



Appeal Decision

Site visit made on 12 April 2010

by **Michael R Moffoot** DipTP MRTPI
DipMgt MCFI

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

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Decision date:
7 May 2010

Appeal Ref: APP/H0738/A/10/2121375
Fairfield & District Association Hall, land adjacent to 1 Manor Place,
Fairfield, Stockton-on-Tees TS19 7HF

- 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 Malcolm Buttery against the decision of Stockton-on-Tees Borough Council.
- The application Ref. 09/2990/REV, dated 8 December 2009, was refused by notice dated 13 January 2010.
- The development proposed is demolition of existing derelict community hall and erection of 3 terraced houses and 1 pair of semi-detached houses.

Application for costs

1. An application for costs was made by Mr M Buttery against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Decision

2. I allow the appeal, and grant planning permission for demolition of existing derelict community hall and erection of 3 terraced houses and 1 pair of semi-detached houses on land adjacent to No 1 Manor Place, Fairfield, Stockton-on-Tees, TS19 7HF in accordance with the terms of the application Ref. 09/2990/REV, dated 8 December 2009, and subject to the conditions set out in the attached schedule.

Procedural Matters

3. The Council advises that following its determination of the appeal proposal, the *Core Strategy Development Plan Document* (DPD) has been adopted as part of the Local Development Framework. As a consequence, Policies GP1 and HO11 of the *Stockton-on-Tees Local Plan* (LP), referred to in the decision notice, are no longer in force. However 'saved' Policy HO3 of the LP remains in place, and is therefore material to my determination of the appeal, as is Policy 8 of the DPD referred to by the main parties.
 4. Concerns have been expressed regarding the different site areas specified in various documents, and whether the right of way is within the appeal site. Although the plans suggest that the right of way would not fall within any proposed curtilage, it is included within the red lined application site, and accordingly I shall treat it as part of the proposal before me. I have found the scaled plans to be adequate for the purposes of assessing the scheme.
 5. My attention has also been drawn to previous planning applications for development on the site and an appeal decision.
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Main Issue

6. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site comprises an irregular shaped parcel of land containing a large, disused, single-storey community building together with an associated car park area and access. The site fronts Manor Place, a cul-de-sac off Bishopton Road West in this predominantly residential part of the Borough. Established housing lies to the front and sides of the site, with vacant land to the rear that has an unimplemented planning permission for residential development.
8. The proposal consists of a terrace of 3 two-storey dwellings and a pair of semi-detached, two-storey properties arranged in a staggered form, with frontage and access to Manor Place. Each dwelling would have private amenity space to the rear and parking and gardens to the front, whilst the southernmost property would include an area of open space adjacent to No. 1 Manor Place. Amongst other matters, the Council and a number of local residents are concerned that the density, scale, layout and design of the proposal would be out of character with the surrounding residential development, and would therefore compromise the quality of the local environment.
9. The site lies within the development limits of the town, where Policy HO3 of the LP states that residential development may be permitted provided that, amongst other things, it is sympathetic to the character of the locality and takes account of and accommodates important features within the site. Policy 8 of the DPD requires developers to provide a mix and balance of good quality housing of all types and tenure, and expects an average density of 30 to 50 dwellings per hectare in locations with good transport links. These LP and DPD objectives are consistent with Government policy in Planning Policy Statement 1: *Delivering Sustainable Development* (PPS1) and PPS3: *Housing*.
10. The site comprises previously-developed land in a sustainable location with good access to public transport and a wide range of community services, facilities and employment opportunities. There is no dispute between the parties that the redevelopment of the land for residential purposes is acceptable in principle and I see no reason to disagree, particularly given the unsightly appearance of the existing hall on the site which undermines the visual amenity of the area. However PPS3 indicates that "there is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed."
11. Housing on Manor Place is characterised by two-storey, semi-detached properties arranged in a conventional estate form with open plan front gardens and frontage parking. Properties to either side of the site depart from this pattern, with a detached dwelling ('The Elms') to the north and a bungalow to the south (No. 1 Manor Place). I also noted semi-detached and terraced two-storey housing nearby on Bishopton Road West.
12. The residential character of the area is therefore diverse, and in this context I consider that the principle of semi-detached and terraced housing would not be out of place. PPS3 states that the density of existing development should not

dictate that of new housing by stifling change or requiring replication of existing style and form. The density of the proposed development would be higher than prevailing levels, and the resultant layout would therefore be more compact than surrounding development. However I do not consider that the density would be so intensive that the scheme would appear cramped or markedly out of keeping with its surroundings such that the character and appearance of the area would be materially harmed.

13. In terms of scale, the proposed semi-detached dwellings would be compatible with existing properties to the north and west. The terrace would be larger, but would not in my view dominate surrounding dwellings or appear out of place. The ample separation distance between the development and the bungalow to the south and the intervening open area would prevent a noticeable contrast in scale between the buildings. The staggered layout would reflect the pattern of development I observed opposite the site, whilst the frontage depth would be consistent with other properties on Manor Place.
14. The Council contends that the open space on the south side of the development would be incongruous, disproportionate and out of character with the locality. The area would form part of the garden to the adjacent, end-of-terrace dwelling and in my opinion would satisfactorily relate to the property in visual and functional terms. Although I saw few properties locally with similarly generous side garden areas, the open frontages to dwellings on the west side of Manor Place opposite the site and the broad, well treed grass verge are pleasant features that enhance the estate. I consider that the disputed space would complement this character rather than harm the quality of the area, and would also help to integrate the development into its surroundings.
15. I now turn to design concerns. The Council and some local residents argue that the gabled door canopies, chimneys, brick dentil courses and stone cills and heads are design features that are not found locally, and would therefore be alien to the street scene. I accept that such detailing is not a characteristic of nearby housing. Nevertheless, I noted a variety of house design and design detailing in the area and a diversity of materials and fenestration, which adds to the character and appearance of the street scene. I consider that the disputed features would add to the visual interest of the proposed dwellings and relieve the rather plain form and composition of the development. In reaching this view, I note that PPS1 states that local authorities should not attempt to impose architectural styles or particular tastes, and should avoid unnecessary prescription.
16. The bin store to the front of the mid-terrace property would be clearly visible. Nevertheless, it would be a relatively modest structure that would not impose unduly upon the appearance of the property or the street scene, and does not therefore justify dismissal of the appeal. I acknowledge that the frontages to the proposed dwellings would feature relatively large areas of hardsurfacing for parking and access, and vehicles would therefore be prominent. However I observed similar hardstandings in the neighbourhood, and accordingly do not consider this aspect of the proposal to be unacceptable.

17. Drawing these findings together, I conclude on the main issue that the proposed development would not materially harm the character and appearance of the area. As such, there would be no conflict with Policy HO3 of the LP, Policy 8 of the DPD and national policy in PPS1 and PPS3.

Other Matters

18. I have carefully considered the other matters raised in representations. The northernmost dwelling would adjoin the boundary with 'The Elms' and would have some impact upon the neighbours' outlook and privacy and also daylight and sunlight reaching the property due to the oblique relationship between the two buildings. However, I understand that the scheme would not breach the '45° rule' in the Council's supplementary planning guidance. Moreover, such relationships between properties are not uncommon in suburban areas such as this, and in the circumstances of this case I do not consider that the impact upon the neighbours' living conditions justifies dismissal of the appeal on these grounds. Any 'right to light' claim is a matter between the relevant landowners.
19. I consider that Manor Place is capable of accommodating traffic generated by the proposal without materially harming highway safety, and note that the Council's highway officer raised no objections to the proposal. The scheme includes adequate off-street parking provision; any overspill parking would be small scale and would not in my view compromise highway safety. Visibility at the various accesses would be adequate, and whilst there is no footway to the site frontage, there is one on the opposite side of the road that could serve pedestrians associated with the development. Provision of access to the site over the highway verge is a matter between the developer and the highway authority.
20. No technical evidence is before me to show that the existing drainage system is incapable of accommodating the development. Subject to an appropriate condition, I agree with the Council's arborist that the development would not harm the protected trees on and adjacent to the site. I recognise the disturbance that construction operations can cause for nearby residents, and shall impose a condition restricting the hours of work. Concerns regarding any obstruction of the highway due to building works are a matter for the police or highway authority.
21. It is submitted that the proposal comprises 'low cost housing'. PPS3 and DPD Policy 8 advocate a variety of housing, especially in terms of tenure, price and household type (such as families, single persons and older people), in order to achieve mixed communities. I consider that the appeal proposal would make a modest contribution to meeting these objectives, and therefore attach limited weight to this representation.
22. I have seen no evidence to show that there is a surplus of this type of accommodation in the area, or that the development would devalue existing properties in the locality. The financial motives of the appellant are not land-use planning matters that have a bearing on my decision, whilst alternative forms of development on the land are not before me in this appeal. Concern regarding possible encroachment of the development on the right of way is a matter between the landowners.

Conditions

23. Conditions have been suggested by the Council in the event that the appeal is allowed. Where appropriate, I have revised the wording to accord with advice in Circular 11/95: *The Use of Conditions in Planning Permissions*.
24. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.
25. In the interests of visual amenity, it is necessary and reasonable to require approval of external materials for the development, the landscaping of the site, tree protection measures and verge crossings and service routes. To safeguard residential amenity, I shall impose conditions requiring approval of finished floor and ground levels and a restriction on hours of construction/delivery operations. I shall also remove permitted development rights for windows in the side elevation of any dwelling to prevent overlooking of adjoining properties.
26. In the interests of highway safety and visual amenity, it is necessary to remove permitted development rights for any means of enclosure between the development and the public highway. I shall also require provision of a temporary car park for construction workers and a materials storage area within the site to prevent obstruction of the highway. Approval of hard surfacing is necessary to ensure satisfactory surface water disposal, but I shall delete the options suggested by the Council as they will have control over the method of drainage via the condition. The Council states that concerns regarding restricted access for wheelie bins between dwellings due to external chimney stacks could be revised by a condition requiring approval of amended design details. I agree, and shall impose a condition accordingly.
27. Taking into account advice in Circular 11/95 and in the absence of clear evidence of exceptional circumstances to justify the removal of permitted development rights, I do not consider it necessary to restrict the freedom of future occupiers to extend or alter the dwellings or erect ancillary buildings and enclosures, other than as referred to above in respect of windows and enclosures to the front of the development.
28. I have seen no evidence to show that the site may be contaminated, and I consider it unlikely that contamination would exist given the former use of the site as a community hall. I do not therefore consider that a contamination condition is either necessary or reasonable.

Conclusion

29. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

Michael R. Moffoot

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (i) Plan No. SBC 0001; (ii) Plan No. SBC 0002; (iii) Drawing 1 of 4 (Revision E dated 13/01/2010); (iv) Drawing 2 of 4 (Revision E dated 13/01/2010); (v) Drawing 3 of 4 (Revision E dated 13/01/2010) and (vi) Drawing 4 of 4 (Revision E dated 13/01/2010).
- 3) Notwithstanding any description of materials contained in the application, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) Prior to the commencement of development, details of the existing and proposed levels of the site, including the finished floor levels of the dwellings to be erected and any mounding and/or earth retention measures, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels of all adjoining properties. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding condition 2, no development shall commence on site until full details of soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall include a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, inter-relationship of plants, stock size and type, grass, and planting methods, including construction techniques for pits in hard surfacing and root barriers and service runs. All works shall be undertaken in accordance with the approved plans. The scheme shall be completed within the first planting season following the substantial completion of the development unless otherwise agreed in writing by the Local Planning Authority.
- 7) Notwithstanding condition 2, no development shall commence on site until full details of a scheme of tree and root protection has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development commences, and shall be retained on site throughout the construction phase of the development.
- 8) Notwithstanding condition 2, the verge crossings shall be constructed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
- 9) No development shall commence on site until a scheme detailing the routes of foul and surface water drainage and other services and their associated trenches has been submitted to and approved in writing by the Local Planning Authority. The routes shall be provided in accordance with the approved scheme.

- 10) No construction/demolition/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity, demolition or deliveries on Sundays or Bank Holidays.
- 11) Prior to works commencing on site, a scheme for a temporary car park and materials storage area within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and brought into use prior to commencement of any development, and shall be retained for the duration of the development.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no windows shall be inserted within the side elevations of any dwelling hereby approved unless otherwise agreed in writing by the Local Planning Authority.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no garden fences, walls or other means of enclosure shall be erected between the highway and any wall of the dwellings which fronts on to the highway without the prior written approval of the Local Planning Authority.
- 14) Notwithstanding condition 2, details of a revised design of chimney stacks for the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.

