

Appeal Decision

Site visit made on 14 November 2016

by **Jonathan Hockley BA(Hons) DipTP MRTPI**

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

Decision date: 24 November 2016

Appeal Ref: APP/H0738/W/16/3154322

Land north of 8 to 12 Thistle Green, Stockton-on-Tees TS18 1TU

- 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 Christopher Howard against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 16/0201/FUL, dated 25 January 2016, was refused by notice dated 24 March 2016.
 - The development proposed is a two and a half storey residential development consisting of six student accommodation pods (15 beds).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the setting of the Grade I listed Church of St Thomas, and whether the proposal would preserve or enhance the character and appearance of the Stockton Town Centre Conservation Area (STCA).

Reasons

3. The appeal site lies within the STCA, which is primarily linear and mainly follows the High Street from north to south. The character and appearance of the area is characterised by the bustling long and wide High Street, which is dominated by retail and commercial uses contained in a wide variety of buildings. The breadth of the High Street is broken down by sympathetic hard and soft landscaping. The STCA also contains various streets and yards running at right angles from the High Street, and some parallel streets, such as Thistle Green.
 4. The proposed development seeks to construct a two and a half storey building for student accommodation. The proposal would include 15 bedrooms, located within 6 'pods' with their own kitchen and living space. The trapezium shaped site is currently a green area in the street scene of Thistle Green, and is planted with some dense shrubbery. The site is adjoined to the south by the Riverside Inn, which was derelict at the time of my visit, and to the north by a low slung electricity substation. To the east lies Thistle Green, with the green area of the Parish Gardens set above the site to the west. This lies on the south side of the Grade I listed Church of St Thomas.
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5. The church was constructed around 1710 according to the listing and is designed in Queen Anne style in red brick with stone dressings and quoins. The Church sits to the east of the High Street, and is roughly in the middle of the STCA. Its height and scale means that the Church is visible from many directions, and likewise its setting is also reasonably large. The Parish Gardens and adjacent walk through forms part of this setting and provides a quiet reflective area, in direct contrast to the bustling High Street to the west. At present the site is of limited benefit to the character and appearance of the Conservation Area, presenting a break in development but not contributing significantly to the STCA or the setting of the Church, due to its small scale and low key presence in the street scene.
6. Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Section 66 (1) of the same act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) says that the significance of a designated heritage asset (including conservation areas) can be harmed or lost through alteration or destruction of the asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
8. Policy CS3(8) of the Core Strategy¹ states that new development will make a positive contribution to the local area, by protecting and enhancing important environmental assets, responding positively to existing features of natural, historic, or local character, and seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance.
9. Policies EN24 and EN28 of the Local Plan² together state that new development in Conservation Areas will be permitted where the siting and design of the proposal does not harm, and the scale, mass, detailing and materials are appropriate to, the character and appearance of the area and that development likely to detract from the setting of a listed building will not be permitted. Paragraph 215 of the Framework states that, where a plan predates the Framework, due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. I consider that the stated policies accord with the general thrust of the Framework and thus accord them significant weight.
10. The plan form of the proposal matches the shape of the appeal site, and would virtually fill the plot, with a narrow area of block set hardstanding around the edge of the site. The design of the proposed development, described by the appellant as 'unashamedly modern' would present a two and a half storey double gabled building to Thistle Green with the two gables and a central flat roof section visible from the Parish Gardens to the rear. The pitched roof side

¹ Stockton-on-Tees Borough Council Core Strategy Development Plan Document, 24 March 2010

² Stockton-on-Tees Local Plan, June 1997

elevations are fairly simple, with the northern elevation broken up by two square half dormer windows.

11. The height of the proposal would not be domestic in scale and would be significantly taller than the adjacent pub buildings, which rise in height towards the south. From the Parish Gardens the upper 1½ -2 storeys of the building would be visible. Despite the mix of materials proposed for the development of brickwork and timber cladding, the mass and form of the proposal would fill and dominate the plot, appearing overbearing to the adjacent pub and out of context within the restricted site. This would be noticeable from both outside the site and from vantage points further to the south. Whilst set lower than the Parish Gardens, the scale and mass of the proposal would have a similar adverse effect on the gardens and the setting of the Church. The design of the building on this elevation, with a clearly visible flat roof section would also appear incongruous and out of context within the setting of the listed building.
12. The appellant provides evidence in the form of historic maps detailing previous development on the site, and states that the character and grain of the area is of high densities, considering that the site is not a traditional open space. However, the maps submitted show that historically the site was not filled with development as the proposal would do. The 1856 and 1893 plans both show a limited development to the rear of the plot, and later plans only show a small area of the site developed. Whilst the town has a dense grain of development to the south and east, the area around the site is less built up, in part due to the open space of the adjacent gardens and the site itself.
13. I note that an office development was considered acceptable on the site in 1991 and 1996. However, I have no plans of how this building may have looked. Furthermore, the plans have expired, and were considered acceptable at a different point in time. This was some 20 years ago and national and local planning policy has changed since this time.
14. The appellant considers that the setting of the Church is already compromised by relatively modern development nearby, including the town library and police station on the opposite side of Thistle Green. However, these buildings are located on the other side of the road which has a different character, and both buildings lie outside of the STCA.
15. Having regard to the advice in the Government's planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the listed building and the STCA. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
16. The proposal would provide a certain amount of student accommodation, in an area which it is stated does not have a demonstrable five year supply of deliverable housing sites. There would also be economic and social benefits arising from the provision of additional housing in a sustainable location. Whilst I note the need for housing locally and the aims of the Framework to boost significantly the supply of housing, I am not convinced that such public benefits would outweigh the less than substantial harm that the proposed development would cause to both the significance of the STCA and the setting,

and therefore the significance, of the Grade I listed building. The Framework states that great weight should be given to conservation of heritage assets and that the more important the asset, the greater the weight will be. As a Grade I listed building, the Church of St Thomas is designated as a building of exceptional interest.

Other Matters

17. As noted above, it is stated that the Council cannot demonstrate a five year supply of deliverable housing sites, and the appellant considers therefore that the presumption in favour of sustainable development contained within paragraph 14 of the Framework applies. In this context I am not convinced that the relevant policies noted above relate to the supply of housing, and I have already concluded that such policies accord generally with the Framework. Notwithstanding this however, bullet point 4 of paragraph 14 of the Framework also states that where relevant policies are out of date then development proposals should be approved unless...specific policies in the Framework indicate that development should be restricted. Footnote 9 specifically notes policies relating to designated heritage assets in this context, which I have considered the proposal would be contrary to.
18. The appellant notes that Historic England (HE) did not object to the proposal. However, I consider that the HE letter offers no comments, a distinction from a position of no objection. They also consider that the application should be determined on the basis of national and local policy guidance, which I have done.
19. My attention is drawn to a consent for student accommodation to the south of the appeal site. However, I have no firm details on this development. Moreover, I note that the referred to site lies in a different part of the town, presumably with differing characteristics to the appeal site in this case.

Conclusion

20. To summarise, I conclude that the proposal would fail to preserve the setting, and therefore the significance of the Grade I listed Church of St Thomas, and would neither preserve nor enhance the character or appearance of the Stockton Town Centre Conservation Area. Although I have concluded that the proposed development would cause less than substantial harm to these heritage assets, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework, as well as to CS Policies CS3(8) and Local Plan policies EN24 and EN28.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR