



Appeal Decision

Site visit made on 22 April 2008

by **J S Deakin** FRICS

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

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Decision date:
12 May 2008

Appeal Ref: APP/H0738/A/08/2062383

1 South View, Eaglescliffe, Stockton-on-Tees TS16 0JA

- 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 South View Developments Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2341/FUL, dated 27 July 2007, was refused by notice dated 12 October 2007.
- The development proposed is demolition of existing house and construction of 8no.flats.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues are: (i) the visual impact of the development on the character and appearance of the surrounding area; (ii) the effect on the living conditions of nearby residents with particular regard to noise, disturbance, and visual impact.

Reasons

Preliminary Matters

3. The original application was for 8 flats with 14 car parking spaces. However, following discussions with the Council, revised plans (D101B and D102F) were submitted by the appellants on 6 September 2007. These show amendments to provide 7 flats and 12 parking spaces. The application was determined on the basis of the revised plans and I have decided the appeal on the amended basis.
4. The appellants have entered into a Unilateral Undertaking, dated 6 March 2008, under section 106 of the Town and Country Planning Act 1990. In brief, the Owner covenants to pay to the Council the total sum of £3,500 to be applied by the Council for the provision of informal and formal recreation space.

Impact on the Character and Appearance of the surrounding area

5. PPS3 indicates that a key objective of planning policy is to make effective use of land by re-using previously developed land. The appeal site is within an established residential area and falls within the definition of previously
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developed land as set out in Annex B of PPS3. There are existing planning permissions for two dwellings with garages (06/1747/OUT), and for a single dwelling with garage (04/2240/FUL). Furthermore, the Council considers that the proposal would comply with the locational criteria for flatted development set out in Supplementary Planning Guidance Note No.4. Consequently, the general principle of residential development is acceptable.

6. The proposed building would be bulkier than the existing house and the previously approved dwellings. The front elevation would be longer and the ridge height would be greater than the existing, although the ridge would be slightly lower than for the single approved house. The front elevation would be about 5m forward of the existing house and the space at each side would be reduced in comparison with existing house. Nevertheless, the appeal scheme would retain relatively open spaces at each side.
7. The pairs of semi-detached houses on each side are substantial buildings and the width of the front elevations of both pairs exceeds the width of the appeal scheme. Wootton Cottage and Wendy House have a greater mass than the proposal and although 2/3 South View are somewhat smaller, they would still be comparable to the appeal proposal. The design and appearance of the proposed building would reflect the Victorian character of several buildings along Yarm Road, including Wootton Cottage and Wendy House.
8. The building would be a prominent feature in the street scene but I consider that the design and siting would provide a high quality of built environment which would be in keeping its surroundings. In my opinion, the development would not cause unacceptable harm to the character and appearance of the surrounding area and would comply with Policies GP1, HO3 and HO11 of the adopted Stockton-on-Tees Local Plan.

Effect on nearby residents

9. Windows on the side elevations would mainly serve kitchens and shower rooms and those on the second floor would give secondary lighting to bedrooms and living rooms. Provided that all the side windows to the upper floors were to be obscure glazed, I consider that there would be no significant overlooking of the properties on each side.
10. At the rear, habitable room windows would face towards the garden of 1A South View. Views from ground floor windows would be screened by the boundary fence and there would be limited views from the top floor roof lights. However, there would be overlooking of the gardens of 1A, and adjoining properties, from the first floor windows. This would be greater than the overlooking from the existing house. Although there would be a separation distance of about 17m, I consider that overlooking, or the perception of overlooking, would cause undue loss of privacy to nearby residents.
11. The Council is satisfied that the access and parking would be adequate and raises no significant highway objections. Nevertheless, I have taken account of the representations made by nearby residents. There would be 12 car parking spaces within the site and the access drive would pass close to the boundary with Wootton Cottage. Virtually all of the rear garden would be occupied by parking and turning space and several of the parking spaces would be very close to the boundaries. Significant additional noise and disturbance would be

generated in what is, at present, a fairly quiet area of back gardens. The site is too small to provide space for much landscaping along the boundaries and it would not be possible to provide an effective sound barrier. The increased noise from vehicles using the drive, parking, manoeuvring, doors banging etc would be particularly noticeable in the evenings and at weekends when ambient noise levels are likely to be lower than during the daytime. I consider that additional noise and disturbance from vehicles would cause harm to the living conditions of adjoining residents.

12. The new building would be visible from the dwellings and gardens on each side. It would be seen from windows in the side elevation of Wootton Cottage but the boundary hedges and trees would provide partial screening. Furthermore, the structure would be set forward slightly compared with the existing house and, despite its increased bulk, would not appear unduly dominant. On the other side, 2 South View has a large first floor window to a habitable room which looks out over the site. The proposed building would be about 5m closer than the existing house and the more bulky appearance would have an increased visual impact. The window of No.2 would only be partially overlapped by the new structure and there would be a separation distance of about 9.5m but nevertheless, I consider that the new building would have an oppressive and dominant appearance when seen from No.2. In itself, this would not be sufficiently harmful to justify dismissing the appeal on that ground alone but it does add weight to the other objections to the scheme.
13. I conclude that the seven flats would result in over-intensive use of the site, increased noise and disturbance, and loss of privacy which would cause unacceptable harm to the amenities of residents, contrary to Local Plan Policies GP1, HO3 and HO11.

J S Deakin

INSPECTOR