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# Appeal Decision

Site visit made on 6 April 2018

by **Elaine Gray MA(Hons) MSc IHBC**

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

Decision date: 23 April 2018

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**Appeal Ref: APP/H0738/W/17/3185401**

**Ridley House, 122 High Street, Yarm TS15 9AU**

- 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 G Tyers against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 16/1250/COU, dated 27 June 2016, was refused by notice dated 18 August 2017.
  - The development proposed is change of use from residential (use class C3) to a hotel (use class C1).
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The appeal site at 122 High Street is grade II listed. The Council confirms that listed building consent (Ref 16/1251/LBC) has been granted for associated alterations, and no issue has been raised relating to any impacts on the listed building within this appeal.
3. Therefore, the main issues are:
  - the effect of the proposal on the character and appearance of the Yarm Conservation Area, and;
  - the effect of the proposal on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

## Reasons

### *Character and appearance*

4. The appeal site is currently occupied by six flats, and would be converted for use as a hotel. Policy CS5 of the Stockton-on-Tees Core Strategy Development Plan Document (CS) states that proposals which support Yarm's specialist niche role in offering higher quality comparison shopping, together with leisure and recreation opportunities, will be supported, provided that the residential mix within the district centre is not compromised. Policy S9 of the Stockton-on-Tees Local Plan Alteration No 1 (LP) specifically states that the change of use from residential development will not be permitted in the case of the appeal site at 122 High Street.

5. The text accompanying LP Policy S9 indicates that, at one time, the mix of dwellings with shops, offices and other uses was an essential part of the character of Yarm. Now, only a small number of residences remain in and around the main commercial frontages. These dwellings add variety and interest of the life of the centre, and help to reduce crime outside business hours. It is therefore clear that the preservation of residences within the centre of Yarm is an important policy aim of the development plan.
6. I accept that the scheme would not entail any significant alterations to the main frontage of No 122, and to that extent the appearance of the CA would be preserved. However, land use is an important aspect of the significance of conservations areas, and so it is necessary to consider any changes to the character of the land use that would arise from the development.
7. The appellant states that the comings and goings from the hotel are likely to be similar to the existing residential use. I accept that there are some broad similarities between the usage of hotels and dwellings. However, there are also a number of key differences. The proposed floor plans do not indicate the provision of any dining facilities at the new hotel, and so it must be assumed that patrons would have to go elsewhere for their meals. This factor alone would lead to higher levels of comings and goings than would be the case with permanent residential usage. People on holiday may also be more likely to stay up late, and to come and go more in the evenings. In addition, a hotel use would normally engender additional trips by employees, deliveries and services of various kinds.
8. The appellant contends that the new use would give excellent natural surveillance, and would maintain an active frontage to the property. However, the level of occupancy of hotels varies depending on the season. Even during those times when the hotel was well occupied, patrons might not have the sense of attachment and responsibility of a permanent resident. Therefore, the overall levels of natural surveillance would not be as high as would be the case with normal residential use.
9. The appellant argues that the current flats are leased on a short-term basis, and that there is a high overturn of residents. Whilst that may be so, it is unlikely that residents would come and go quite as quickly as hotel patrons. In any case, in the absence of any detailed evidence as to the typical length of the leases, or the actual rate of overturn of residents, I am unable to make any meaningful comparison between the two.
10. The above factors would result in a material change to and intensification of the character of the use of the building. At present, the appeal site sits within a group of dwellings on the High Street. These and the other protected residences add to the mix of uses in the centre. They reflect the historic pattern of land use whereby greater numbers of people lived in the centre alongside the businesses, and thus contribute to the significance of the CA. They continue to provide an important contrast to the commercial uses nearby, which adds to the character of the CA.
11. The development would cause the building to be occupied in a significantly different way, and would erode the remaining residential presence on the High Street, thereby unacceptably harming the character and significance of the CA. I therefore conclude that it would conflict with Policy EN 24 of the Stockton-on-

Tees Local Plan, which relates to new development in conservations areas, and with CS Policy CS5 and LP Policy S9.

12. I agree that hotel and visitor accommodation is generally compatible with town centre locations. I further agree that there is local and national policy support for such uses, and the economic and social benefits they bring. Whilst the harm to the significance of the CA would be less than substantial (in terms of the phraseology used in the National Planning Policy Framework (NPPF)), this does not mean that the harm would not be significant. However, the marginal economic and social public benefits that would arise from the development would be insufficient to outweigh the harm I have identified.
13. I have been referred to the Tees Valley Hotel Futures Study, which recognised scope for small boutique hotels in the area. However, this document dates from 2009, and must therefore be regarded as somewhat out of date. Moreover, its conclusions do not appear to be specific to the appeal site. I can therefore give it little weight in my consideration.

#### *Living conditions*

14. The Council's concern relates to the effect of the proposed parking arrangements on the living conditions of the occupants whose residences overlook the courtyard to the rear of the appeal site. Specifically, the Council refers to additional noise and disturbance from moving vehicles, slamming doors, headlights, music from car radios, and hotel patrons talking.
15. Car parking for the proposed hotel would be located in the courtyard. The Council's Highways, Transport and Environment Manager has commented that there is no off-street car parking provision for the existing flats at No 122, and so residents are reliant on on-street parking. A total of 4.5 car parking spaces would be required for a hotel of the size proposed, and the proposed plans show that 5 car parking spaces would be allocated for its use. It is stated that 5 flats would require 7.5 spaces, although I note that the existing building contains 6 flats. Nonetheless, the new hotel would have a lower parking requirement than the existing use, and so no objection has been raised to the proposal on highways grounds.
16. The appellant states that the parking arrangements for the hotel would be the same as those for the present flats, ie, confined to the rear courtyard. However, it is unclear how many car parking spaces within the courtyard are actually allocated to and used by the residents of No 122. Furthermore, the area appears to be used for parking for a number of the residences that surround the courtyard. Evidence provided within third party representations suggests that 8 to 9 spaces in the courtyard are used by the neighbouring residents. On my mid-afternoon visit to the site, I noted that 7 cars were parked in the courtyard.
17. The appellant states that hotel guests would be less likely to access the site by private car than residents. However, the basis for this statement is unclear. If guests are not coming by car, then they would presumably be reliant on public transport to get to the hotel, though I am not convinced that this would be the case. The railway stations at Yarm and Eaglescliffe are at some distance from the appeal site, which would discourage travel to the hotel by train. Furthermore, Yarm is a small settlement within an extensive rural hinterland,

and so it is highly likely that patrons would require the use of a car during their stay.

18. Moreover, in the absence of detailed comparative evidence in relation to the existing car parking provision, I am unable to reach a conclusion as to whether the living conditions of neighbouring residents would be materially harmed by the proposed development. However, this matter is not determinative, in the light of my conclusion on the first main issue above.

### **Conclusion**

19. Although I have been unable to conclude on the effect of the proposal on the living conditions of neighbours, I have found that it would unacceptably harm the character of the Yarm Conservation Area. I therefore conclude that the appeal should be dismissed.

*Elaine Gray*

INSPECTOR