



Appeal Decision

Site visit made on 15 February 2010

by **D R Cullingford BA MPhil MRTPI**

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

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Decision date:
5 March 2010

Appeal Ref: APP/H0738/A/09/2116882

Land to the rear of 375-379 Norton Road, Norton, Stockton-on-Tees, TS20 2PJ

- 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 by Mr Norman Woodall against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 09/1079/OUT and dated 8 May 2009) was refused by notice dated 11 August 2009.
- The development is described as an outline application for '2 no. 60 bed nursing homes with access roads and car parking'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

The site and surroundings

2. The appeal site consists of the long rear gardens behind Nos.375-379 and, beyond, an expanse of vacant land strewn with the remains of cleared vegetation, mounds of dumped rubble, the discarded flotsam and jetsam of urban life and the occasional fridge. Although denoted as 'allotments' on the submitted location plan, it is not known when the land was last used as such. It is private land without any public access. The whole site extends to about 0.7ha. It forms an elongated 'open' area squeezed between the modest back gardens of semi-detached dwellings in Drake Road (originally laid out as a Council estate) and the cuttings of a disused railway line (now reclaimed as part of the national cycle network and as route 1, ostensibly connecting Dover with John o' Groats). Much of the site is enclosed behind industrial steel fencing and there are steel gates at an entrance between the dwellings in Drake Road. The slopes of the old railway cutting are adorned with scrub and self-sown trees.
 3. The 3 properties on Norton Road (part of the A139) consist of a gaunt pair of semi-detached, red brick, 3 storey Edwardian villas behind bleak asphalt car parks and a sprawling detached bungalow. The villas must once have been imposing structures, their prominence accentuated by the raised level of the ground floor; they are now reduced to accommodating 9 flats or providing bed and breakfast facilities to visiting contactors. The bungalow is a dwelling. It is an ordinary structure behind a large car park; it appears all the more incongruous beside the bulk and height of the adjacent villas.
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4. The site is a brown-field parcel of land in a sustainable location. It is close to local shops and services: it lies on a main bus route: it is beside a dedicated cycle route and an established footpath network. Hence, workers, visitors and the more mobile residents would be able to travel back and forth without necessarily relying on the private car.

The proposal

5. The scheme is submitted in outline, but with details relating to access arrangements, layout and scale to be considered now. Illustrative drawings showing floor plans and elevations have been prepared, although the appearance of the buildings and the landscaping of the site are reserved for subsequent approval. The 2 blocks of 60 bed nursing homes would be laid across the depth of the site. Both would be 3-storey structures with the top floor lit from dormer windows in the roof. The blocks would be substantial buildings. They would rise to about 9.5m at the ridge with a small 'tower-like' element at one corner reaching 12m. The eastern block would be 38m in length and the western one would extend across 47m; various, and mainly blank, gable ends would be within about 13m-16m of the nearby dwellings.
6. Access to the nursing homes would be from Norton Road over a newly constructed adoptable highway via a newly installed traffic-light controlled junction; the junction would also incorporate access to the flats at Earls Court opposite. The bungalow (at No.375) would be demolished. The access road would serve the 2 car parks at the nursing home blocks (each providing 17 parking spaces) and 18 spaces behind the flats and guesthouse in the villas at Nos.377 and 379, both of which would remain.
7. The intention is that the 2 nursing home blocks would provide care for the elderly and medically infirm, including people with advanced mental illnesses and severe dementia. It is explained that the prime requirement is thus for a secure environment rather than for large areas of amenity space. It is suggested that there is a shortage of such care facilities here, since older facilities are often not compatible with modern standards and have been closed.

Planning policy and the main issues

8. The Council have refused permission for the scheme on 3 main grounds. First, they consider that the development would result in an unjustified loss of 'urban open space', thereby damaging the open character and appearance of the area. Second, they claim that the layout and density of the scheme would result in an overbearing and cramped form of development that would harm visual amenity and fail to provide an environment of sufficient quality. Third, they suggest that the site would be insufficient to accommodate the 2 nursing home blocks, as well as the access and parking areas, so that the proposal would result in the over-development of the site and offer insufficient amenity space for future residents. As such the proposal would be contrary to 'saved' policies GP1, EN15 and H08, set out in the adopted Stockton on Tees Local Plan. Those are the issues on which this appeal turns.

The loss of 'urban open space'

9. Almost 50% of the appeal site is shown as 'urban open space' on the Proposals Map. This is subject to 'saved' policy EN15, which seeks to prevent development on such land that would not enhance its sporting, recreational or nature conservation value or retain its open character: alternatively, development might be permitted on a small area of designated 'urban open space', provided that it would enhance the remainder to the overall benefit of the local community. Clearly, this scheme would not enhance the sporting, recreational or nature conservation value of the appeal site; nor would it retain the open character of the land. Also, it is not immediately clear how the proposal would enhance the remainder of the 'urban open space' for the overall benefit of the local community. Hence, on the face of it, the scheme would contravene policy EN15.
10. Of course, this expanse of vacant rubbish-strewn land is not an obvious community asset in its current condition and, although denoted as 'allotments', it does not seem to have been used as such for a generation or so. But that does not mean that its designation as 'urban open space' was a 'mistake'. That would be unlikely. The Plan has been properly adopted after the scrutiny of a public inquiry and extensive public consultation; and the relevant policy has been 'saved'. Changes might now be made in the context of preparing and adopting development plan documents, but otherwise I think that there would need to be cogent justification to ignore the requirements of policy EN15 here. I do not find the proffered justification convincing. Contrary to the assertion made for the appellant, the 'urban open space' in the vicinity does not generally follow the line of the old railway, but includes swathes of open land on either side. That is a pattern repeated elsewhere along the cycle route. In this particular location I think that it serves a clear planning purpose. First, the 'urban open space' above the railway cutting contributes to an extraordinary sense of openness, accentuating the surprising rural ambience seeping from the burgeoning undergrowth on the cutting slopes with the semblance of a momentarily expansive horizon devoid of buildings and urban structures. Second, the appeal site complements the swathe of space on the southern side of the cycle track. Third, it also forms a particularly prominent open vista, being on the outside of a gentle curve in the railway cutting. Hence, I think that the 'urban open space' on the appeal site makes an important contribution to the character and appearance of the cycle route (itself designated as 'urban open space'). And, as that cycle route forms a key part of the national cycle network, its character and appearance here warrants protection.
11. It follows that the 'urban open space' on the appeal site warrants the protection afforded by policy EN15 as its openness contributes to the character and appearance of a national cycle route. That is clearly an asset with sporting and recreational value. It is possibly an asset of nature conservation value too as it forms part of a network of green spaces that (as the Plan indicates) can provide green corridors for the passage of wildlife. I agree that the current condition of the site is undesirable. But I am afraid that to allow development on areas of 'urban open space' just because they have been neglected, cleared or subject to unauthorised dumping would serve as a dangerous precedent that could, all too easily, encourage serious environmental damage elsewhere. Moreover, the position, height and scale of these blocks would be particularly

damaging. The western building would be almost immediately beside the top of the cutting and present a large enclosing façade reaching over 9m in height and extending to almost 50m in length; the 'tower-like' feature, some 12m in height, would accentuate the intrusive presence of the building. The eastern block would be further away (some 16m-27m distant) and shorter, though it would still be evident from the cycle path. I consider that the combination of those structures would be damaging.

Would the scheme appear overbearing or cramped?

12. It is suggested that the scheme has been designed to reflect the scale of other 3 and 4 storey structures in the vicinity, including those on Norton Road and the new blocks immediately to the north of the appeal site (off Newlands Avenue). In my view, the newer blocks here appear as exceptions to the prevalent pattern of 2 storey suburban estates to the north of the cycle track and terraces to the south. And, although a further 3 storey structure need not be out of place (indeed, the villas on the site frontage are higher than the proposed blocks), this scheme would project further into the surrounding suburban estates than any of the other taller structures here. I think that the resulting juxtaposition would be an uncomfortable one.
13. First, and contrary to the claim made for the appellant, I do not agree that the nursing home blocks would be set well back from the boundaries. Parts of the western block, for example, would stand barely 5m from the small back gardens of the adjacent dwellings and a substantial elevation would be just 10m distant. While such limited spaces may serve as a sufficient setting for modest domestic buildings, I consider that the size and scale of these blocks would require more generous grounds to prevent the structures appearing cramped and awkwardly confined by the configuration of the appeal site.
14. Second, the long façade of the western block would present an enclosing wall, effectively some 9.5m high (since the top floor is shown as a mansard style roof) standing to the south of the adjacent dwellings. Substantial and largely blank elevations (as illustrated) would be close enough to those small back gardens (as indicated above) to cast discernable shadows across the garden areas. Moreover, the proximity and position of some elevations (including those of the eastern block), set against the mass of such extensive façades, would present a looming and overbearing presence when seen from the kitchens and rear rooms of the nearby dwellings. In my view, those harmful effects would impair the prospect nearby residents might reasonably expect to enjoy in surroundings that are mainly suburban.
15. I realise that the appearance of the buildings is a reserved matter, but it seems to me that a scheme designed along the lines illustrated would not overcome the defects that I have identified. Of course, the proposal would make use of an unmanaged, unkempt and unsightly parcel of private land. But that does not justify development that would appear be cramped and overbearing.

Would the scheme constitute over-development?

16. The concern here is (as I read it) that the proposal would be dominated by the buildings, the access roads and the car parking areas with little space remaining to create landscaped grounds for the benefit of prospective occupants. I agree that a substantial proportion of the site not covered by

buildings would accommodate roadways and car parks. There would be no obvious amenity space associated with the villas on Norton Road, save for the current asphalt areas beside the main road. And, although that might not matter in relation to the guesthouse, I think that it would detract from the living conditions of those occupying the apartments. As for the amenity space around the 2 nursing home blocks, this would either consist of small areas beside roadways and car parks or it would consist of the gloomy fragments of 'left-over' land to the north of, and overshadowed by, the western block. Indeed, it follows from my finding that the blocks would appear cramped that such amenity space must be limited.

17. Does that matter? I appreciate that the intention here is to provide care facilities for the elderly and medically infirm, including those suffering from advanced mental illnesses and severe dementia. I accept that many such occupants may not utilise extensive grounds other than to view them from within the buildings or from patios. But it seems to me that the lounges indicated here would actually offer views of roadways and car parks and that there would be precious little scope to provide pleasant patio areas. Moreover, and in the absence of evidence to convince me otherwise, I do not see why every occupant (and their visitors) would not benefit from the occasional opportunity to venture into landscaped areas around the buildings. The plans indicate that the scope to create such opportunities here would be very limited.

Conclusion

18. I find that the 'urban open space' on the appeal site makes an important contribution to the character and appearance of the cycle route and so warrants the protection afforded by policy EN15; the proposal would contravene that policy by resulting in a large enclosing façade immediately beside the railway cutting and by creating a damaging and intrusive presence above the national cycle route. I consider that the scale and mass of the blocks would appear cramped and overbearing here and impair the prospect nearby residents might reasonably expect to enjoy. I also think that the limited amenity space would detract from the living conditions of those occupying the apartments and offer few opportunities to provide amenity space for prospective occupants of the nursing home, so constituting over-development of the site. The proposals would thus fail to comply with 'saved' policies GP1, EN15 and H08.
19. I have considered all the other matters raised. I agree that the flats at Earls Court form a substantial block evident from the cycle route. But the slopes of the railway cutting are longer there than beneath the appeal site and they are covered in sycamore woodland, with the result that the block appears less dominant than might those proposed on the appeal site. In any case, the Earls Court flats do not occupy 'urban open space'. Hence, I find neither that nor any other matter raised sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR