



Appeal Decision

Site visit made on 9 December 2008

by **J S Deakin FRICS**

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

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Decision date:
7 January 2009

Appeal Ref: APP/H0738/A/08/2085827

24 Junction Road, Norton, Stockton-on-Tees, TS20 1PL

- 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 TM Urban Developments Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 07/3474/FUL, dated 19 December 2007, was refused by notice dated 19 March 2008.
- The development proposed is demolition of existing dwelling and construction of 23 apartments with associated parking facilities.

Preliminary Matters

1. The original proposal was as described above but during consideration of the application the scheme was revised and the number of apartments was reduced to 19. Amended drawings were submitted on 21 January 2008; these formed the basis for the Council's decision and similarly, my appeal decision is based on the reduced number of apartments and the revised plans (Rev B).
2. On plan no. 07/B, the titles to the east and west elevations appear to have been transposed as they do not match the floor plan drawing.

Decision

3. I dismiss the appeal.

Main Issues

4. I consider that the main issues are: (i) the impact of the development upon the character and appearance of the street scene and the surrounding area; (ii) the effect upon the living conditions of nearby residents, with particular regard to visual impact, overlooking, noise and disturbance; (iii) whether the development would cause unacceptable harm to trees which are subject to a Tree Preservation Order; and (iv) whether there would be sufficient formal and informal amenity space within the site, and, if not, whether this should be provided off-site.

Reasons

Impact on the character and appearance of the street scene and the surrounding area

5. The appeal site is within the limits of development as defined in the Stockton-on-Tees Local Plan. The site is previously developed, or brownfield, land as

defined in PPS3. A key objective of Government policy, as set out in PPS3, is make effective use of previously developed land in sustainable locations. The general principle of redevelopment would therefore be acceptable. However, PPS1 and PPS3 emphasise that good design is fundamental to the development of high quality new housing; design which is inappropriate in its context should not be accepted.

6. *The existing property is a large detached Edwardian two-storey house standing in extensive grounds. It is an attractive feature in the street scene and is in keeping with the character and appearance of other large detached and semi-detached dwellings on both sides of this part of Junction Road. The house has recently been locally listed. This does not give the same protection as statutory listing but is intended to offer a degree of protection against unnecessary and/or damaging development. There is no Local Plan Policy at present to develop the Local List as a Supplementary Planning Document and local listing is not therefore part of the statutory development plan. However, it is a material consideration to which I have had regard.*
7. *I consider that the design of Block 1 is not of particularly high quality. The block would be higher and wider than the existing house and, although on the same building line, its bulk would be greater than that of the existing house. It would also have a larger bulk than the adjoining detached house No.26, or the pairs of semi-detached to the east and west. The eaves would be high and would be split by the top floor windows and the front elevation would be plain with no striking design features. There would be a central door serving the bedroom of one of the flats but this would be weak in comparison with the strong lines of the projecting central entrance to the existing house. In my opinion, the appearance of Block 1 would not enhance the street scene. The building would be inappropriate in its context, causing harm to the character and appearance of the street scene and the surrounding area.*
8. *The two rear blocks have been reduced in size; they would have hipped roofs and bays, and their design would generally be in keeping with the semi-detached and detached houses on North Albert Road and Ripley Road.*
9. *The existing house has a large garden with spaces at each side allowing views from the street towards the rear garden. Block 1 would be close to the west boundary and, whilst the space at the east side would be slightly larger, views northwards would be dominated by the two rear blocks. A large proportion of the open space would be hard surfaced for access and parking, and the built-up appearance would be greatly intensified. In my opinion, this would represent overdevelopment of the site; it would have a serious impact on the street scene and also on the outlook from housing to the east and north. I consider that the development as a whole would cause unacceptable harm to the open character of the surrounding area.*

Effect on nearby residents

10. *There would be kitchen and landing windows on the west elevation of Block 1. The adjoining house (no.26) has side windows facing towards the site and some of these appear to serve habitable rooms. However, privacy could be protected by requiring that these windows be obscure glazed. On the east side, kitchen and living room windows would face towards side windows and*

the rear garden of No.22. There would be some increased overlooking but I consider that the separation distances would be adequate to prevent any serious loss of privacy.

11. *The north elevations of Blocks 2 and 3 have several windows facing towards the backs of the houses on Ridley Avenue. Views from ground floor windows would be screened by the existing walls but there would be views down into the houses and gardens from first floor windows. The Council says that the separation distances meet accepted standards but I sympathise with existing residents who at present enjoy high levels of privacy. The relatively large number of windows facing towards their properties would give, at the very least, a perception of being overlooked. Although this would not justify dismissing the appeal on that ground alone, it adds weight to other objections to the scheme.*
12. *On the west side, the existing house side wall is about 5 metres from the common boundary with No.26 but the wall to the front section of Block 1 would be little more than 1 metre away from the boundary. The visual impact of the new block would be much greater when seen from No.26, because of its increased size and proximity to the boundary. It would have an overbearing impact which would cause harm to the living conditions of the neighbouring residents.*
13. *Parking for 23 cars would be provided in the centre of the site with several spaces adjoining the back gardens of the North Albert Road houses. Vehicles entering and leaving would pass close to the side boundary with No.22. The brick boundary wall would provide some visual and acoustic screening but I consider that a significant amount of vehicle and pedestrian noise and disturbance would be generated. Despite the fairly high volume of traffic on Junction Road, the back gardens are remarkably peaceful at present and the introduction of parking spaces would cause a considerable increase in noise. In addition, there would be nuisance caused by headlights and security lighting in the central area. I conclude that the parking arrangements would cause unacceptable harm to the living conditions of nearby residents.*
14. *The plans indicate that a refuse store would be sited close to the entrance, adjoining the boundary to No.22. No details have been provided of the design of the store but it seems to me that this would have to be large to service the 19 flats. There is a strong probability that noise and odours from the store would cause harm to the amenities of the residents of No.22 which is less than 3 metres away. Furthermore, the refuse store is shown to be very close to a protected tree. The present proposals for refuse storage are not detailed enough for me to decide what impact they would have. However, if the appeal were to be allowed, a condition could be imposed requiring further details to be approved.*

Trees

15. *A number of trees within the site are subject to a Tree Preservation Order. The Council accepts that the trees numbered T2, T3, and T4 would not be affected but three others are considered to be at risk. The Design and Access Statement indicates that the existing entrance would be widened to allow for*

two passing vehicles. However, the plans do not show full details of the alterations to the existing access and do not show the position of T5 or T1.

16. *The stem of T5 would be close to the entrance with root spread beneath it. The canopy of T1 would extend over much of the width of the drive, also with roots beneath it. I consider that construction work on the drive, and subsequent traffic over it, could cause serious harm to the roots of these trees. The stems and canopies might also be damaged. Consequently the long-term health of the trees could be seriously affected. The trees are important features of the street scene and their loss would cause significant harm to the appearance of the locality.*
17. *In some cases, it might be possible to impose a condition requiring prior approval of measures to protect the trees during construction work and subsequently. However, no detailed arboricultural report has been submitted and I consider that there is insufficient evidence to show that the potential damage to the trees could be overcome by such conditions.*
18. *Tree T6 is towards the rear of the site, close to the west boundary. It is not accurately shown on the submitted plans but from my approximate measurements on site, I consider that it would be very close to the side wall of Block 2. It is almost certain that it would have to be removed. This tree is not as prominent as those towards the front of the site but it is an attractive feature of the rear gardens. In itself, its loss would not cause sufficient harm to justify dismissing the appeal on that ground alone, but it does add weight to other objections.*

Amenity Space

19. *The site has a limited level of informal and formal amenity space and would not satisfy the requirements of Local Plan Policy HO11. The Council's Supplementary Planning Document 6: Planning Obligations sets out the requirements for commuted payments for off-site provision in cases where on-site provision of open space is inappropriate.*
20. *The Council calculated that the sum of £10,500 should be paid towards the provision of off-site amenity space. The appellant accepted this but no Section 106 agreement or unilateral undertaking has been executed. In the absence of such an agreement, the proposal does not make adequate provision for off-site open space and, therefore, the development would be contrary to Policy HO11.*

Conclusion

21. *I consider that the proposal would represent overdevelopment of the site which would cause unacceptable harm to the character and appearance of the street scene and the surrounding area. It would also have a harmful impact on the living conditions of nearby residents and the health and well-being of protected trees within the site. Furthermore, no planning obligation has been entered into in respect of the provision of off-site amenity space. The development would therefore be contrary to Policies GP1, HO3 and HO11 of the Local Plan.*

J S Deakin

INSPECTOR
