991)]. Specified trees covered by the TPO - T1, T2 and T3 - within Clock House Lodge are not part of the site. Those at Group 1 are, however, within it and adjacent to the existing access to the 2 dwellings at Clock House. Together with others to the south of Clock House, they make a positive contribution to visual amenity. To secure the intended shared access shown on the submitted plans, the appellant agreed that there would need to be some reduction in the presence adjacent to it. A landscaping condition would be able to strengthen the planting.
26. The site carries no national, regional or local nature conservation area designation. Local representation is that badgers have been seen on the site. While bats are said to forage in the area, the proposal involves "new build", other than the demolition of an existing double garage. My assessment is that the development would be unlikely to affect an existing roost. I agree with the appellant that, as with other built development, there would be some disturbance to wildlife but that no unacceptable harm would result.
27. That takes me to drainage concerns raised by a number of local objectors. Here, as an argued example, and as a result of the facility offered by Mr McDonagh (34 Valley Drive), I was able to see at the Visit his concern. Land adjoining the site and his property appeared to have been the subject of foul effluent, of understandable and continuing concern to him. There is, however, no definitive evidence of its source - not least at the Appeal site. Having carefully considered all the representations before me, my judgement is that appropriate condition(s) would ensure that the Appeal proposal itself would be acceptable in respect of surface and foul drainage. On these and the other matters referred to above, the development would be consistent with the general development requirements of Policy GP1 of the Local Plan.

### **Conditions**

28. I have considered those suggested by the Council, should I be minded to allow the Appeal, in the light of the advice in Circular 11/95: The Use of Conditions in Planning Permissions. Most, appropriately worded, were agreed to be reasonable. As to contaminated land, however, the Council confirmed to me at the Hearing that there was not any recorded history of likely contamination at the site - its general approach being one of safeguarding against such an

event. That is not justified. Detailed design control is justified at these proposed dwellings in proximity to a listed building and where the Council's requirements at its suggested condition 10 are acceptable. In its evidence, the appellant indicates a willingness to remove the conservatory on the west elevation of Clock House - it being of "alien design" - that "would be of positive benefit" to the listed building. I agree, noting that its existing presence is not shown on the proposed layout at application plan 1012.1B. I shall require a condition in this respect.

29. Further control was agreed to be necessary during the construction phase. This should be through a Construction Method Statement. Tree protection would be established through the landscaping condition required. Access details will relate to the 3 that will serve the development. The Council has justified the principle of its wish to restrict permitted development. Finally, it is not usually necessary for an Inspector allowing an Appeal to impose a planning condition(s) that would duplicate other legislation. In the specific circumstances of this case, having assessed the evidence, further control is justified on drainage/foul water matters.
30. I have taken into account all the other matters raised, including the letters of support. I have come to a similar, overall, assessment. As to the objection by Yarm Town Council - its conclusion is not accepted for the reasons given above. The Appeal shall be allowed.

*Peter F Davies*

**INSPECTOR**



## APPEARANCES

### FOR THE APPELLANT:

Mr R Salt 5 Fountains Place, Northallerton, North  
Yorkshire DL6 1QS, representing the appellant.  
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LS3 1AB  
Mr L Cowle B Arch Dip Con(Dist) Conservation Consultant, 38 Acomb Road,  
RIBA IHBC AABC Holgate, York YO24 4EW

### FOR THE LOCAL PLANNING AUTHORITY:

Councillor Mrs J Beaumont Ward Member at the Borough Council & Member  
of its Planning Committee, 3 St Martins Way,  
Kirklevington, Yarm, Stockton-on-Tees TS15 9NR

### YARM RESIDENTS GROUP:

Mrs K Baker 20 Leven Road, Yarm, Stockton-on-Tees TS15 9JE  
Mr P Magee 52 Hemingford Gardens, Yarm, Stockton-on-Tees  
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### INTERESTED PERSONS:

Mr P Burden 20 Friarswood Close, Yarm, Stockton-on-Tees  
TS15 9JG  
Mr M Cook 18 Friarswood Close, Yarm, Stockton-on-Tees  
TS15 9JG  
Mr T McDonagh 34 Valley Drive, Yarm, Stockton-on-Tees TS15 9JQ  
Mr & Mrs E Tutin 28 Valley Drive, Yarm, Stockton-on-Tees TS15 9JQ  
Mr D Whitehead 32 Valley Drive, Yarm, Stockton-on-Tees TS15 9JQ

## DOCUMENTS

- 1 List of persons present at the Hearing
- 2 Letters received in response to the Council's notification of the Hearing
- 3 Copy of the Secretary of State's Direction, dated 31 August 2007,  
relating to the Stockton-on-Tees Local Plan (1997)
- 4 Officer Report relating to application S729/89
- 5 List of dwellings allegedly affected by the proposal

## PLANS

- A Location Plans, 1894 and 1982
- B Location Plan, Scale 1:1250
- C Detailed Topographic Survey, not numbered but dated 7 April 2005
- D Layout Plan, 1012.1B

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- E Floor Plans and Elevations, Plots 1 and 2, 1012.6A
- F Floor Plans and Elevations, Plot 3, 1012.4A but excluding that relating to Plot 4, deleted from the proposal
- G Floor Plans and Elevations, Plots 5 and 6, 1012.5