



Appeal Decision

Hearing held on 8 July 2008

Site visit made on 8 July 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:
1 August 2008

Appeal Ref: APP/H0738/A/08/2066786

**land adjacent to 1 Manor Place, Off Bishopton Road West, Fairfield,
Stockton on Tees TS19 7HF**

- 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 Fairfield & District Association against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/1817/OUT, dated 7 June 2007, was refused by notice dated 21 September 2007.
- The development proposed is demolition of existing building and construction of 8 no apartments with associated car parking and external works.

Application for costs

1. At the Hearing an application for costs was made by Fairfield & District Association against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Decision

2. I dismiss the appeal.

Main issues

3. The main issues are the effect of the proposal on:
 - i) the character and appearance of the surrounding area;
 - ii) the living conditions of adjacent residential occupants in terms of outlook; and
 - iii) whether the proposal would provide open space, in particular outdoor play space, in accordance with the objectives of local and national policy.

Reasons

4. The appeal site is in a predominantly residential area, located on one side of a quiet cul-de-sac, just off the main road. It is currently occupied by a large single storey flat-roofed club house, formerly the premises of the appellant organisation, but now boarded up and out of use. The Council and local residents accept that its current unloved condition detracts visually from the area and that its demolition, with appropriate redevelopment, would enhance it. The site falls within the development limit where residential development

would accord with policy HO3 of the *Stockton on Tees Local Plan, 1997*, (LP) and there is no policy objection to the proposal.

5. The application was made in outline, with all matters except access reserved for a future application and I have considered the appeal on this basis. A revised layout plan submitted prior to the Council's decision amended the proposed access point to open off the cul-de-sac, rather than the main road. Neighbours point to the narrowness of the cul-de-sac and the presence of cars parked along it; they are concerned that traffic accessing the site would cause harm to highway safety. However, the Council did not refuse the proposal on this basis, the Highway Authority has not objected and from all I have seen and heard I share this assessment. The road is a similar width to many residential streets and there is little evidence to show that the traffic arising from the proposal would add significantly to that legitimately accessing the site for the previous use of the club. Moreover the revised access arrangements proposed would be a significant improvement over the current one, which passes close between two residential properties for the full length of the shallow rear garden at No 1 Manor Place. The twelve car spaces illustrated within the site would accord with government guidance for parking provision in national policy set out in PPS3¹ and this as well as adequate turning space for service vehicles within the site, could be secured as part of the future detailed scheme; the proposal would, therefore, not add materially to existing levels of on-street parking.

Character and Appearance

6. The Design and Access Statement (DAS) submitted with the application clarifies, as required by Circular 01/2006², the scale parameters for the building; it would be essentially two storey, with roof space accommodation. Illustrative drawings submitted with the application demonstrate the feasibility of locating a block of eight apartments on the site, with the necessary parking. They show, effectively, a two and a half storey building with two apartments at second floor within the roof space. It was confirmed at the hearing that the overall height would not exceed 10m to the ridge, as illustrated. It is intended to further articulate the proposed apartment block, to reduce its apparent scale, by stepping back the middle section (as shown on the revised layout plan referred to above).
7. I share the Council's and local residents' concern that the building as shown would appear essentially larger than two storey; mainly as a result of the prominent three storey gable features illustrated. The design approach shown is heavy handed and urbanised. It includes eye-catching peaked gable windows with (apparently) cast stone lintels; combined windows and rooflights cut into the eaves; first floor faux balcony railings; and bulky flat roofed ground floor bay windows, none of which would relate comfortably to the more intimate domestic scale and detailing of the dwellings around it, in particular, it would contrast adversely with the attractive Edwardian style gabled bungalow on one side.

¹ Planning Policy Statement 3: Housing

² Department for Communities and Local Government Circular 01/2006 - Guidance on changes to the development control system.

8. Nevertheless, the appearance and scale of the proposal is not before me and it would be open to the Council to control the future design of the building to ensure that it reflects the scale parameters set in the DAS and harmonises visually with surrounding buildings. According to the illustrative layout the building would be set back from the road, like the houses to one side and opposite, with adequate space for good landscaping to enhance its setting and integrate it with the mature gardens around it. On the basis of the layout and the overall form illustrated, I am satisfied that, with care and sensitivity, a well designed scheme, responsive to the immediate local context, would be feasible, which would be in keeping with the character and appearance of the surrounding area, as required by LP policies GP1, HO3 and HO11.

Living Conditions

9. LP policy HO3 also requires that residential development does not result in a loss of amenity to adjacent land users. The building layout illustrated would occupy a very similar footprint to that of the existing building, which is well spaced from the surrounding ones. It would be set away from No 1 Manor Place and would not affect the main front or rear outlook either from this property or the house at the other side of the appeal site, neither of which would have direct views towards it. Further, the site slopes from one end to the other and it was confirmed at the site visit that to reduce the apparent height difference in relation to the closest dwelling at the upper side, proposed floor levels would relate to the lower site levels and this aspect could be ensured at a detailed design submission. Whilst the proposal might be up to half a storey higher (around 1.2m) than the two storey houses opposite, they are separated from it by around 30m and the height difference would not be so significant that it would dominate these properties or appear overbearing viewed from them.
10. I conclude that the proposal would not harm the living conditions of adjacent residential occupants in terms of outlook and would comply with development plan policy in this respect.

Open Space Provision

11. LP policy HO11 requires new residential proposals to incorporate open space for both formal and informal use. Notes to the policy explain that: the success of the development depends partly on the arrangement of outdoor space; informal amenity space can enhance its appearance, but must form an integral part of the housing layout; and the National Playing Fields Association standard of 2.46 hectares per 1000 population will be used as a guideline in assessing the requirement for outdoor play space until it develops its own standard based on a local survey.
12. The proposal would include garden space totalling around 305m², in two areas – one landscaped in place of the former long narrow driveway approach between adjacent dwellings and one at the rear corner of the site adjacent to the carpark area. As shown, neither of these is convincing as an attractive space likely to be well used by future residents; one would be reached past some parking spaces and a dustbin enclosure, the other would be flanked by parking. Nonetheless as with the appearance, layout, and scale, with high quality sensitive design, I am convinced that there would be adequate space

such that, with high quality expert landscape design, successful informal outdoor spaces, well related to the internal layout of the proposed apartments and pleasant for sitting out, could be provided and as this aspect also could be controlled by the submission of a future application, the proposal would comply with the Council's policy.

13. Turning to the provision of outdoor play space, no formal provision has been made in this respect, as required by policy HO11, and it would be unrealistic to expect that older children or adult level recreation, including ball games, could take place in such proximity to other properties. The appellant disputes the Council's requirement for a financial contribution towards off-site provision, citing the lack of a specific development plan policy requirement in this respect. However, policy HO11 reflects national policy set out in both PPS3 and PPG17³ and the latter states that: 'Local authorities should ensure that provision is made for local sports and recreational facilities ... through improvements to existing facilities where planning permission is granted for new developments (especially housing). Planning obligations should be used where appropriate to seek the enhancement of existing facilities'.
14. Circular 05/2005⁴ clarifies the basis on which planning obligations should be assessed for their acceptability in policy terms and gives further guidance on the process of securing obligations. It sets out that it will usually be reasonable for planning obligations to be secured to mitigate the impact of a development by providing, for example, for expanded community infrastructure. The Council's Supplementary Planning Document 6: Planning Obligations was adopted in May 2008, and whilst this post dates the Council's decision in this case, the draft SPD would have been in the public domain; it underwent public consultation prior to adoption.
15. The SPD establishes that planning obligations for open space and recreation provision will be assessed on a case by case basis and it strongly recommends pre-application discussion with the Local Planning Authority in this regard. It sets out the Council's requirement for commuted sum payments for off-site works where this would be of more benefit or more appropriate than on-site provision. It sets out the financial basis of its requirement at the rate of £3,500 per 0.1 hectare plus maintenance contributions (this rate to be index linked). This would be the subject of negotiation between the developer and the Council.
16. In respect of the appeal proposal the Council clarified its requirement for a contribution by email and letter prior to reaching its planning decision. The requirement follows advice in PPS3 which requires local planning authorities to consider the provision of open space in particular in relation to higher density residential proposals, such as this one (there is no dispute that it would amount to around 60 dwellings per hectare). The commuted sum amount was calculated, as set out in the (then) draft SPD and its intended use explained – to be spent on general environment improvements on existing public open space land to the east of the site along Bishopton Road West. It was confirmed at the hearing that this open space is within walking distance of the appeal site. A requirement for a contribution to maintenance costs was not made.

³ Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

⁴ Office of the Deputy Prime Minister Circular 05/2005 Planning Obligations

17. Taken all in all I am satisfied that the requirement for a commuted sum contribution to enhance the off-site provision of open space for recreation is necessary to bring the proposal into line with local and national policy objectives and it would be directly and reasonably related in scale and kind to the proposal and would be reasonable in all other respects.
18. I conclude that the proposal would fail to provide outdoor play space in accordance with local and national policy.
19. I appreciate the charitable status of the appellant organisation and the legal duty imposed on it to maximise the value of its assets, but this consideration does not outweigh my conclusion on this issue. Although locals are concerned that the proposal would lead to a loss of existing mature trees, these are outside the site boundary. The temporary effects of construction noise and traffic are common to all new development and are not a justification for refusal; they can be reasonably restricted by condition in this residential location to normal working hours.

Conclusion

20. I have found in favour of the proposal in relation to my first two main issues; its effect on character and appearance and the living conditions of adjacent residential occupants. However, in respect of my third main issue, the proposal would fail to meet national and development plan policy objectives to secure mitigation for the lack of outdoor play space provision and I conclude that this lack of policy compliance outweighs my positive finding in respect of the first two issues. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Wenda Fabian

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr J Wilson FRICS 22 High Street, Stockton on Tees TS18 1LS
Mr T Richardson RIBA 82 Norton Road, Stockton on Tees TS18 2DE

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Glossop Stockton Borough Council Planning, Gloucester
House, 72 Church Road, Stockton on Tees
Councillor J Beaumont 3 St Martins Way, Kirklevington, Yarm, Stockton
on Tees TS15 9NR

INTERESTED PERSONS:

Mrs J Adams 10 Manor Place, Fairfield, Stockton on Tees TS19
7HF
Mr W Robson 3 Manor Place, Stockton on Tees TS19 7HF
Mrs E Bate 47 Fordwell Road, Stockton on Tees TS197JU
Mrs E Campbell (spoke at Site 1 Manor Place, Fairfield, Stockton on Tees
Visit, not present at Hearing
venue)

DOCUMENTS

- 1 Council's letter of notification of hearing venue
- 2 Council's SPD 6: Planning Obligations, May 2008
- 3 Email dated 11 September 2008 re commuted sum for recreation space

COSTS DOCUMENTS

- 1 Applicant's costs application summary

PLANS

- A Existing Site Layout Dwg No 4242/100
- B Illustrative Proposal Dwg Nos 4242/1, 2, 3,4, & 6
- C Illustrative Site Plan 4242/1 rev B (access location revised) & Dwg No 4242/7 Typical Section