



## Appeal Decision

Site visit made on 9 August 2010

by **Graham Garnham BA BPHIL MRTPI**

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

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**Decision date:**  
27 August 2010

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### Appeal Ref: APP/H0738/A/10/2127733

#### 15 Station Road, Eaglescliffe, Stockton-on-Tees, TS16 0BU

- 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 William Gate against the decision of Stockton-on-Tees Borough Council.
- The application ref 09/1557/FUL, dated 23 June 2009, was refused by notice dated 16 April 2010.
- The development proposed is retrospective application for the addition of a second floor living accommodation to this first floor flat and a new application for additional first and second floor windows to the rear elevation. Seven roof lights to be installed.

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#### Decision

1. I dismiss the appeal.

#### Procedural matters

2. According to the planning application form, the proposal had been started but not completed at the time the application was submitted. I noted at the site visit that at least some of the external parts of the works had not been completed, for example 4 out of the 7 roof lights. This part retrospective nature of the proposal does not affect my consideration of its planning merits.
3. The appellant did not attend what had been scheduled to be an accompanied site visit. With the agreement of the appellant's agent by telephone, and the Council's representative at the site, I carried out an unaccompanied visit. I consider that it was not essential for me to enter the property to assess the impact of the proposal. No other parties had asked to attend the site visit, and I consider that no interest has been prejudiced.

#### Main issues

4. Having regard to the reasons for refusal, I consider that these are the effects of the proposal on firstly, the character and appearance of the building and the Eaglescliffe Conservation Area; secondly, the living conditions of the occupiers of the flat; and thirdly, highway safety.

#### Reasons

5. The property of which the appeal premises is part is located on Station Road at its junction with Swinburne Road. There appears to be a commercial unit on the ground floor facing Station Road. I understand that much of the rest of the building, which extends some distance along the length of the side road
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frontage to a back lane, is divided into residential units. The flat to which additional living accommodation is to be added is within a large extension at the rear end of the site.

***First main issue – effect on character and appearance***

6. The part of the property in which the roof lights would be installed is a large 2 storey element that has storage in the roof space above the first floor flat. This part of the building has a similar height and bulk to the original frontage development on Station Road and like it, has its roof at right angles to the slightly lower connecting element. The whole building is roughly rectangular in shape. However, because Swinburne Road joins Station Road at an angle of less than 90 degrees, the rear part of the appeal property is sited in front of the line of the adjoining terrace to the north.
7. The 4 roof lights on the northern roof slope would be small in relation to the plane of the roof and not relate well to the arrangement of windows below. I consider that this combination would draw attention to what is a large and prominent part of the building. The 3 lights on the southern slope are less prominent but also, in my view, appear as incongruous additions to the roof.
8. The siting of the part of the building that is to take the rooflights means that it protrudes significantly into the street scene from the north, and is also prominent from the south. I consider that from both directions the roof lights would be obtrusive additions which would draw the eye more towards a prominent feature that, by virtue of its siting, size and rendered finish, is already somewhat out of character. The fact there are relatively few roof lights visible in the street scene means that this part of the proposal would be noticeably out of character in the conservation area.
9. The Council's reason for refusal suggests that "conservation type" roof lights might be acceptable. The appellant argues that the roof lights as proposed would not be incongruous on a large roof. I have no details of what sort of roof lights might be acceptable to the Council and have in any case confined my consideration to the proposal as submitted.
10. The proposal includes other more minor changes to the appearance of the building, including to the east elevation, which cannot be seen from the front streets. I have no reason to differ from the Council in finding these changes to be acceptable in relation to both the building and the conservation area. However, I consider that the lack of harm in this respect would not outweigh the significant and prominent shortcomings in relation to the roof lights.
11. I conclude that the proposal would detract in a significant way from the character and appearance of the building and the Eaglescliffe Conservation Area, and thus fail to preserve the character or appearance of the latter. This would be contrary to the purposes of saved policies HO6 & EN24 in the Stockton-on-Tees Local Plan (1997).

***Second main issue – effect on living conditions***

12. The Council's concern is that the increased living accommodation arising from the proposal would exacerbate the absence of amenity space for a family-sized unit. The submitted floorspace plan (drawing no. 7 of 7 Rev B) shows no

change to access arrangements or floor area on the second floor, though the roof lights would enable more use to be made of this space. I agree that as a rule family accommodation should have outside amenity space. However, the flat is already of a size that could accommodate a small family, and there seems to be no restriction in place to prevent family occupation. Any tenant would be aware of the lack of amenity space. In addition, I consider that the increase in living accommodation that the proposal would provide would be small compared to the current size of the building, none of which appeared to have much in the way of usable outdoor amenity space.

13. I conclude that the proposal would not materially harm the living conditions of the occupiers of the flat. There would be no significant conflict with saved local plan policy HO6. The marginal change to the building as a whole would not warrant the refusal of planning permission.

***Third main issue – effect on highway safety***

14. This issue arises from the increased demand for parking spaces that the Council says would be generated by adding living accommodation to the flat. It says that the additional floor of living accommodation would make the flat more akin to a maisonette. This would generate greater car use and demand for parking close to the junction, without any increase in off street provision. Residents have also expressed concerns about the effect on highway safety.
15. The space alongside the Swinburne Road frontage of the site has been hard paved. It is used for resident's parking and can take several vehicles, although individual bays are not marked out. Despite the absence of proper footway crossings, I am not aware that this provision is unauthorised or illegal. I have not been provided with any numerical data on the level of parking generated by the present building, the actual number of spaces available or the effect of the proposal on the existing capacity. Double yellow lines prevent kerb side parking and protect visibility at the junction. I had no difficulty in parking quite close to the site just after midday on a Monday, and there were plenty of spaces further north where the housing is more spacious and sites have offstreet parking. The flat is well served by public transport including buses and the nearby rail station.
16. On the evidence before me, I am not persuaded that the proposal would result in an increase in parking that could not be accommodated either on site or safely nearby on street where there are no parking restrictions. I conclude that the proposal would not materially harm highway safety. It would not be contrary to saved policy HO6, the indicative standards for guidance referred to in the (undated) extract of a Design Guide and Specification provided by the Council or national policy in PPG13, *Transport*.

***Overall conclusion***

17. I have found an absence of material harm with respect to 2 of the main issues. However, the harmful effect on the conservation area is to be seen in the light of the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. I consider that the weight thereby to be given to the harm I have found in this respect would not be outweighed by the lack of harm in other respects.

18. Given my conclusion on the balance between my findings on the main issues, I consider that planning permission should be withheld. For the reasons given above I conclude that the appeal should be dismissed.

*G Garnham*

INSPECTOR

