



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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.g
ov.uk

Decision date:
24 July 2009

Appeal Ref: APP/H0738/A/09/2102055

Land at The Vale, Low Lane, High Leven, Yarm TS15 9JT

- 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 Mrs J Wratten against the decision of Stockton-on-Tees Borough Council.
- The application Ref 08/3024/FUL, dated 3 October 2008 but registered by the Council on 12 November 2008, was refused by notice dated 7 January 2009.
- The development proposed is the erection of 4no. semi-detached dwellings and associated parking.

Decision

1. I dismiss the appeal.

Main issues

2. These are the impact of the proposed development on firstly the character and appearance of the area, and secondly on vehicular access and parking provision.

Planning Policy

3. The development plan includes both the Tees Valley Structure Plan (SP) and the Stockton on Tees Local Plan (LP). Of those policies within these documents to which my attention has been drawn, I consider the following within the LP to be those most germane to the main issues. GP1 establishes criteria pertaining to development proposals, whilst EN14 seeks to protect green wedges from development which would detract from the open nature of the landscape. HO3 and HO11 detail criteria relating to development on unallocated sites, and design and layout, respectively.
4. Whilst the full document is not before me, reference has also been made to requirements within the Council's Design Guide and Specification (DG&S).
5. The appellant has made reference to guidance within Planning Policy Statement (PPS)1: Delivering Sustainable Development; PPS3: Housing, and PPS7: Sustainable Development in Rural Areas. Although reference is also made to Planning Policy Guidance (PPG)3: Housing, this has been superseded by the aforementioned PPS3.

The appeal site and proposals

6. The appeal site of some 0.1ha is a disused car park located on the northern side of the A1044 Low Lane to the south of Ingleby Barwick, and within a green
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wedge as identified in the LP. In addition to the highway frontage, the appeal site is bounded to the north-east by a limited number of dwellings, and to the north-west by a former storage/tack building which has temporary planning permission for use as a dental practice. To the south-west of the appeal site is an existing private access beyond which is an open field; the access serves both the dental practice and 'The Vale', a property some distance to the west.

7. The appellant wishes to erect 4no. semi-detached dwellings with car parking to the rear. These would be orientated approximately north-east/south-west, facing Low Lane. Vehicular access from this highway would be by way of the existing private access.

Reasons

The first issue

8. Notwithstanding the aforementioned development to the north-east and north-west, the general area has a pleasing open aspect and ambience. Within the Design and Access Statement, the appellant accepts that the site lies in a location with a rural appearance within the surrounding area. The proposed dwellings would be 2.5 storey three bedroom houses incorporating dormer windows to the front and rear. The dwellings would feature slight variations in height; the two end properties having a ridge height of 9.1m, and the centre two 8.85m.
9. Although set back from Low Lane, the proposed development would extend across most of the appeal site. Consequently, and despite any degree of screening which might be afforded by existing vegetation, having regard to their height and location the appeal proposal would result in a concentration and extension of development which would unacceptably intrude upon the established character and appearance of the area. It would detract from the open nature of the green wedge.
10. For these reasons the scheme before me would be at odds with the main thrust and/or relevant criteria of LP Policies GP1, EN14, HO3 and HO11.

The second issue

11. As stated, vehicular access would be by way of the existing private access which already serves both the dental practice and 'The Vale'. The Council contend that an additional 4 dwellings would be contrary to advice within the DG&S, which seeks to limit the use of a private access to no more than 5 properties. However, the temporary planning permission relating to the dental practice expires in February 2010. When initially considering the appeal application, the Council confirmed that it would not support a further permission, and that the building would then revert back to its former use as a tackroom/storage building.
12. In such circumstance, and allowing for the usual period for construction and subsequent occupation of the proposed dwellings, I do not consider that vehicular access to the appeal proposal would result in the excessive use of the private access. However, this conclusion does not outweigh my judgement with regard to the first issue.

13. Turning now to parking, only two spaces per dwelling are proposed, with no provision for visitors parking. Again when initially considering the appeal application, the Council concluded that having regard to the proximity of local facilities and bus stops it would be difficult to warrant a refusal on lack of sustainability. Nevertheless, this absence of visitor parking facilities could well result in vehicles parking on the access road, and obstructing traffic turning off Low Lane; the Council record that this highway is a 50mph classified road, some 7m wide and carrying approximately 11,000 vehicles per day. Such a situation would be unacceptably detrimental to highway safety, and at odds with the main thrust and/or relevant criteria of LP Policies GP1, HO3 and HO11.

Other matters

14. I have given careful consideration to all other matters raised, including concerns expressed by the Council regarding any further application for the continued use of the aforementioned tackroom/storage building as a dental practice. Should such an application be refused it might result in a planning appeal. However, should this occur then at that time the Inspector would take into consideration all adjacent activities and development.
15. In support of the appeal the appellant has alluded to recently approved development. However I do not have enough information before me to be able to establish whether it is directly comparable to the appeal proposal, which in any case must be considered on its individual merits. Consequently, nothing persuades me from my conclusions with regard to the main issues.

Roger P Brown

INSPECTOR