Appeal Decision

Site visit made on 14 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:
30 April 2008

Appeal Ref: APP/H0738/A/08/2062761
62-64 The High Street, Yarm, TS15 9AH

- 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 Cable Properties and Investments against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/2267/FUL, dated 24 July 2007, was refused by notice dated 13 December 2007.
- The development proposed is change of use to ground floor units to form 2 units and rear extension.

Procedural Matter

1. Concern has been expressed by some objectors to the proposal about changes to the scheme plans and their accuracy. Despite the details listed in the Council's suggested conditions the Council and appellant confirmed at the site visit that the drawing nos referred to below are those on which the Council based its decision and I have no conclusive evidence to indicate that they are not an accurate representation of the site/existing buildings. Consequently I have determined the appeal on the basis of these plans.

Decision

2. I allow the appeal, and grant planning permission for change of use to ground floor units to form 2 units and rear extension at 62-64 The High Street, Yarm, TS15 9AH in accordance with the terms of the application, Ref 07/2267/FUL, dated 24 July 2007, and drawing nos L100/1 (Rev C) and L100/2 (Rev E), subject to the conditions set out in the attached Schedule.

Main issues

3. The main issues of this appeal are the effect of the proposal on:

   - the character and appearance of the Yarm Conservation Area (CA); and
   - the living conditions of the occupants of 2 Chapel Yard with particular regard to light, outlook and noise/disturbance.

Reasons

4. The Yarm CA is primarily characterised by its wide high street and the narrow yards which lead away from it. Nos 62-64 High Street adjoin Chapel Yard and I agree with the Council that the gaps between the buildings in this yard are an important part of its historic character. However, I am satisfied that the

undeveloped space remaining between the extended appeal properties and no 2 Chapel Yard would be sufficient to maintain this character and for the development not to appear overcrowded. Many of the properties on the High Street have been extended to the rear in a range of styles. The form and materials of the proposed extension would be sympathetic to both the host and surrounding properties and would improve the appearance of the currently somewhat dilapidated rear of the buildings. I also see no reason why the proposal would harm the setting of the nearby listed buildings.

5. Consequently, on the first main issue I conclude that the proposal would enhance the character and appearance of the CA and that it thus complies with policies EN24 and EN28 of the adopted Stockton on Tees Local Plan which indicate that new development will be permitted where it does not harm the character or appearance of a CA or detract from the setting of a listed building.

6. The appeal properties lie to the west of no 2 Chapel Yard and, due to the height and proximity of the existing buildings, I envisage that late afternoon/evening sunlight does not fall upon the side windows of no 2 for the majority of the year. Consequently the extension, projecting towards no 2, would be unlikely to have a significant effect on the amount of sunlight reaching this dwelling. Furthermore, given the distance which would separate the extension and no 2 I consider that the proposal would be unlikely to significantly reduce the amount of reflected light in the rooms served by this dwelling's side windows. I also note that, in addition to the west facing windows, the bedroom has a large south facing window and the landing also receives light from the hall window on another elevation of the house. The west facing windows are obscure glazed and, given the extension's distance from them, I envisage that it would have no discernable effect on the outlook from the dwelling. Therefore, in terms of light and outlook, I am satisfied that the proposal would not have an unacceptable effect on the occupants of no 2.

7. I understand that the rear yard of the appeal properties has, in the past, been used as a staff smoking area. Although the proposed extensions would be likely to result in future activity of this type occurring a few metres nearer to the side of no 2 than in the past, I envisage that such a change would be unlikely to significantly worsen any disturbance or annoyance, including smoking fumes, to no 2's occupants. I recognise that the proposal could result in more people working in the premises. However, I consider that residents living in close proximity to an established town centre must reasonably expect a degree of disturbance and that activity resulting from the proposal is unlikely to cause any significant additional disturbance over and above that arising from neighbouring commercial premises and people traversing Chapel Yard immediately to the front of no 2.

8. Reference is also made to an actual, or perceived, loss of privacy, although given the obscure glazed windows in the side elevation of no 2 and those proposed in the rear of the extension, I am satisfied that there would be no harmful effect in this respect. I consider therefore that the proposal would be unlikely to cause any significant harm to the living conditions of the occupants of no 2 and it thus has no conflict with the objectives of policy GP1 of the Local Plan. This policy indicates that proposals for new development will be assessed in relation to the effect on the amenities of occupiers of nearby properties.

9. I appreciate that the occupants of no 2 have had difficulties in selling their home. However, I consider that this is not good reason to dismiss the appeal given that I found that the proposal would result in no significant harm. The proposal would improve the appearance of the rear of the appeal properties and in my view would therefore enhance, rather than detract from, the appearance of the entrance to no 2. In my opinion the rear yard would be of sufficient size to provide for the likely needs of the proposal, including bin storage and cycle parking. The appeal properties, like many commercial premises in the area, are without off street parking space. I am not aware that any significant problems result from this and consider that this situation would be unlikely to alter if the proposal were permitted.

10. For the above reasons I conclude that the appeal should be allowed. Conditions relating to materials, designs details, landscaping, obscure glazing, cycle parking and hours of construction work are necessary to protect the character/appearance of the CA and the living conditions of no 2's occupants and to achieve a satisfactory form of development. The Council's suggested condition no 1 is not needed given that I have granted planning permission in accordance with the approved drawings.

Malcolm Rivett

INSPECTOR

Schedule of Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) No development shall take place until detailed drawings and samples (as appropriate) of the following elements of the extension hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority:

   (i) drawings at 1:5 of external doors;

   (ii) samples and drawings at 1:5 of windows;

   (iii) samples of materials of all external surfaces.

   Development shall be in accordance with the approved samples and drawings.

3) No development shall take place until details of the replacement shop front to unit 2 have been submitted to, and approved in writing by, the Local Planning Authority. The details shall be at a minimum scale of 1:20 and shall include cross sections of the cornices and shop window frames. The shop front shall be constructed in accordance with the approved details.

4) No development shall take place until details of provision for the secure parking of 6 cycles have been submitted to, and approved in writing by, the Local Planning Authority. The cycle parking provision shall be installed, in accordance with the approved details, before the extension hereby permitted is occupied and shall thereafter be retained for its designated purpose.

5) No development shall take place until full details of both hard and soft landscape works have been submitted to, and approved in writing by, the Local Planning Authority and these works shall be carried out as approved. These details shall include an implementation programme and a detailed landscape plan for hard construction indicating materials and construction methods and a detailed planting plan indicating soil depths; plant species, numbers, locations and sizes; planting methods; maintenance and management.

6) Any tree or plant (including any replacement) which, within a period of 5 years from its planting, dies, is removed or becomes severely damaged or diseased shall be replaced in the next planting season with another of similar size and species unless the Local Planning Authority gives written consent for any variation.

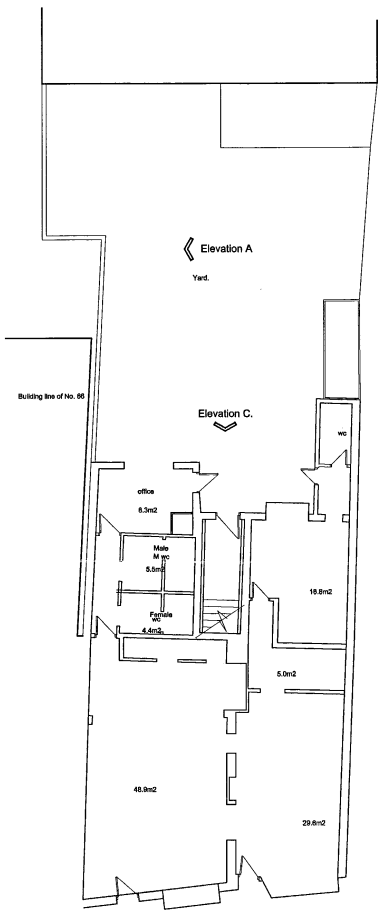
7) Works on site for construction of the development hereby approved shall not take place outside the following hours: 08:00 – 18:00 (Monday – Friday) and 08:00 – 13:00 (Saturday).

8) The windows on the eastern gable ends of the extension hereby permitted shall be constructed with obscure glazing and shall thereafter be retained with such glazing.

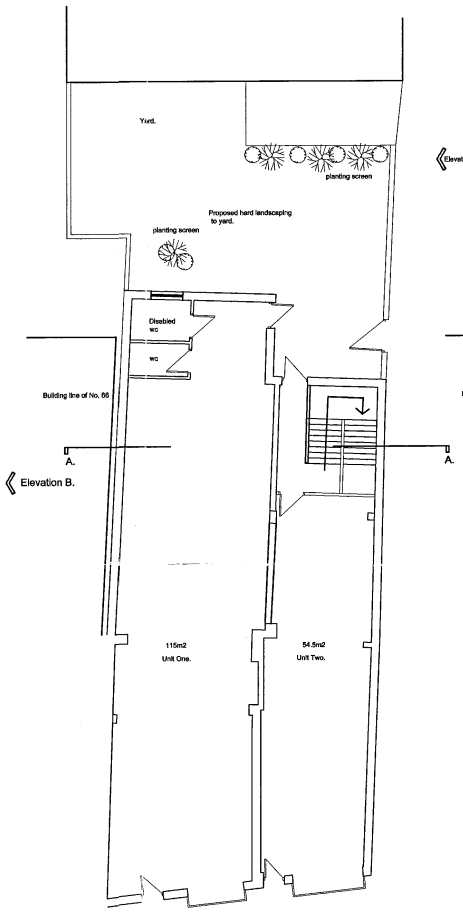
07/2267/REV Plans approved on appeal.

Existing and Proposed plans and Elevations

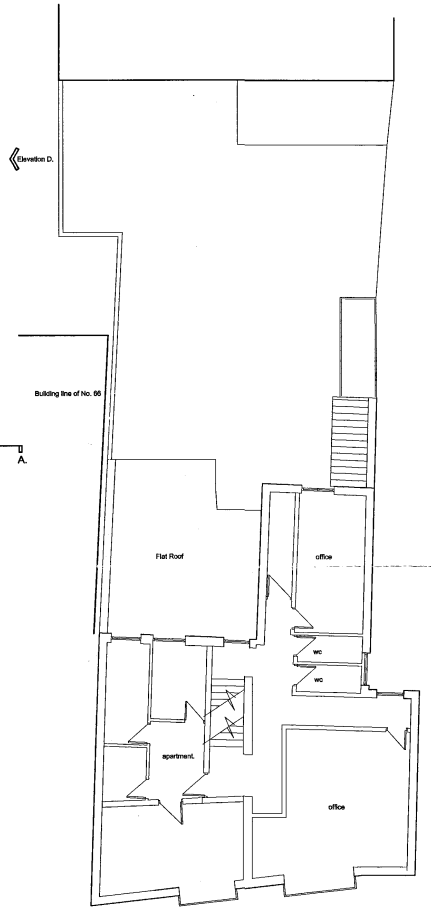
07/2267/REV Plans approved on appeal
Existing and Proposed Plans



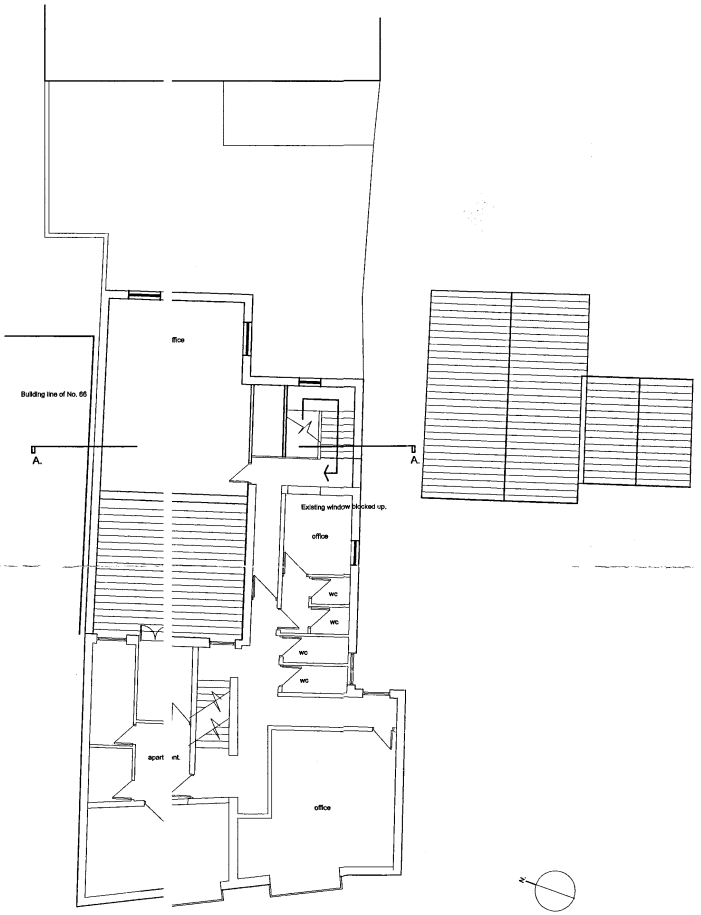
Existing ground floor.



Proposed ground floor.



Existing First Floor.



Proposed Link to First Floor.

07/2267

07/2267/REV Plans approved on appeal
Temporary Staircase