



Appeal Decision

Site visit made on 13 June 2008

by **John L Gray** DipArch MSc Registered
Architect

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

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Decision date:
23 July 2008

Appeal Ref. APP/H0738/A/08/2063733

Land off Priory Gardens, Norton, Stockton-on-Tees, TS20 1AE

- 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 Colin Hill against the decision of Stockton-on-Tees Borough Council.
- The application, ref. 07/2417/OUT, dated 10 August 2007, was refused by notice dated 12 November 2007.
- The development proposed is residential, providing 18 units in 4 town houses and 2 maisonettes, with associated car parking.

Decision: I dismiss the appeal.

Preliminary matters

1. The application was submitted in outline with all matters reserved for future consideration. An illustrative scheme was submitted with the application. It became apparent at my site inspection that some of the drawings for this scheme were not with the appeal file. I asked for them to be submitted. The illustrative scheme, because it shows one potential design for the site, has assisted my appraisal of the likely impact of the outline proposal.
2. Reason for refusal no. 2 of the application concerned the absence of any assessment of the archaeological importance of the site. An evaluation was submitted during the appeal process. I have delayed my decision in order to allow the Council to give its views on that evaluation. Tees Archaeology responded to the Council that it would not object to development based on the evaluation results. I see no reason to disagree with that conclusion.

Main issue

3. Accordingly, just one reason for refusal remains to be addressed, leaving a single main issue in the appeal – whether development on the scale proposed would be likely to be seriously out of keeping with the general character and appearance of the area.

Reasons

4. There can be no objection to the principle of redevelopment. The architectural quality of the two bungalows on the site does not warrant their retention. The southern boundary wall, however, does merit preservation, as a link with the style and character of Norton High Street, just a little to the east. The internal brick wall, separating the two curtilages, could usefully be retained if it would appear logical within a redevelopment layout. The trees along the southern boundary, some apparently covered by a tree preservation order (the Council
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did not submit details), are important to the general character of the area and should be retained.

5. The illustrative scheme shows an L-shaped arrangement of flats and town houses on the southern part of the site and flats above garages on the northern part. The building line for the southerly block would be about 10m from the southern boundary, along which the trees stand. This would be just enough to be clear of the canopy of the largest of those trees, a copper beech. There is very little scope for development closer to the southern boundary than shown on the illustrative scheme. Indeed, because of the trees, there must be doubt about the quality of light in and outlook from some south-facing windows on the building line of that scheme. Nor is there obvious scope for a building line further from the trees – the illustrative scheme shows barely 21m between the façades of the two blocks and, where it is most critical, about 10m between the northerly block and the boundary.
6. The scheme also shows building rising to three storeys on the corner of Priory Gardens and the pedestrian route through to Norton High Street. I consider the combination of terraced form and three-storey height to be out of keeping with the general style and character of the residential area around Priory Gardens and Mallory Road. The terraced style might be consistent with the character of High Street, and there may be buildings higher than a simple two storeys in the vicinity of the site, but the combined frontages of almost 50m and 20m long, coupled with the three-storey height on the corner and the comparatively slightly higher level of the site, would, in my opinion, introduce an incongruously prominent and dominant element into the street scene.
7. And yet, given what I say about the constraints on layout, there seems no alternative to having some measure of three-storey development in order to achieve the number of residential units proposed for the site.
8. The Council raises questions of overlooking in relation to the existing dwelling to the north of the site and noise from car parking in relation to the dwelling to the east. It seems to me that there would scope to resolve these two points within a detailed design. I have given no weight to the Council's more detailed criticisms of the illustrative scheme – because there is no reason in principle why they could not be satisfactorily resolved at the reserved matters stage. Equally, I give no weight to what the appellant says about the illustrative scheme having been designed in consultation with officers of the Council; the application was refused in part because its bulk and massing would be out of keeping with its surroundings, and that is my conclusion also.
9. Accordingly, while other clauses of Local Plan Policy GP1 could be satisfied, I conclude that clause (i.) could not. Similarly, I conclude that what is proposed would not satisfy clause (iv.) of Policy HO3. While I believe that the amenity aspects of Policies HO3 and HO11 could be met, that cannot outweigh my conclusion in relation to the character of the surrounding area.

John L Gray

Inspector