



Appeal Decision

Site visit made on 15 September 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:
29 September 2010

Appeal Ref: APP/H0738/A/10/2125846

Land off Priory Gardens, Norton, Stockton-on-Tees, TS20 1BJ

- 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 Colin Hill against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 09/2630/FUL and dated 13 October 2009) was refused by notice dated 25 January 2010.
- The development is described as the 'erection of 5 detached dwellings and 6 no. 2-storey high apartments with access and parking'.

Decision

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

Reasons

The site

2. The appeal site extends to about 0.3ha and entails most of the gardens at 2 very ordinary bungalows, Millholme and 71a High Street. It lies between the attractive core of the Norton Conservation Area and the residential estates to the west. But, a tall brick boundary wall around No.71a remains as an evident vestige of an earlier development pattern. This extends the ambience of the Conservation Area by masking the 2 bungalows and, together with the attractive group of trees beside the footpath, postponing the apparent presence of the more modern estates.

The proposal

3. The scheme is a full application involving the demolition of 71a and the retention of Millholme within a much reduced garden. The resulting 'L'-shaped plot would accommodate 5 detached houses (each being 3 storeys in height and accommodating 4 bedrooms, a study, a dining room, a sitting room and a garage) and 6 apartments (each with 2 bedrooms) in a 2-storey block; this is an amended scheme reducing the 6 houses originally proposed by one. The dwellings would be arranged around a cul-de-sac from Priory Gardens. A row of 3 detached houses would face Millholme across the cul-de-sac with 2 further dwellings being positioned beyond that bungalow in the north east corner of the site. The apartment block would occupy the south east corner and parking space would be provided for 9 cars. The boundary wall along the footpath and the trees beside it would be retained, but most of the remaining wall within the site would have to be demolished.

4. This proposal follows the refusal of a scheme for 18 dwellings on the site, which was also dismissed at appeal in July 2008 (APP/H0738/A/08/2063733). In the course of these various development proposals there has been an archaeological investigation and an assessment of the trees on the site. The former has revealed only a low archaeological potential, albeit that the proximity of an Anglo-Saxon cemetery might still warrant a 'watching brief'. The 'tree report' acknowledges that the trees beside the brick wall on the southern boundary provide a valuable local amenity; evidence has now been submitted to show that those trees are also protected by a TPO. The report indicates that the copper beech is affected by the proximity of the boundary wall and that the development works could alter the water table, resulting in these mature trees growing in more 'stressful conditions'; it is suggested that 'crown thinning works would alleviate that situation'.

Planning policy and the main issues

5. The Council have refused permission because they consider that this is a poor scheme that would be out of keeping with its surroundings and result in the over-development of the site; it would have an adverse impact on the health of the trees beside the footpath. In addition, they are concerned that the project would impair the privacy and prospect of nearby residents and fail to ensure that future occupants would enjoy a satisfactory degree of amenity. As such the proposal would be contrary to the then 'saved' policies GP1, HO3 and H011, set out in the Stockton-on-Tees Local Plan.
6. However, now that the Core Strategy has been adopted those policies, save for policy HO3, have been superseded, largely by policy CS3. The latter requires new development to make a positive contribution to the local area and to meet several 'sustainable' criteria that were not explicit in the old Local Plan. This scheme would not meet those 'sustainability' tests, though I think that many of the requirements might be addressed by imposing suitable conditions. In those circumstances, and in view of my decision, I do not address those matters further, but that does not mean that they could not be crucial in the determination of any subsequent proposal here. As for 'saved' policy HO3, that requires, amongst other things, that schemes should be sympathetic to the character of the locality, take account of important features and not result in an unacceptable loss of amenity.
7. Hence, from what I have read and seen, I consider that this case turns on whether the proposal would:
 - i) fail to make a positive contribution to the area by resulting in the over-development of this site, or
 - ii) impair the prospect and privacy residents might reasonably expect to enjoy.

Over-development

8. It was accepted at the previous appeal, and throughout much of this one, that there can be no objection to the principle of redevelopment here. For present purposes I shall adopt a similar stance for although, following the amendments to PPS3 announced in June, much of the appeal site would no longer be 'previously developed land' and the aim to achieve densities of at least 30 dwellings per hectare would no longer apply, this site would still lie within the

built up area of Norton and contain 2 dwellings of unappealing banality. Just as there was never a presumption that all 'previously developed land' would necessarily be suitable for housing, so also it cannot be assumed that all garden land must be immune from development. In this case, the location of the appeal site close to the centre of Norton and the Conservation Area, together with the somewhat unprepossessing appearance of the 2 dwellings upon it, might well warrant some carefully crafted redevelopment proposal; much would depend on the quality and character of any scheme. And, although ultimately such a proposal might also have to be assessed against the priorities set out in the Core Strategy, particularly in policies CS1 and CS7, the consequences of doing so have not been fully explored in the context of this appeal. In view of my findings set out below, I do not need to explore those consequences now.

9. Turning to the merits of this scheme, although the tall brick wall and the protected trees beside the footpath would be retained, almost all of the remaining boundary wall around No.71a would have to be demolished. In addition, the suggested 'crown thinning' would alter the appearance of the trees and, in my view, the proximity of the apartment block and the position of the associated 'amenity' space might well engender future pressure for the removal of those specimens. Hence, I consider that the scheme would, contrary to policy HO3, fail to accommodate those important features on the site. Moreover, it is not just that the wall forms a visible vestige of an historical development pattern, but also that it serves, together with the semblance of a sylvan space beyond, as an attractive visual transition between the Conservation Area and the enveloping estates. In my view, that makes an important contribution to the setting of the Conservation Area as well as to the character and appearance of the place. I am afraid that the appeal scheme would not be sympathetic, or contribute positively, to that 'local' character. Instead, the somewhat ordinary façades or blank gables of relatively tall structures (9m in height) would be positioned quite close to the site boundaries, so emphasising the encroaching presence of the suburban closes and culs-de-sac on the Conservation Area. I consider that such development would be damaging.
10. Even on its own term, I think that the scheme would result in a disappointing suburban scene. The juxtaposition of the remaining bungalow and the 2 rows of 3-storey detached dwellings would appear incongruous and be seen as an incoherent element in the townscape: the alignment of the apartment block would appear awkward and unrelated either to the street frontage or to the head of the cul-de-sac: the proximity to the roadside of the large blank gable of the house on plot 1 would present an unprepossessing entrance to the new cul-de-sac and, although I appreciate that other gables face on to the street here, none would be so tall or at such a prominent focal point in Priory Gardens: the position and extent of the car parking to the house on plot 3, together with the limited amenity space beside the main façade of the apartment block, would engender a mean and cramped impression: the need to surface a substantial proportion of the front gardens to meet the parking requirements on driveways of limited length would contrast with the verdant character evident elsewhere: and, the limited provision for additional landscaping would accentuate those harmful effects.

11. Taking all those matters into account, I consider that this scheme would fail to make a positive contribution to the area and result in a cramped and awkward development, contrary to the relevant requirements of policies CS3 and HO3.

Prospect and privacy

12. As indicated above, the scheme would entail new dwellings being positioned relatively close to the boundaries of the site. Several harmful consequences would ensue. First, the houses shown towards the north east corner of the site would be just 10m from the rear boundary and barely 11m from the rear elevation and large conservatory of the dwelling at 12 Colpitt Close. Although that dwelling lies at an angle to the appeal site, I saw that a bedroom and dining room window, together with much of the conservatory, would be all too evident from the rear of the proposed houses. At such close quarters, I consider that such large dwellings would appear overbearing and, with windows on 3 levels, impart an unpleasant sense of surveillance to those nearby. The orientation and alignment of these dwellings is not, in my view, properly analogous to that described in the 'guidance' as a main elevation facing a blank gable and, even if it was, the separation here would barely meet the minimum suggested as acceptable. The fact that the proposed dwellings would be substantial detached structures with rooms on 3 floors indicates to me that a rather more generous 'separation distance' might be more appropriate.
13. Second, the largely blank flank gable of the same dwellings would stand only 3m from the boundary with 79a High Street and be barely 16m from the westerly elevation of that dwelling. Not only would that gable reach some 9m in height, but also it would appear to stand on land about 1m or so above the level of the adjacent garden. The looming presence of such a large structure so close to the property boundary would appear dominant and confining; it would also cast a noticeable shadow across part of the adjacent garden during the late afternoon, rendering the north-west corner somewhat dank and dreary. Those harmful affects would be accentuated by the juxtaposition and number of windows in the front elevations of the proposed houses. Although orientated at an angle, windows on all 3 floors would be evident from the bedroom and lounge windows in the westerly elevation of No.79a and, due to the number of openings and the dominating position of the façades, convey a sense of being under surveillance to those nearby.
14. Third, the apartment block would also be close to No.79a, the building being only 7m from the boundary and barely 16m from the main southerly elevation of the neighbouring dwelling. As the block would be about 8.4m high, it would further enclose the adjacent property, casting a shadow across a further corner of the garden and forming a looming façade with 8 windows overlooking the grounds and a principal elevation of at close quarters. The cumulative enclosure of the western boundary at No.79a would accentuate the harmful effects of the scheme. And, the proximity of at least 2 parking spaces, together with the turning provisions at the head of the new cul-de-sac, would transform the thitherto tranquil setting of 79a into a noisier and more disturbing one, prone to the sounds of cars manoeuvring, engines starting and doors banging just beyond the garden boundary.
15. As for the amenities offered to prospective residents, I think that the 'garden' area related to the 6 apartments would be somewhat limited. Not only would

much of it be confined to the modest space between the apartment block and either the southern or eastern boundaries, but also most of it would be overshadowed by the trees beside the retained wall. The bleak prospect from the front rooms would be over a meagre area of garden, an expanse of parking spaces and a largely blank gable just 15m distant. And, those same parking spaces would be almost immediately beside the front garden, the flank gable and the back garden of the house on plot 3; barely 1m would be available to accommodate any intervening landscaping. I agree with the Council that such planting provision would be too narrow to provide an effective foliage screen, resulting in prospective occupants of the house on plot 3 having to endure the noticeable disturbance and noise of manoeuvring vehicles close to their home.

16. For those reasons, I consider this scheme would seriously impair the prospect and privacy existing residents might reasonably expect to enjoy and fail to provide a level of amenity for prospective residents commensurate with the character of the surroundings.

Conclusion

17. I find that this proposal would fail to make a positive contribution to the area and result in a 'cramped' over-development of the site, thereby impairing the prospect and privacy residents might reasonably expect to enjoy here. The scheme would, therefore, contravene policies HO3 and CS3, as outlined above. I have considered all the other matters raised, but find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR