
Appeal Decision

Site visit made on 24 October 2014

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 21 November 2014

Appeal Ref: APP/H0738/A/14/2223613

Iris Gardens, Thorpe Thewles, Stockton on Tees, Cleveland, TS21 3HY

- 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 Michael Newberry against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 14/1177/FUL, dated 28 March 2014, was refused by notice dated 25 June 2014.
 - The development proposed is a replacement natural slate roof to an existing agricultural building, and the installation of roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement natural slate roof to an existing agricultural building, and the installation of roof lights at Iris Gardens, Thorpe Thewles, Stockton on Tees, Cleveland, TS21 3HY, in accordance with the terms of application Ref 14/1177/FUL, dated 28 March 2014, subject to the following 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: Location Plan, and Proposed Plan, Section and Elevations.

Application for costs

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

Procedural Matter

3. I have noted that the Council has described the proposals as including the installation of rooflights. On the basis of the submitted plans and evidence, I am satisfied that a revised description of development to include the installation of rooflights would be appropriate, and I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site is located adjacent to the junction between the A177 Durham Road and a road leading to the village of Stillington. The site occupies a relatively prominent position with limited planting on the boundaries other than that shared with the neighbouring field to the north. The two road boundaries have been recently planted to provide additional screening of the site, albeit that this will not mature until in the future. Whilst I have noted the Council's reservations over the nature of the current use of the site, from my observations at the site visit, the land itself does appear to be in the process of being planted and managed as a nursery, with the building in use in connection with this activity. In the absence of any conclusive evidence to the contrary, it is on this basis that I have determined the appeal.
6. The Council has highlighted that the proposed slate roof incorporating timber rooflights, would result in a more domestic appearance to the building compared to its current appearance. I have noted that the appellant's rationale for the slate roof was to provide a more sturdy replacement for the steel tile effect sheeting which is in place, but as I observed on the site visit, had been damaged in high winds.
7. I have carefully considered the visual impact of the proposals with particular regard to its location, and the character and appearance of other non-residential development in the vicinity. I have observed that the roofs of other agricultural buildings within the surrounding countryside are of a variety of finishes and materials, although I have been mindful of the Council's contention at the site visit as to the unauthorised nature of certain aspects of the nearby development to the south of the site. Nevertheless, whilst the use of slate roof tiles is not a prevailing characteristic of buildings within the area, it is also not an entirely unusual or unexpected material to be used on non-residential buildings within the countryside. In this respect, and despite the building's relatively prominent location, I do not consider that the incorporation of a slate roof would be materially harmful to the visual amenity of the area, or in itself would result in a domestication of the appearance of the building.
8. In respect of the proposed roof lights, the appellant has highlighted that they would be constructed in Pine and would be of a very high specification and quality. I have noted the Council's concern that the incorporation of rooflights of this type and form would appear at odds with the agricultural purpose of the building, and would agree that taken in isolation they would have a more domestic appearance. However, when considered in the context of the resultant roofscape and building, particularly in light of their relatively limited size, I am not persuaded that their inclusion would result in a building of domestic appearance, or the urbanisation of the appeal site. Furthermore, I agree with the appellant that the 3 rear roof lights would not be readily visible from the public realm, and I find therefore that the character of the building would not be unacceptably altered or harmed by the incorporation of the rooflights.
9. I have not found the incorporation of either a natural slate roof or rooflights to be harmful to the character and appearance of the building or the area. The proposals would not therefore conflict with Policy CS3 of the Stockton-on-Tees Core Strategy 2010, and saved Policy EN13 of the Stockton-on-Tees Local Plan 1997. These policies seek to ensure that development makes a positive

contribution to the local area and responds positively to local character, and does not harm the character or appearance of the countryside.

Other Matters

10. Although the application sought planning permission for the replacement slate roof and roof lights, the appellant contends that planning permission should not have been required as the proposals would have been capable of being dealt with as a minor material amendment. However, whether or not planning is required is not a matter for me to determine in the context of an appeal made under S78 of the above Act. It is open to the appellant to apply for a determination under sections 191/192 of the above Act to determine this matter. My determination of this appeal under section 78 of the above Act does not affect the issuing of a determination under s191/192 of the same Act.
11. The Council has expressed concern that the means of support for the slate roof and roof structure would be existing blockwork walls, which have been constructed within the timber building and which are the subject of a separate enforcement investigation. The Council's conclusion has been partially disputed by the appellant who has indicated that, whilst there would be a short term reliance on the existing internal walls due to the condition and need for replacement of some parts of the existing timber building structure, the roof structure would be capable of supporting a slate tiled roof. In this respect, I have noted the appellant's submissions in respect of the use of natural slates, and also that the Council has not submitted any structural evidence providing support for their position. However, on the basis of the reason for refusal, I am mindful that the appeal before me relates solely to the character and appearance of the proposed development. Matters related to any separate enforcement investigation or the structural capabilities of the building are not formally before me or articulated within the reason for refusal. These are not therefore matters which have been decisive to my determination of the appeal.
12. The appellant has raised a series of concerns over the handling of the application. However these do not have a bearing on the appeal before me.

Conditions

13. The Council has not suggested any conditions were the appeal to be allowed. However, I have added conditions relating to the commencement of the development, and the identification of plans. I have considered these in the light of paragraph 206 of the National Planning Policy Framework, finding them to be both reasonable and necessary in the interests of proper planning.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, the appeal should be allowed, subject to the conditions listed.

M Seaton

INSPECTOR