



Appeal Decision

Site visit made on 1 April 2008

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

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Decision date:
22 April 2008

Appeal Ref: APP/H0738/A/08/2060448 7 Station Road, Billingham, TS23 1AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Ms Helen Armstrong against Stockton-on-Tees Borough Council.
- The application Ref 07/2746/FUL, is dated 21 September 2007.
- The development proposed is construction of single apartment block with six flats across three levels with adjacent ground level car parking for six vehicles.

Procedural matters

1. Although a decision notice refusing planning permission for the proposal was issued by the Council this is dated after the appeal was lodged. I have therefore determined the appeal as set out above. As part of the appeal the appellant has submitted plans showing 3 alternative outdoor/parking arrangements for the proposal. However, it appears to me that local residents, who have concerns about the scheme's parking arrangements, have not had the opportunity to comment on these plans, and I have therefore not taken account of them in reaching my decision.

Decision

2. I dismiss the appeal and refuse planning permission for construction of single apartment block with six flats across three levels with adjacent ground level car parking for six vehicles at 7 Station Road, Billingham, TS23 1AG.

Main issues

3. The main issues of this appeal are the effect of the proposal on:
 - the character and appearance of the Billingham Green Conservation Area (CA);
 - the living conditions of occupants of the proposal and of the flat of the nearby club, with particular regard to privacy; and
 - traffic flow and highway safety.
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Reasons

Effect on character and appearance

4. The Billingham Green CA is characterised by the properties set around and nearby the historic green and church. Although of various styles and periods, the majority of buildings in the CA are 2 storeys high. In my view this helps to maintain the dominance of the church within the area.
5. Although only slightly higher than the neighbouring semi detached houses (nos 7 and 9 Station Road), as a 3 storey building the proposal would be out of keeping with the prevailing built form in the CA and therefore more imposing than many of its buildings. Furthermore, whilst the style and width of the apartment block's windows would match those of nos 7 and 9, their height would be considerably less. In my judgement the diminutive size of the windows would give the proposal an incongruous appearance in comparison with the neighbouring houses, particularly given that, as a 3 storey double fronted property, the proposal would be a much more imposing building than the houses.
6. I therefore conclude that the proposal would neither preserve nor enhance the character and appearance of the CA and thus conflicts with policies HO3, HO11 and EN24 of the adopted Stockton on Tees Local Plan. These policies require that new development is in keeping with its surroundings and does not harm the character/appearance of a CA.

Effect on living conditions

7. The second floor bedroom windows of the proposal would be around 15m from the windows of, what I understand is, the residential flat of the club to the rear of the appeal site. Whilst the windows would be at a slight angle to each other given their proximity I envisage that it would be possible to see from the proposal into the club flat and vice versa. This would result in limited privacy for the all the residents concerned and, in my view, would be likely to cause significant harm to their living conditions. In accordance with policy GP1 of the Local Plan I have assessed the proposal in relation to its effect on the amenities of occupants of nearby properties and have found that significant harm would be likely.
8. The Council is also concerned that the proposal would provide insufficient amenity space for its residents. Whilst parking provision would occupy much of the outdoor area many people do not wish to have, or maintain, a garden and I note that there would be sufficient space for a small sitting out area and to erect a washing line. I consider therefore that the proposal would provide adequate amenity space for its residents.

Effect on traffic flow and highway safety

9. The Council argues that the 6 off street parking spaces proposed does not meet its requirement of 1.5 spaces per unit, set out in its Supplementary Planning Document No 3: Parking Provision for New Developments. However, I note that there is on-street and public off-street parking space close by, the use of which would be unlikely to cause any significant problems. Furthermore, given that the accommodation proposed is 1 bedroom flats within an urban area close to

day to day services, I consider that there is a good likelihood that some of the dwellings would be occupied by non car owners. In view of this, and bearing in mind the guidance in Planning Policy Guidance Note 13: Transport that, other than in exceptional circumstances, developers should not be required to provide more parking space than they themselves wish, I conclude that the proposal would have adequate parking provision. I envisage it unlikely that residents would park on waiting restrictions in the area given that their stays would be likely to be for more than a few minutes and therefore their car parking would be readily enforceable.

10. Vehicular access to at least some of the in curtilage parking spaces would be via the private access way to the west of the site. Although narrow and not hard surfaced I note that it is already used as a vehicular access to residential properties and I am not persuaded that its use to access a maximum of 5 additional parking spaces would cause any traffic flow or safety problem. Whether or not residents of the proposal would have the right to use the access is a legal matter and has carried little weight in my decision.
11. I conclude, therefore, that the proposal would have satisfactory access and parking provision and would be unlikely to cause any significant road safety or traffic flow problems. It thus has no conflict with policy GP1 of the Local Plan in this respect.

Conclusion

12. Although I have found that the proposal's parking, access and amenity space arrangements are satisfactory, its effects on the character and appearance of the CA and on residents living conditions are, in my view, of overriding importance. I recognise that the proposal would represent the efficient use of a previously developed site and would help to meet local housing needs. I also appreciate that it would tidy up the somewhat derelict site and could have wider local economic benefits. However, in my opinion, these matters do not outweigh the harm I have found the proposal would cause. For these reasons, and having regard to the views of local residents and businesses, I conclude that that the appeal should be dismissed and planning permission for the proposal should be refused.

Malcolm Rivett

INSPECTOR