



Appeal Decision

Site visit made on 11 January 2020

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/H0738/W/19/3238970

**Rear/side of 1 Station Road, Eaglescliffe, near Yarm, Stockton Borough
TS16 0BU**

- 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 William Gate against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 19/1434/FUL, dated 28 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is Erection of one Use Class C3 residential single-storey, pitched roof dwelling-house on site of existing outbuildings (which are to be demolished) and creation of associated residential curtilage / gardens across application site area.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect of the proposed development on the character and appearance of the area, which forms part of the Eaglescliffe with Preston Conservation Area (the Conservation Area);
 - The living conditions of the future occupiers of the proposed dwelling; and
 - The living of the occupiers of adjacent dwellings.

Reasons

The character and appearance of the area

3. The proposed dwelling would occupy the site of a small outbuilding which forms part of a property, no 1 Station Road, a large end terrace property which has been converted to flats. The site lies with the Conservation Area, which characterised by red brick and slate roofed Victorian and Edwardian houses, the presence of mature trees and other landscaping, and the proximity of the small railway station and shopping parade on Station Road. The A135/Yarm Road to the front of the site is a busy route connecting Stockton with Yarm. The site lies close to the junction of Yarm Road and Station Road.
4. It was suggested that I look at a recently completed development at Quarry Road to gain an understanding of the type of small bungalow that is proposed, which I was able to on my site visit.

5. Whilst the outbuilding would appear to be contemporary with the no 1 Station Road, there is no dispute that it is of any importance in terms of preserving or enhancing the character of the Conservation Area, and in principle, the replacement of the existing building with a dwelling would not harm the character of the designated asset. The current building is small, little larger than a double garage, and given its lack of windows and materials to match many other buildings in the area is inobtrusive.
6. The proposed dwelling would be of similar height, but with a larger footprint and different height to width proportions. Together with the proposed fenestration, what is proposed would have the appearance of a small modern bungalow, out of keeping with the scale and character of the buildings either side of it at 1 Station Road and no 576 Yarm Road, and the terrace of houses situated to the rear of the site at nos 1 and 2 the Mews.
7. In addition to the scale and massing of the proposal, the proposed curtilage area for the dwelling, enclosed by a 1.5m high fence, would add significantly to the visual impact of the proposal. It is not possible to know whether any future occupants of the proposed dwelling would choose to place washing lines or other domestic items within the garden area which could add to the level of visual impact. But even assuming that is not the case, the proposal would appear noticeably out of character with its surroundings.
8. The position of the proposal at the rear of the site, away from the road frontage and with the backdrop of the terrace houses at The Mews would to a limited extent reduce its obtrusiveness. However, the site is not screened from Yarm Road from where the proposal would be openly visible, and its lack of conformity with the buildings around in terms of design is apparent. Whilst there is some obvious variety in the scale and style of these buildings, they conform to the Victorian and Edwardian character of the area. In this context the proposal would appear out of keeping with its surroundings.
9. In order to provide a parking space for the occupier of the proposed dwelling, a small brick store building would be removed. The loss of this building would not be of significance in terms of local character. Because the proposal would reduce the area for residents' parking to serve the flats at no 1 Station Road, a raised bed, currently only grassed, would be removed. The loss of this area would have a limited effect on the character of the area, but could be substantially mitigated were a well designed brick boundary wall to be provided, although this would need to be low for visibility reasons at the access onto Yarm Road.
10. I therefore conclude that for the reasons given the proposal would cause harm to the character and appearance of the area, which forms part of the Conservation Area, and would be in conflict with Policies HE2, SD5 and SD8 of the Stockton on Tees Borough Council Local Plan 2019¹(the Local Plan) which, amongst other things, require that development should conserve the built environment and respond positively to the quality and character of the surroundings and enhance heritage assets, and the Framework which requires that development should create high quality buildings, and that great weight should be given to the conservation of heritage assets.

¹ Adopted January 2019

The living conditions of the future occupiers of the proposed dwelling

11. The proposed dwelling would be compact, providing a single small bedroom, a bathroom/WC and combined kitchen and lounge. It is not suggested that the size of the dwelling would be inadequate in terms of the internal space which would be provided, but rather that due to the proximity to the existing houses a cramped form of development would result in which the comings and goings from those houses, including the car park area, would lead to a lack of privacy and possible disturbance.
12. The dwelling would be situated in an urban context where persons choosing to live in such a location could expect to come into frequent contact with other residents, as a result of which the level disturbance outdoors may be greater than at many dwellings. In terms of the internal area of the dwelling, I see no reason why the levels of disturbance should be any more than in most flatted developments. Therefore the living environment created would in this instance be acceptable.
13. I therefore conclude that the proposal would not result in unsatisfactory living conditions for the occupiers of the proposed dwelling, and would therefore not conflict with Policy SD8 of the Local Plan, which amongst other things requires that development should achieve privacy and amenity for future occupants of land and buildings, and the Framework which has a similar requirement².

The living of the occupiers of adjacent dwellings

14. I note that the houses at 1 and 2 The Mews are rented accommodation and controlled by the appellant. However, that does not obviate the concern over the living conditions of the occupiers of those houses.
15. The proposed dwelling would be in close proximity to both the occupiers of The Mews and also no 576 Yarm Road. In the case of no 576 Yarm Road, providing a similar height boundary wall to that which exists presently would ensure that unacceptable impacts on living conditions should not arise.
16. The properties at The Mews would be affected by some loss of outlook due to the increased width of the proposal compared with the existing building. In addition. There would be 2 windows in the rear elevation of the proposal to serve the bathroom and kitchen. These windows would be of obscured glazing therefore would not result in overlooking. Providing appropriate glazing is used I am also satisfied that there would be no unacceptable perception of overlooking.
17. My findings on this main issue are similar to that in relation to the possible effect on future occupants of the proposal. In terms of possible disturbance due to the proposal, it would be a small dwelling, suitable only for a single person or couple. Given the urban context of the site I am satisfied that the additional comings and goings from the proposal would not have any significant effect on the living conditions of neighbours.
18. I therefore conclude that the proposal would not result in unsatisfactory living conditions for the occupiers of neighbouring dwellings, and would therefore not conflict with Policy SD8 of the Local Plan, which amongst other things requires

² The Councils Decision Notice refers to paragraph 17 which is clearly a typographical error.

that development should achieve privacy and amenity for future occupants of land and buildings, and the Framework which has a similar requirement.

Planning Balance

19. I have found that the proposal would cause harm to the character and appearance of the area, which is a designated conservation area. This is a matter to which I must give very significant weight in the planning balance. There is clear conflict with the development plan, which must be the first consideration in the decision.
20. I have found that the proposal would not lead to unacceptable effects on the living conditions of the occupiers of neighbouring property, and although a small dwelling, would provide acceptable living conditions for future occupants were the proposal to proceed. These are neutral factors in the planning balance.
21. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
22. The Framework is clear that any harm to the significance of a designated heritage asset requires clear and convincing justification. In the case of the proposal the harm would be classed as less than substantial. That does not mean that the harm would be less than significant and it is necessary to weigh the harm against the public benefits of the proposal³. In view of the nature of the proposal any public benefits in terms of the provision of a single, small dwelling and the employment created during its construction, would be limited.
23. The site is presently underutilised and the proposal would represent more effective use of brownfield land in accordance with the Framework⁴. However, the Framework support for such proposals is dependent on the safeguarding and improvement of the environment, which would not be the case here. These benefits are therefore insufficient to outweigh the importance which national and local policy gives to the conservation of designated heritage assets.
24. The planning balance therefore lies decisively against the proposal.

Conclusion

25. For the reasons given the appeal is dismissed.

Tim Wheeler

INSPECTOR

³ National Planning Policy Framework February 2019 paragraph 196

⁴ Ibid paragraphs 117 and 118.