



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:
3 September 2010

Appeal Ref: APP/H0738/A/10/2128349

57-59 Grays Road, Stockton-on-Tees, TS18 4LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr Daniel Lake against Stockton-on-Tees Borough Council.
- The application Ref 09/2005/OUT is dated 7 August 2009.
- The development proposed is erection of 'L' shaped terraced block comprising of 4 no. 2 bed houses with 2 no. retail units and 2 no. 1 bed apartments above.

Decision

1. I dismiss the appeal and refuse planning permission for the erection of an 'L' shaped terraced block comprising of 4 no. 2 bed houses with 2 no. retail units and 2 no. 1 bed apartments above.

Procedural matters

2. The application is made in outline with all matters reserved for subsequent approval.
3. Notwithstanding this, the application was accompanied by an indicative layout and elevations. These have been referred to by all the parties. I shall consider the appeal on the same basis.
4. The file contains correspondence between the appellant and the Inspectorate, to the effect that the appellant "did not want any shops". However, the description of the development proposed given above is that on the application form. I follow established practice in using the proposal as submitted as the basis for my consideration of what development is intended.

Main issues

5. The Council did not make a formal decision on the planning application giving rise to this appeal. Nonetheless, it set out its views on the proposal in a statement submitted on its behalf. I have borne this in mind when defining the main issues, together with the other written representations made and my observations at the site visit.
6. I consider that the main issues are the effects of the proposal on, firstly, the living conditions of the nearby and incoming residential occupiers; and secondly, the provision of retail units outside designated centres.

Reasons

7. In its statement, the Council has provided details of both saved local plan policies and policies in its Core Strategy Development Plan Document (March 2010). However, in its reasoning it refers only to the former. The more recently adopted policies cited do not appear to be closely relevant to the main issues in this case. I shall follow the Council in relying on the older part of the development plan.
8. The site is currently occupied by a 2 storey building with residential accommodation above. Three shop units face Grays Road, with what appears to be a 4th unit (shuttered at the time of the site visit) in the gable end. The indicative layout shows 2 new shop units with flats above facing Grays Road on approximately the site of the existing building. The houses would be aligned very close to the south western boundary of the site. This abuts a footpath that cuts diagonally from Grays Road to Grangefield Road.

First main issue – effect on residential living conditions

9. The indicative layout shows that, to accommodate the amount of development that is proposed, 2 storey buildings would be very close to the northern and southern sides of the site. To the north, the new end wall would virtually adjoin the common boundary with no.55 Grays Road. This is a semi-detached house with its front door and various windows on the side wall towards the appeal site. The proposal would bring 2 storey development materially closer to the neighbour's house, as well as parking at right angles against the boundary to his rear garden. I consider that the new building, by virtue of its likely siting and height, would have an overbearing effect on outlook and result in loss of light. The parking area would bring noise and disturbance to the rear of the property which is currently relatively undisturbed.
10. The 4 houses would broadly follow the alignment of the footpath along the south west boundary and be close to it. The upper floors of the 2 more southerly dwellings would look directly towards the windows on the rear elevation of no.61 Grays Road. I consider that the closeness of the existing to the new dwellings would result in a significant loss of privacy to the occupiers of the former.
11. The south eastern boundary of the site abuts the rear gardens of 2 bungalows. The gable end of the new development would be close to and on higher ground above the rear elevation of the bungalow at no.8 Grangefield Road. I consider that this would have an overbearing effect on the outlook from the window and French doors that would directly face it. The rear of the bungalow at no.6 Grangefield Road is shown as being even closer to parking bays on the appeal site. Vehicles would face directly towards the back of the bungalow, and be likely to cause noise and disturbance to its occupiers.
12. The indicative layout shows 8 parking spaces on the inside part of the site. The need to allow turning space and the amount of built development means that the extent of rear amenity spaces for the proposed houses would be small. They would also adjoin the manoeuvring area and be close to the parking spaces. Although this would be a matter of "buyer beware", I consider that the outcome would be less than adequate in terms of quiet and privacy for the

incoming occupiers. This adds weight to my concerns over the effect of the development on the nearby existing occupiers.

13. I conclude that the proposal would have a significantly harmful effect on the living conditions of both the nearby and the incoming residential occupiers. This would be contrary to saved policies HO3 & HO11 in the Stockton-on-Tees Local Plan (1997).

Second main issue – effect on the provision of local retail units

14. Saved local plan policy S17 states that planning permission will only be granted for a change of use that would result in the loss of a shop outside the listed hierarchy of retail centres, where it can be demonstrated that the local need for the facility no longer exists; that the facility is no longer economically viable; or that appropriate alternative facilities exist within reasonable walking distance for residents who live within the pedestrian catchment area of the existing shop.
15. This policy does not appear to apply directly to loss of shops by redevelopment. Nonetheless, the existing building contains at least 3 occupied units, while the new development would have only two (and, according to the planning application form, much less floorspace). I consider that these changes would give rise to the loss of viable units and increased need to travel that policy S17 seems to be intended to avoid. No evidence has been submitted as to why there should be a reduction in local shops, or that the existing units are not viable for continued occupation. I consider that it would be important to address this matter at the outline stage, when the principle of the loss of local shopping facilities is to be determined.
16. I conclude that the proposal would materially reduce the provision of retail units outside designated centres without due justification. This would be contrary to the purposes of saved local plan policy S17.

Conclusion

17. I have found shortcomings with respect to both the main issues. The significant adverse effect on living conditions stems largely from the quantity of development that is being proposed, as set out in the planning application form and shown on the indicative drawings. The proposal might provide affordable housing, as stated by the appellant, but no mechanism has been put forward to ensure this. The loss of local retail units has not been addressed by the appellant but, on the information before me, adds to the weight of objection to the proposal.
18. Given 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