



Appeal Decisions

Site visit made on 31 July 2012

by **Anthony J Wharton** BArch RIBA RIAS MRTPI

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

Decision date: 21 August 2012

Appeal A - Ref: APP/HO738/E/12/2175891

Land at Marmaduke Place, Norton, Stockton-on-Tees TS20 1DY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
 - The appeal is made by Mr RS and WM Pickersgill against Stockton-on-Tees Borough Council.
 - The application Ref 11/1703/CON was dated 6 July 2011.
 - The proposal is the demolition of two storey workshop building and block of 9 no domestic garages to facilitate redevelopment of site comprising provision of residential development of 5 no. terraced houses with parking provision.
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Appeal B - Ref: APP/HO738/A/12/2175877

Land at Marmaduke Place, Norton, Stockton-on-Tees TS20 1DY

- 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 planning permission.
- The appeal is made by Mr RS and WM Pickersgill against Stockton-on-Tees Borough Council.
- The application Ref 11/1621/FUL was dated 28 June 2011.
- The development proposed is the redevelopment of the site to provide a residential development comprising 5 no Terraced houses with parking provision.

Decisions

1. Both appeals are allowed (see formal decisions below).

Main Issue

2. The main issue in both appeals relates to the effect that the loss of the existing two-storey workshop would have on the character and appearance of the Norton Conservation Area.

Reasons

3. The rectangular shaped application site lies within the Norton Conservation Area and is accessed via Norton Green. There is a range of dilapidated garages along the eastern boundary and the two storey workshop building is on the northern boundary. Further to the north lies the site of the Red House School and part of the land is subject to a separate application for residential development. Nos. 1-4 Marmaduke place are to the east with other properties fronting on to The Green. To the west there are further residential properties in Hermitage Place, with open space in front and, to the south of the site, there are further garages and residential properties which also front on to The Green. The buildings close to the site are characteristic of the older properties within the conservation area.

4. The proposed development is to provide 5 no. two-bed roomed terraced houses with parking spaces and external amenity space. The conservation area consent application seeks to demolish the garages and the two storey workshop. In reaching my decision I have paid special attention and had special regard to the requirements of sections 72 and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

5. The most relevant development plan policies are Core Strategy Development Plan Document (2010) policies CS2 (Sustainable Transport and Travel); CS3 (Sustainable Living and Climate Change); and CS7 (Housing Distribution and Phasing), together with saved policies of the Stockton-on-Tees Local Plan 1997, EN24 (New Development in Conservation Area); EN25 (Demolition of Buildings in Conservation Areas); EN28 (Development likely to detract from a Listed Building); EN30 (Development which affects sites of Archaeological interest) and HO3 (Residential Development).

6. Since the applications were made the National Planning Policy Framework (the Framework) has been introduced and replaces various Planning Policy Guidance Notes and Statements (PPGs and PPGs). The Framework introduces a presumption in favour of sustainable development. It does not change the statutory status of the development plan as the starting point for decision making and makes it clear that proposals which accord with an up-to-date local plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise. In reaching my decision in this case I have given significant weight to the policies within the development plan and those within the Framework.

7. There is no dispute regarding the demolition of the dilapidated garages and the Council also accepts the principle of housing on the site. It is also evident that, on all other planning grounds other than the effect of the loss of the workshop building, the proposed scheme is acceptable to the Council. In this respect I consider that it accords with relevant national and local planning policies relating to housing and sustainability. The question in this case is whether or not the scheme accords with national and local plan policy relating to the protection of our heritage assets and, in particular, whether the scheme as proposed (including the demolition) would preserve or enhance the character or appearance of the conservation area.

8. The 'heritage asset' is the conservation area itself and not the actual building which is neither nationally nor locally listed. Having seen the building I share some of the Council's concerns relating to its potential loss. The brick and tiled roof workshop is of a scale and form which contributes positively in my view to the character and appearance of this part of conservation area. It relates well to the neighbouring properties in Hermitage Place and Marmaduke Place as well as possessing features and materials which are characteristic of other older buildings in this part of Norton. However, it has been altered over the years; there are significant signs of constructional and structural defects and it is evident from the appellants' submitted representations that significant works would be required to make it structurally sound and wind and watertight again.

9. The Framework clearly aims to ensure that conservation areas, as heritage assets, are preserved (sustained) or enhanced and indicates that great weight should be given to the asset's conservation and that any harm or loss should require clear and convincing justification. On the other hand it indicates that where a development proposal will lead to less than substantial harm to the

significance of the designated asset this harm should be weighed against the public benefits of the proposal including securing the optimum viable use.

10. In this case, there will be some loss in terms of the character and appearance of the conservation area. However, in my view, this loss is not so substantial. The building itself is not of significant architectural or historic merit in my view and its loss must be balanced against all other material considerations including the relevant policies within the Framework.

11. Having assessed the proposal, I consider that, in terms of form, scale and materials it is appropriate and acceptable in this attractive part of the conservation area. The scheme would in my view preserve and enhance the appearance of the conservation area by the development of a site that currently detracts from the character of this part of Norton. The removal of the dilapidated garages and the development of this open and unattractive space will result in a considerable improvement in the character and appearance of the conservation area. It will also provide a sustainable development which will result in a positive improvement in the quality of the built environment. Furthermore, I do not consider that the proposal would be detrimental in any way to the setting of any of the nearby listed buildings within this part of the conservation area.

12. The proposal will bring much needed housing, (albeit only 5 dwellings), and will contribute positively to the economic and social development of the locality in accordance with policies within the Framework. On balance it is my view that the advantages of the scheme far outweigh the loss of the two-storey workshop and, therefore, that consent for demolition and planning permission should be granted.

13. In reaching my conclusions I have taken into account all of the other matters raised by the Council. These include the detailed submissions in their statement relating to planning policy considerations; the responses to the grounds of appeal and matters relating to the housing deficit. In addition I have also considered the Council's views in relation to the viability and costs implications relating to a possible restoration and use of the workshop within an alternative proposed scheme. On the question of viability I have noted the Council's questioning of the various figures quoted for the costs of refurbishment and contingencies and profits allowed within the appellants' figures.

14. However, I consider that the submitted feasibility/costs reports are reasonable in relation to this particular building which is in very poor condition. The lack of any detailed evidence provided by the Council, when compared with the detailed submissions of the appellant persuade me that the inclusion of the workshop into any other scheme could prejudice the overall viability of the provision of a feasible and much needed housing scheme on this tight urban site. These figures are backed by RICS and BCIS data and the contingency figure of 15% is also a generally acceptable figure quoted by English Heritage in relation to such works. On this matter, therefore, the Council's arguments in relation to the retention of the workshop are again outweighed by the significant material considerations in favour of the proposal.

15. There are no other matters raised by the Council or others which carry sufficient weight to change my conclusions or alter my decisions. The appeals, therefore, both succeed and both planning permission and conservation area consent will be granted accordingly. I have taken account of the views of local residents and other interested parties in reaching these decisions. These include the comments from an immediate neighbour. In my view the issues raised should all be dealt with through other legislation relating to party wall and other rights.

Conditions

16. I consider that conditions 1, 2, 3, 4, 6, 8 and 10 as suggested by the authority are necessary and appropriate. With regard to possible land contamination the site has been previously used for commercial purposes and the garaging of vehicles and so I consider that condition 8 is appropriate. However, I do not consider that condition 5 relating to site levels is necessary and nor is there any evidence to suggest that condition 7 relating to Archaeological recording is necessary or appropriate. The land has been previously developed and the workshop is not a listed building. A standard time condition will also be attached to the planning permission and I consider that conditions ensuring that the parking areas are retained and relating to hours of working are also necessary considering the restricted access and the residential nature of Marmaduke Place and Hermitage Place.

Formal Decisions

17. Appeal A is allowed and conservation area consent granted for demolition of a two storey workshop building and block of 9 no domestic garages to facilitate redevelopment of the site comprising provision of residential development of 5 no. terraced houses with parking provision on land at Marmaduke Place, Norton, Stockton-on-Tees TS20 1DY in accordance with the terms of the application Ref 11/1703/CON dated 6 July 2011 and the plans submitted therewith subject to the following conditions:

1. The development hereby approved shall be carried out only in accordance with the following drawings unless otherwise agreed in writing by the local planning authority: Plan reference Numbers:- 10108/PO1A; 10108/L100; 10108/P02; 10108/L101A; 10108/P03.
2. Prior to the commencement of the development hereby permitted (the demolition of the two-storey workshop) details of a contract to secure the construction of the development of the site as set out in the planning permission granted below in Appeal B, shall be submitted to the local planning authority. Details should also be submitted prior to demolition, of the details and timetable for demolition of the workshop and garages on the site and the commencement of redevelopment shall be begun no later than 3 months after demolition. This shall all be agreed in writing by the local planning authority and the agreed matters shall be adhered to unless otherwise agreed in writing by the local planning authority.

18. Appeal B is allowed and planning permission is granted for the redevelopment of the site to provide a residential development comprising 5 no Terraced houses with parking provision on land at Marmaduke Place, Norton, Stockton-on-Tees TS20 1DY in accordance with the terms of the application, Ref 11/1621/FUL dated 28 June 2011, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following drawings: Plan Reference numbers:- 10108/P01A; 10108/L100; 10108/P02; 10108/L101A; 10108/P03.
3. No development shall commence until samples of all the facing materials and specifications for door and window components to be used for the external walls, roof and external surfaced areas of the development have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be carried out using only the approved materials and components.
4. Prior to commencement of the development hereby approved, details of all means of enclosure associated with the development shall be submitted to and agreed in

writing with the local planning authority. The scheme of enclosure shall be carried out as agreed and shall be completed prior to the occupation of any of the dwelling houses hereby approved.

5. The area allocated for parking on the above referenced plans shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

6. Prior to commencement of the development hereby approved, a landscaping scheme, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify tree types and species, layout contouring and surfacing of all open spaces. The works shall be carried out in the first planting and seeding season following occupation of the dwellings or completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar type or species unless otherwise agreed in writing by the local planning authority. The landscaping scheme shall be carried out only in accordance with the approved details.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected and it must be reported immediately in writing to the local planning authority. An investigation and risk assessment shall be carried out to the extent specified by the local planning authority prior to any further works being carried out on that part of the site. If remediation works are necessary these should be carried out in accordance with a scheme to be agreed in writing by the local planning authority.

8. Prior to commencement of the development a scheme setting out the details of, and a timetable for, demolition of the existing workshop and garages and the commencement of redevelopment (the latter to be begun within 3 months of demolition) shall be submitted to and approved in writing by the local planning authority. The timetable of demolition and redevelopment shall be adhered to at all times unless otherwise agreed in writing by the local planning authority.

Anthony J Wharton

Inspector