



Appeal Decision

Site visit made on 23 March 2009

by **C Hughes BA (Hons) DipTP MRTPI**

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

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Decision date:
6 April 2009

Appeal Ref: APP/H0738/A/08/2092349
15-19 Yarm Lane, Stockton-on-Tees TS18 3DR

- 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 Messrs M & B Hawkins & Beadle against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/2129/FUL, dated 25 June 2008, was refused by notice dated 16 October 2008.
- The development proposed is construction of student accommodation and 2 retail units.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site and most of Yarm Lane fall within the Stockton Town Centre conservation area. 21 Yarm Lane immediately west of the site does not lie within the conservation area, and is an unattractive building, but does not establish the character of the conservation area section of the road. This character is one of traditional 2-3 storey buildings of modest scale, generally with sloping roofs, and with commercial uses on the ground floor but mainly unaltered simple elevations above. The state of repair of the structures does not detract significantly from this character.
3. The proposed building would have a flat roof and would be substantially taller than the buildings fronting Yarm Lane directly. The main 4 storey element of the Yarm Lane elevation would itself be taller than the existing buildings, and would be topped by a further 2 storeys. Although stepped back, this additional element would be seen in views looking along the road from east and west of the site. In these views the new building would be over-dominant in the street scene, particularly as it would take up the space now occupied by 3 properties possessing the attributes which contribute to the existing character of the road. Because of its height, scale and mass, the proposed building would be out of character with the Yarm Lane part of the conservation area. Furthermore the irregularity introduced by the projecting features on the front elevation would appear contrived, and also out of character with the relatively straightforward fenestration of the upper floors of the existing buildings.
4. There are taller buildings relatively close by. The Swallow Hotel east of the High Street has a high blank brick wall facing down Yarm Lane. It makes its presence felt in views towards the east but, as it is separated from the appeal site by most of the frontages on the south side of Yarm Lane, its effect on this

street scene is relatively limited. Daryl House is located at the end of Yarm Street, which runs along the side of the appeal site. It is hidden by the Yarm Lane frontage buildings in many views from Yarm Lane, and in other views is set back so that its effect is reduced. These tall buildings do not prevent Yarm Lane from having the character set out in the first paragraph above. As the building proposed in this appeal would be out of character in this street scene it would fail to preserve or enhance the character or appearance of the Yarm Lane part of the conservation area.

5. Daryl House is particularly noticeable from the busy road and the open space area to the south. Here the rear of the proposed student accommodation would be seen. In this view the new development would be in scale with Daryl House and would be partially screened by trees. Indeed the glazed central feature in the rear elevation would be a positive element in the scene, and the new building would replace the unattractive rear elevations of the existing development on the appeal site. The development would enhance the character and appearance of this southern end of the conservation area seen from outside the area. However, I give greater weight to the various harmful effects of the proposal on the Yarm Lane street scene, which lies inside the conservation area. I conclude that, on balance, the appeal scheme would fail to preserve or enhance the character and appearance of the conservation area.
6. Saved Policy GP1 of the Stockton-on-Tees Local Plan is a general policy. Saved Policy EN24 is the conservation area policy, and the proposal conflicts both with this Policy and with national policy regarding conservation areas. It appears that Local Plan policies S1, S3 and S16 have not been saved.
7. The Council is concerned that the student accommodation would give rise to traffic problems because the proposal would not have any car parking provision. I consider that there is not a material planning objection on these grounds. The Council's Supplementary Planning Document 'Parking Provision for New Developments' requires the student accommodation to have only 3 spaces. The site is located within the town centre, very close to the High Street and to a variety of services and amenities. There are many short-stay and long-stay car parks within reasonable walking distances. On street parking is permitted, with time limitations, on several nearby streets, and there are on-street spaces on Yarm Lane and Yarm Street. With appropriate management, loading and unloading could be successfully organised using these opportunities.
8. My overall conclusion is that there is a substantial objection, however, on conservation area grounds. I note that a large building of modern design has been built at Rialto Court, but this is not within the conservation area. I have considered the appeal proposal on its own merits. The appellants' argument that there is a need for more student accommodation in the town is not supported by other parties active in the housing sphere. I accept that the new accommodation would assist in the regeneration of Yarm Lane. However these considerations are outweighed by the substantial objection to the scheme, and accordingly I consider that planning permission should not be granted.

C Hughes