



Appeal Decision

Site visit made on 22 September 2009

by **Graham Garnham BA BPhil 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.gov.uk

Decision date:
29 September 2009

Appeal Ref: APP/H0738/A/09/2106269

Bishopgarth Cottages, Darlington Back Lane, Stockton-on-Tees, TS19 8TG

- 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 Mr M Farooq against the decision of Stockton-on-Tees Borough Council.
- The application (Ref 08/3586/FUL), dated 5 December 2008, was refused by notice dated 9 April 2009.
- The development proposed is 'retrospective permission for the erection of two dwellinghouses'.

Decision

1. I dismiss the appeal.

Procedural Matters

2. At the time of the site visit, Dwelling 1 was complete and occupied. Dwelling 2 was substantially completed externally, but had yet to be fully fitted out inside. The retrospective nature of the development does not affect my consideration of its planning merits.
3. The development has a planning history that dates back to the planning permission given in January 2006 for 2 detached dwellings with garages. This was to replace an original development of cottages and outbuildings with 2 new dwellings. I understand that works did not proceed in full accordance with the plans approved and conditions imposed at that time, or in accordance with 2 subsequent permissions in 2006. An application to remedy matters was approved on 20 October 2008 (Ref 07/2319/ARC). This permission was subject to conditions including that various remedial works should be carried out by 20 April 2009. The appeal proposal is to retain the dwellinghouses as built, without the approved remedial works taking place. I consider that this planning history is a material consideration in relation to both the permission now being sought and the development that it replaces.

Main issues

4. I consider that these are firstly, the effect of the development on the character and appearance of the site and surrounding area; and secondly, whether the buildings can be regarded as an acceptable replacement for the original development on the site in relation to established planning policy and practice.

Reasons

First main issue –the character and appearance of the site and area

5. The part of Darlington Back Lane which the appeal site fronts, and its northwards continuation as Harrogate Lane, provide a clear edge to the urban area of Stockton, which here comprises housing estates. Behind the appeal site lie open fields with a few scattered farmsteads. There are some buildings outside the urban area, including a public house and a school. However, the general character of the land outside the town is rural or semi-rural, with glimpses of farmland through gaps in mature hedgerows and trees alongside the lanes.
6. Dwelling 1 is the larger of the two. It presents a very wide front elevation to the road. The main part has 2 storeys, with 6 first floor windows and a tall pitched roof above that includes several attic rooms. The eastern part is lower, but also has a large roof that provides first floor accommodation. Two small step backs in the front elevation do little to relieve the mass of the building. Dwelling 2 is aligned with the eastern part of Dwelling 1 and is sited quite close to it. It is also a substantial 2 storey structure with store rooms above, albeit with a slightly lower ridge line. It has a deep east elevation, which has 2 floors of accommodation and is clearly visible from Darlington Back Lane. I consider that the overall mass of the buildings on the site, their close relationship, their use of the same materials and a design approach more typical of an urban than a rural setting combine to create a scale and appearance of development that is out of character with, and significantly detracts from, its countryside location. Moreover, the size and layout of the 2 buildings as a closely related pair means that they dominate the site, which appears spacious only at its eastern end.
7. The prominence and urban character of the development is increased by the removal of the original hedge and its replacement by a close boarded fence. Although the proposed site plan appears to show a new hedgerow behind a 1.2 metre high fence, the fence that has been installed is significantly higher and there is no sign of a hedge. The close boarded fences on the west and north boundaries of the site serve a useful purpose and have little effect on the appearance of the area. However, I consider that the fence at the front introduces an unwelcome starkness into this side of the lane and fails to soften the appearance of the built masses behind it.
8. Part of the appellant's case is that the development as built is not materially different from that given planning permission in 2008 (paragraph 3 above). I agree with this view in so far as some of the superficial changes are concerned. These include an additional door on the front elevation of Dwelling 1 and the removal of a Juliet balcony at the rear; and a different style of door at the rear of Dwelling 2. However, I consider that the increases in height that the appellant wishes to retain are material and do add significantly to the mass and over-sized appearance of the development. These increases include raising part of the main eaves line at Dwelling 1 and the very substantial addition to the height and scale of the eastern part of the building; and the significantly greater height of the attached garage to the rear of Dwelling 2, which enlarges the mass of the eastern elevation. I understand that these are the principle changes that were to have been reversed by 20 April this year. I consider that

in these respects, the remedial changes which the appellant no longer wishes to implement contribute significant harm to the shortcomings of the development.

9. I conclude that by virtue of its scale, design and prominence, the development has a significant harmful effect on the character and appearance of the site and surrounding area. This is contrary to the provisions of saved policies GP1 & HO11 in the Stockton-on-Tees Local Plan (1997).

Second main issue – whether the buildings are an acceptable replacement for the original development

10. Although the original development no longer exists, the representations include photographs of it and a Historic Buildings Survey of the site which appears to have been undertaken on behalf of the appellant. The Survey says that the site comprised a farmhouse and a range of buildings to the east. The first impression of the farmhouse was of a 2 storey cottage with a 1½ storey extension to the east side. The details show that this building contained 2 separate residences. Dwelling 1 occupies a similar position on the site, but is closer to the road, has a larger footprint and is a much greater scale of development. The other original buildings to the east are described as being stables and outbuildings. Most were single storey, with a stables and cart shed of a low 2 storey height. Dwelling 2 broadly reflects the siting of these subsidiary buildings, but is further forward and again of a much greater scale.
11. PPS7, *Sustainable Development in Rural Areas*, supports the replacement of suitable rural buildings for economic purposes. It says that Councils should set out their criteria for the circumstances where replacement would be acceptable, and clarify the permissible scale of replacement buildings. This requirement post-dates the local plan, which does not set out the relevant information. However, I understand that one of the plan's objectives is to control strictly development in the countryside outside development limits that are defined further to saved policy EN13. The appeal site is outside the development limit of Stockton.
12. My experience of acceptable replacement buildings in the countryside is that they should be broadly comparable in scale and character with what is being replaced. I find the appeal development to be broadly comparable with the original in 2 respects. Firstly, both incorporate 2 dwellings, though in the original these were quite small and were part of the same building. Secondly, there is a greater and lesser mass of buildings, as set out in paragraph 10 above. However, I consider that the overall scale of the new development, its design and appearance are very different from the modest scale, varied massing and rural character of the original development. Overall, the new development is far larger and more obtrusive than what it replaces.
13. I conclude that the appeal buildings cannot reasonably be regarded as an acceptable replacement for the original development on the site in relation to established planning policy and practice. The development conflicts with the purposes of local plan policy EN13 and those of PPS7.

Overall conclusion

14. The appellant has not contested the Council's view that the first planning permission in 2006 represented the limit of what could be reasonably justified as replacement dwellings. Nor has he challenged the Council's assertion that, since then, he has carried out unauthorised works against officer advice resulting in "piece meal addition after addition...constantly distancing itself from the character, scale and impacts of the former development on site". This has led to the appeal proposal which I have found significantly to harm the character and appearance of the site and area and to be materially different from the original development it replaces. I conclude that planning permission should be withheld.

15. I have considered all other matters raised but they do not alter my decision.

G Garnham

INSPECTOR

