



## Appeal Decision

Site visit made on Tuesday 7 July 2009

by **Roger P Brown** Dip Arch ARIBA Dip TP  
MRTPI

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

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Decision date:  
22 July 2009

**Appeal Ref: APP/H0738/A/09/2096083**

**J T Dove Limited, Bridge Road, Stockton-on-Tees TS18 3AL**

- 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 Mandale Commercial Ltd against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/2580/FUL, dated 12 August 2008, was refused by notice dated 10 November 2008.
- The development proposed is student housing development including related collegiate accommodation and external works.

### Decision

1. I dismiss the appeal.

### Procedural matters

2. The appeal site is close to a group of buildings of which one is listed Grade II\*, the others Grade II. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting.

### Main issues

3. These are the impact of the proposed development on firstly the area generally, and secondly on the setting of the nearby listed buildings.

### Planning Policy

4. The development plan includes the Stockton-on-Tees Local Plan (LP). Within this document, the following policies are those most germane to the main issue. GP1 establishes general development criteria; of relevance criteria (i) and (viii) refer to the external appearance of the development and its relationship with the surrounding area, and the quality, character and sensitivity of existing landscapes and buildings, respectively.
5. With regard to residential development within the limits of development, amongst other matters criterion (iv) of Policy HO3 requires it to be sympathetic to the character of the locality. Also with regard to new residential development, criterion (i) of Policy HO11 requires a high quality of built environment which is in keeping with its surroundings. Policy EN28 states that development which is likely to detract from the setting of a listed building will not be permitted.

6. The appeal site forms part of a larger site known as Boathouse Lane. A Planning and Design Brief for this area has been adopted as a Supplementary Planning Document.
7. Whilst reference has been made to a number of national planning policy documents, again in the context of the main issue those most relevant are Planning Policy Statement (PPS)1: Delivering Sustainable Development, and Planning Policy Guidance (PPG)15 : Planning and the Historic Environment.

**The appeal site and proposal**

8. The appeal site of some 0.45ha is currently occupied by Doves Builders Merchants, and located at the junction of Boathouse Lane and Bridge Road; this latter highway being a main arterial route into Stockton Town Centre. To the east of the appeal site, and abutting both Bridge Street and the nearby River Tees, is the Rialto building which is 13 storeys at its highest point. To the south of the appeal site is cleared land, whilst on the other side of Boathouse Lane are the aforementioned listed buildings fronting Bridge Street.
9. Following the demolition of an existing industrial building, the appellant wishes to erect a 226 bedroom purpose built student accommodation building together with associated collegiate facilities. These facilities would include ancillary retail accommodation; university bookshop; café/common room; ancillary leisure/gym, and University offices.
10. The listed buildings comprise no's 48-56 Bridge Road, being early C19th with brick walling and slate roofs. No. 48 (Grade II\*) was the original booking office of the Stockton and Darlington Railway. Whilst I agree with the appellant that these buildings have probably been listed for their historic importance rather than architectural merit, overall the group varies from 2 to 2½ storeys thereby affording a variation in roofline which, together with a number of chimney stacks, results in a pleasing appearance and massing.

**Reasons**

***The first issue***

11. The Rialto building is an imposing landmark building of striking appearance. Although having a maximum height of 13 storeys, where it fronts Bridge Street and abuts the appeal site it has reduced in height to 6 storeys. In principal, the appeal proposal successfully adopts and complements the cascading form of the Rialto building, with the Bridge Street elevation reducing from 4 storeys down to 3 adjacent to the Bridge Street/Boathouse Lane junction. Further within the appeal site, the proposed development would have a maximum height of 7 storeys before reducing to 6 where overlooking the River Tees. Consequently, in principle the appeal proposal would fit easily within the general character and ambience of the locale, and accord with the main thrust of the Boathouse Lane Planning and Design Brief.

***The second issue***

12. Whilst the Rialto building features blockwork and painted render, in the vicinity of the listed buildings the appeal proposal would be predominantly facing brickwork. This element would be 3 storeys high with a flat roof, with collegiate facilities on the ground floor and student accommodation above. A

large central portion of the elevation facing Boathouse Lane would be glazed, whilst at third floor level the brickwork would be punctured by a row of 8 windows.

13. However, and notwithstanding the fact that it would only be 3 storeys high, the overall scale and massing of this element of the appeal proposal would be significantly greater than the nearby listed buildings; it would visually dominate the group. Consequently, the proposed development would be unacceptably harmful to the setting of the nearby listed buildings. For this reason it would be at odds with the main thrust and/or relevant criteria of LP Policies GP1, HO3, HO11 and EN28.
14. I have given careful consideration to all other matters raised, but nothing persuades me from my conclusions with regard to the main issues.

*Roger P Brown*

INSPECTOR