



## Appeal Decision

Site visit made on 1 October 2008

by **A C Pickering** FRTPi

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

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Decision date:  
10 October 2008

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**Appeal Ref: APP/H0738/A/08/2077952**  
**Land to the west of British Legion Club, Queen's Avenue, Thornaby,**  
**Stockton-on-Tees TS17 6PA**

- 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 Kexgill Construction Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/3438/FUL, dated 30 November 2007, was refused by notice dated 10 April 2008.
- The development proposed is the erection of 33 apartments for student use including parking areas and means of access.

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### Decision

1. I dismiss the appeal.

### Main issues

2. The principal issues in the appeal are the requirements for personal safety, the adequacy of amenity space and the effect of the development on the character and appearance of the surroundings.

### Reasons

3. In relation to the security of the undercroft parking the Council has provided no evidence to back up its assertions about prospective risks for users of the area and, indeed, did not develop the point in its representations. The police were consulted on the application and made no objections. The site is already used for car parking and no adverse reports have been recorded about hazards for users, and the previous permission for flats contemplated an arrangement similar to that proposed in the appeal scheme. I consider that the Council has not made out this objection.
  4. The Council's supplementary planning guidance suggests that the occupiers of flats may not want a lot of space but may require some private outdoor space. I think this is also relevant for the kind of student accommodation planned, essentially bed-sitting rooms with shared lounges and kitchen facilities, although for students the outdoor element may be less important. The guidance indicates that a contribution towards enhancing existing facilities may be an acceptable alternative and I note that the appellant has sealed a unilateral undertaking to provide a commuted sum for the improvement of Victoria Park in Peel Street. This is in reasonable proximity to the site and in my opinion would be a satisfactory solution for the provision of private amenity space.
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5. I saw that the site is part of an area of older and more recent two storey terraced housing, which also contains the adjoining licensed club. The proposals for the student apartments would be radically different in size, scale, height and appearance to this existing development. When outline permission was granted on the site for the 46 flats and maisonettes in 2005 the indicative drawings showed a maximum building height of 12m or so. On Gilmour Street the building height was reduced to 10m and a condition was imposed on the permission to that effect.
6. The building height now proposed remains of the order of 10m facing Gilmour Street but on the eastern elevation it has increased to 15m, on the western to more than 16m and the service tower scales around 17m. The consequence of these increases in height has been to produce a structure of massive bulk and proportions that is quite unlike the domestic scale of the houses in the locality. Whilst I accept that it would be unrealistic to expect the articulation of the building to reflect the style of the dwellings nearby, especially because of its function, it seems to me that unless its design is more informed by the character of the surrounding development it would appear intrusive and incongruous. I think the high rise development on the opposite side of Thornaby Road is not seen in the same frame of appreciation as the site and does not provide an appropriate benchmark for the appeal scheme. I consider that for those people living in the immediate locality the proposed student accommodation would be an oppressive and overbearing influence and that in its setting it would, because of its huge bulk, appear out of place, contrary to the objectives of policy HO11 of the Stockton-on-Tees Local Plan.
7. For these reasons I conclude that the appeal should be dismissed.

*A C Pickering*

Inspector