



## Appeal Decision

Site visit made on 13 May 2008

by **D R Cullingford BA MPhil MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
13 June 2008

**Appeal Ref: APP/H0738/A/08/2064985/NWF**  
**Central Car Sales, 8-10 Hume Street, Stockton-on-Tees, Cleveland, TS18 2ER**

- 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 by Mr W Hingley against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 07/2524/FUL and dated 8 August 2007) was refused by notice dated 26 November 2007.
- The development is described as the 'erection of apartment building containing 18 No. flats and associated cycle storage and amenity space'.

### Decision

1. For the reasons given below, I allow the appeal, and grant planning permission for the erection of an apartment building containing 18 No. flats and associated cycle storage and amenity space at Central Car Sales, 8-10 Hume Street, Stockton-on-Tees, Cleveland, in accordance with the terms of the application (ref. 07/2524/FUL) dated 8 August 2007, and the plans submitted therewith, subject to the following conditions.
  - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
  - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the plans, hereby approved, unless otherwise agreed in writing by the local planning authority.
  - 3) Details of the materials to be used in the construction of the external surfaces of the development, hereby permitted, shall match those used in the existing building and shall be submitted to and approved in writing by the local planning authority before development commences. The works shall be carried out in accordance with the approved details.
  - 4) Before the development hereby permitted begins, a phase 1a and 1b desk study investigation of the site shall be undertaken, including the preparation of a conceptual model, designed to identify hazards and both industry and geologically based contaminants present on the site; report of the study shall be submitted in writing to the local planning authority. If the study reveals that contamination is likely or the local planning authority reasonably require, a soil survey shall be undertaken and the results submitted in writing to the local planning authority. The survey shall be taken at such points and to such depth as the local planning authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved in writing by the local planning authority and the scheme as approved shall be fully implemented and completed before any residential unit hereby permitted is first occupied.
  - 5) 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. The boundary treatment shall be completed before any dwelling is first occupied. Development shall be carried out in accordance with the approved details.
  - 6) Notwithstanding the description the materials in the application, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 7) No development shall take place until a scheme to protect the dwellings, hereby permitted, from noise from the adjacent commercial premises has been submitted and approved in writing by the local planning authority; all works which form part of the scheme shall be completed before any dwelling is first occupied.
- 8) No dwelling shall be occupied until details of a Green Travel Plan have been submitted to and approved by the local planning authority in writing. The details shall include a requirement that the first occupier of any dwelling be provided with information relating to the public transport available and the networks available to pedestrians and cyclists in the surrounding area. The provisions of the Green Travel Plan shall be carried out in accordance with the approved details.
- 9) 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 including decorative displays and facilities for public viewing, where appropriate
  - v) wheel washing facilities
  - 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
- 10) Demolition or construction works shall not take place outside 8.00hrs to 18.00hrs Mondays to Fridays and 8.00hrs to 13.00hrs on Saturdays and at no time on Sundays or Bank Holidays.
- 11) None of the dwellings, hereby approved, shall be occupied until works for the disposal of sewage, and for the drainage of surface water, from the site, have been provided to serve the development, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 12) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include specifications of the type, density and species of trees, plants and shrubs to be used; details of finished contours and surfaces; the design of vehicular access, circulation and pedestrian areas; and, cultivation and other operations associated with plant and grass establishment.
- 13) 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 first occupation of any dwelling 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.

### Reasons

2. The appeal property is a shed-like structure behind a fenced expanse of asphalt once used to display cars for sale; it currently appears largely vacant. It stands in a side street of shoddy garage-like structures (containing small engineering enterprises and car repair businesses), car parks and various undistinguished buildings; there are also pharmacies and a health centre. The street ends at an underpass beneath the dual carriageways that by-pass the town centre of Stockton. The entrance to the street is a couple of doors to the east at the junction of Hume Street with Norton Road, the northern continuation of the High Street. This still retains the character of a market town with attractive terraces and a pleasant muddle of shops, services, the occasional public house and residential property.
3. The proposal would involve the demolition of the existing assortment of sheds on the site and the erection of a 3-storey apartment building containing 18 flats. There would be 14 apartments with 2 bedrooms and 4 with one. The design is articulated to appear as 2 slightly different buildings along the Hume Street frontage with the ridge 'stepping up' from the corner building and modest dormer windows accommodating the lower ridge line. The western

façade (fronting a public car park) incorporates a double gable and 4 dormer windows. An area of amenity space is provided in a small courtyard to the rear; bin storage and (I assume) the 'associated cycle storage' is to be accommodated within the block. Railings are shown in front of the main façades.

4. The Council object to this scheme because there would be no on-site parking. In their view that would lead to additional parking on the street, thereby exacerbating parking problems, interfering with traffic and causing road hazards. They also consider that the design would not result in a high quality scheme capable of making a positive contribution to the overall character and appearance of the area. Further articulation of the main façades in the form of varied materials and finishes, additional front doors, bay windows, exposed chimney breasts, as well as fenestration and other details reflecting the more 'traditional' character evident in parts of Norton Road, would all help in that respect. For those reasons the proposal would be contrary to saved policy GP1 (and SPD3 on parking provision) as well as saved policies HO3 and HO11, which aim to ensure that 'good design' is achieved in accordance with the exhortations in PPS1 and PPS3. In both respects it is claimed that the current proposal would fall short of the scheme recently granted planning permission for 12 flats here. Not only would the approved scheme provide a reasonable amount of off-street parking in this 'central' location (provision being made for 8 spaces), but also the design was considered acceptable.
5. In those circumstances, and from all that I have read and seen, I find that this case turns on whether this proposal would:
  - i) seriously exacerbate traffic hazards, or
  - ii) spoil the street scene.
6. On the first issue, I do not accept that the absence of car parking provision would necessarily lead to additional on-street parking in this location. First, parking restrictions operate in Hume Street. Second, car parks are available nearby. I accept that the Hume Street car park is often busy, but it accommodates a high turnover of vehicles. There is no obvious reason why the visitors to, and residents at, the proposed flats might not sometimes be amongst those taking advantage of that provision. Third, no evidence is adduced to show that this residential scheme would be likely to generate a greater demand for parking beyond the confines of the site than the car sales business that previously operated here. Fourth, it seems to me that this is a particularly sustainable location. Several buses ply back and forth along Norton Road, just at the end of the street; shops in the town centre are well within walking distance; the 'network' of bus stops in the High Street is also barely 300m distant; the railway station is just a 300m-400m walk away through the underpass; and all manner of facilities and services, including a health centre, public houses, restaurants and take-away food shops, are practically 'on the doorstep'. Clearly, given the proximity of such facilities and the easy availability of public transport, prospective residents might well see little need to keep a car nearby. In those circumstances, the absence of car parking provision might further encourage just such behaviour and, thereby, contribute to achieving the sort of sustainable development advanced in Government advice, such as PPS1.

7. Moreover, it would appear that the Council also consider that this location could accommodate some residential development without any off-street parking; I understand that permission has been granted for 15 flats without parking provision at a site almost opposite the entrance to Hume Street in Norton Road. I also consider that a residential scheme would be rather less likely to result in illegal on-street parking than other forms of development simply because less short term parking would tend to be involved and habitual transgressors would be more likely to be recognisable as those living nearby. Additional amelioration of potential problems might be possible through the preparation of a 'green travel' plan normally, I understand, a common requirement; a suitable condition could be imposed.
8. Taking all those matters into account, I see no compelling reason why this scheme should seriously exacerbate traffic hazards here.
9. On the second issue, the site is not within a Conservation Area nor is it seen with any Listed Building. On the contrary, it is in a side street of very ordinary structures (apart from the public house on the corner) and as such, bears practically no visual relationship (that I can discern) with the attractive terraces and 'old high street' character evident in Norton Road. In those circumstances, I think that there would be townscape advantages in pursuing an element of simplicity in a design aimed at reflecting, but not over-complicating the emulation of, the best that is nearby. So, in this case, the design is likely to offer a simple brickwork finish that incorporates features to emphasise the domestic scale of the separate components of the block (such as the ridge 'stepping up' from the corner and modest dormer windows on the second floor): that unifies the enclosure of the building behind attractive railings and 'ties in' the level of the first floor with the adjoining building: that provides some articulation to the main façades (such as the double gable and the differing roof heights): and, that reflects some of the better elements evident nearby (such as the coherent pattern exhibited by the fenestration, the apparent incorporation of central glazing bars for the windows and the use of 'artstone' for the heads and sills). In comparison to the permitted scheme, the current proposal would also provide an area of amenity space free of cars and car parking.
10. In those circumstances, I do not agree that further articulation of the main façades, for example, would serve to greatly enhance the street scene. On the contrary, the introduction of varied materials and finishes into what would not be especially large elevations could, all too easily, over-complicate the appearance of the scheme. The insertion of additional front doors would be at odds with the function of the building and the internal layout: and, the 'scattering' of the occasional bay window across the façades (evident, I think, in the permitted scheme) would serve to accentuate the pastiche-like quality of such a design solution. In my view, the somewhat incongruous 'cottage-like' porch, the 'out-of-kilter' garage doors and the exposed chimney breast are all features of the permitted proposal that would serve to emphasise the somewhat artificial character of that proposal.
11. For those reasons, I consider that the development now proposed would not spoil the street scene.

12. I have considered all the other matters raised but, for the reasons set out above, I do not agree that the scheme would contravene saved policies GP1, HO3 or HO11. On the contrary, I think that the proposal would make good use of a site in a particularly sustainable location and do so by involving a reasonably 'good design', in accordance with the exhortations in PPS1 and PPS3. Hence, I conclude that the proposal should be allowed, subject to the conditions set out above. Unless otherwise indicated, those conditions are imposed to ensure that the scheme is implemented as intended or can be constructed without unduly impinging on the amenities of those living nearby. My conclusion rests on those assumptions.



INSPECTOR