



Appeal Decision

Site visit made on 22 January 2007

by **Graham E Snowdon BA BPhil DipMgmt MRTPI**

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

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Appeal Ref: APP/H0738/A/06/2026159

Land to rear of 11, 15 and 19 Station Road, Norton TS20 1EA

- 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 Michael Fields against the decision of Stockton-on-Tees Borough Council.
- The application ref: 06/0083/OUT, dated 9 January 2006, was refused by notice dated 14 March 2006.
- The development proposed is the erection of 6 no semi-detached houses with integral garages.

Summary of Decision: The appeal is allowed and outline planning permission granted subject to the conditions set out below.

Procedural Matters

1. The application is submitted in outline form, with design, external appearance and landscaping reserved for future approval.
2. The appeal documentation, submitted by the appellant, includes a report by Faber Maunsell Ltd, which proposes amended access arrangements, involving the widening of the carriageway of Dove Lane, for a distance of some 48 metres from its junction with Raven Lane, to 4.8 metres, with a 1.8 metre wide service/pedestrian strip contained within the frontage of the appeal site. This was not formally considered by the Council at the time of the application being determined. Nevertheless, it has been designed to overcome one of the objections to the scheme and I do not consider that anyone would be prejudiced by my consideration of it at this appeal. I shall, therefore, determine the appeal on the basis of this minor amendment.

Main Issues

3. The main issues are the effect of the proposed development on, firstly, the safety of users of Dove Lane and Station Road and, secondly, the living conditions of future occupiers of the proposed dwellings in terms of levels of private amenity space.

Development Plan and other Planning Policies

4. The development plan includes the Stockton-on-Tees Local Plan (Local Plan), adopted in June 1997 and Policies GP1, HO3 and HO11 are relevant to this appeal.

Reasons

Safety of users of Dove Lane and Station Road

5. Dove Lane separates the rear of properties on Station Road from those on Mallard Lane. It currently serves some 7 or 8 garages belonging to properties on Station Road, including 1 on the appeal site. It has a hard surface, some 2.5 metres in width, but generally a broad verge on the west side (to the rear of Station Road), which varies in width. Access at the northern end from Swallow Lane is restricted to 2.5 metres, by the existing garden wall, which, I am informed, protrudes into the highway without authorisation. During the hour I spent on site, the section of Dove Lane between Swallow Lane and Raven Lane was not used by vehicles, though there was some pedestrian usage, as it represents a shortcut from the A1027 to the south.
6. The front boundaries of the proposed dwellings would be set back to provide a 1.8 metre wide footpath, in a shared surface arrangement with the adjacent widened carriageway. Although this would occupy only the southern 40% of the length of Dove Lane between Swallow Lane and Raven Lane, the layout of the estate is such that I consider that most vehicle access would be from Raven Lane to the south. The appellant's agent argues that this amended arrangement would meet the Council's highway design guidelines. These are not before me, but I note that the claim is not disputed by the Council. Recommended radii at the junction with Raven Lane could not be achieved, but I do not regard this as a significant objection to the proposal, given the level of traffic likely to be involved.
7. The appellant has drawn my attention to other recent residential accesses in the area, some of which serve a larger number of dwellings. I have not been made aware of the circumstances surrounding these, and this limits the weight I can attach to them, but it is clear that a wide variety of arrangements, including some similar to that currently proposed, are functioning perfectly satisfactorily in the vicinity.
8. Overall, I do not consider that the usage of Dove Lane to give access to the six dwellings proposed, with the amended arrangements shown, would give rise to conditions of conflict likely to endanger any existing or future users. In reaching this conclusion, I have had regard to the fact that the Council has already given permission (which is still extant) for two dormer bungalows on the appeal site. I have also noted that the proposal would remove one existing garage (to the rear of 15 Station Road), though I am informed that this is not in use. I am, therefore, satisfied that the proposal is unlikely to result in a significant increase in traffic generation over that potentially existing.
9. The loss of the garage for 15 Station Road is also cited by the Council as an objection to the proposal and I can understand concern about roadside parking on Station Road close to the roundabout junction with the A1027. However, I am advised that the proposal will not alter the current practice of the owner of that property and I note that only two other dwellings on this stretch of Station Road do not have off-street parking accessible from the frontage. In practice, I do not consider that the loss of the garage would lead to any significant increase in roadside parking or detriment to safety of users of Station Road. I note the appellant's suggestion for alternative garage access arrangements for no.15, but these are not before me to determine, nor do I regard them as being necessary, for the reasons stated.
10. I, therefore, conclude on this issue that the proposal would not have an adverse effect on

the safety of users of Dove Lane or Station Road and, in this respect, there would be no conflict with Local Plan Policies GP1 or HO3.

Levels of private amenity space

11. The depth of front garden space on the three proposed development plots, varies between 7.7 and 9.6 metres (though this would be reduced as a result of the amended access arrangements) and the rear gardens between 5.6 and 7.7 metres. Given the large footprints of the proposed dwellings, I accept that the resultant plot ratios would be higher than those traditionally prevailing in the area. The appellant claims that the maximum site coverage – in the case of Plot 1 - would be 38.7%. However, given the separation distances from existing dwellings and the presence of trees along the boundaries, I do not accept that this would lead to a cramped development or create unacceptable living conditions for future occupants.
12. The Council does not appear to have adopted standards for private amenity space and, in my view has not demonstrated how the proposals fail to meet the requirements of the cited Local Plan Policies. In the context of government policy to encourage higher densities in urban areas, I do not consider that the present proposals are unacceptable and, indeed, the plot coverage proposed differs little from that approved for the rear of 9, Station Road, which has now been built.
13. I, therefore, conclude that there would not be any adverse effect on the living conditions of future occupiers of the proposed dwellings in terms of private amenity space.

Other Considerations

14. Reference is made in the appeal documentation to Tree Preservation Orders in force in the area and, in respect of the appeal site, this is confirmed in the Council's Questionnaire. No details are, however, provided. Siting and layout are not reserved for future approval and I note that the proposed scheme would lead to the loss of a few trees along the Dove Lane frontage, including 2 spruces, an ash and a birch. These appeared to me to be poor specimens, whose removal would not significantly harm the mature landscaped character of the area. I note that the Council's Landscape Officer has no objection in principle to the proposal. Landscaping proposals for the site are reserved for future approval but I can see no particular merit in requiring a detailed tree survey to be carried out at that point.
15. As I indicated above, the proposal would meet all generally accepted separation distances to prevent unacceptable mutual overlooking and any undue noise and disturbance during construction can be adequately mitigated by the imposition of a condition restricting construction hours. It is not the function of the planning system to protect private interests and, whilst I doubt whether the proposal would lead to property devaluation in the area, this is a matter, to which I can accord little weight.
16. None of these considerations alters my conclusion that the proposal is sound and that the appeal should succeed.

Conditions

17. In addition to the standard terms and conditions relating to an outline application, the Council has suggested the imposition of several conditions. As design, external

appearance and landscaping are reserved for future approval, matters such as boundary treatment, external materials and tree retention should be dealt with then and I can see no necessity for separate conditions covering those matters to be imposed at this stage. I have likewise seen no justification for conditions requiring drainage details to be agreed or the removal of permitted development rights, which, central government advises, should only be considered in exceptional circumstances. I have also noted the suggestion of the Council's Environmental Health Unit that a desktop contamination study be carried out. As there is no evidence before me of a history of potentially contaminating uses on the site, I also consider that a condition to this effect would be unnecessary.

18. Conversely, I accept, for the reason set out above, that a condition restricting construction hours is necessary and I shall impose one accordingly. I am also sympathetic to the Council's desire to secure the completion of footpath works, as shown on the submitted amended drawings. I note that some of these works would appear to lie outside the red line shown on the submitted application plan and presumably relate to land outside the control of the appellant. It seems likely that this land is in the ownership of the Council. Whatever the situation, I am satisfied that the completion of these works can be secured by the imposition of a "Grampian" style condition and I shall impose one accordingly.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

20. I allow the appeal and grant outline planning permission for the erection of 6 no semi-detached houses with integral garages at land to the rear of 11, 15 and 19 Station Road, Norton TS20 1EA, in accordance with the planning application ref: 06/0083/OUT, dated 9 January 2006, and the plans submitted therewith, as amended by the report of Faber Maunsell Ltd, dated 10 November 2006, and plan ref: 51954/P/001 attached thereto, subject to the following conditions:
 - i) Approval of the details of the design, external appearance and landscaping of the proposed development (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - ii) Plans and particulars of the reserved matters referred to in condition i) above shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - iii) Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this decision.
 - iv) The development hereby permitted shall be begun not later than the expiration of two years from the date of approval of the last of the reserved matters to be approved.

- v) None of the houses hereby permitted shall be occupied until the widening of the carriageway on Dove Lane and the provision of a pedestrian/service strip, as shown on drawing ref: 51954/P/001, and detailed in the Faber Maunsell report dated 10 November 2006, have been completed and made available for use.
- vi) No construction work shall take place on the site outside the hours of 0800 and 1800, Monday to Friday, 0800 and 1300, Saturday, or at any time on Sundays or Bank Holidays.

G. E. Snowdon

INSPECTOR