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## Appeal Decision

Site visit made on 28 January 2020

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2 June 2020**

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**Appeal Ref: APP/H0738/W/19/3241736**

**4 Wass Way, Durham Lane Industrial Park, Eaglescliffe TS16 0RG**

- 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 A Parker against the decision of Stockton-on-Tees Borough Council.
  - The application Ref 18/2334/FUL, dated 26 September 2018, was refused by notice dated 9 August 2019.
  - The development proposed is described as '*Rear portal frames extension to existing warehouse. Single storey front/side extension creating additional office space. Metal framed tensile covering to existing salt bay*'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. From my visit, I could see that a large shed has been erected within the south west corner of the service yard running parallel to the boundary of the neighbouring yard of Cowan Transport and perpendicular to the boundary with the dwellings at 17-23 Black Diamond Way. Also, the metal frame supporting the main warehouse extension, described in the submission plans as a storage building, has been erected.
3. Although development has occurred on site, irrespective of this, I have determined the appeal based on the information before me.

### Main Issues

4. The main issues are:
  - The effect of the proposal on the character and appearance of the area; and
  - The effect of the proposal on the living conditions of occupiers of dwellings on Black Diamond Way, with particular regard to outlook and overshadowing.

### Reasons

#### *Character and Appearance of Area*

5. The appeal site is located off a spur road within Durham Lane Industrial Park close to both conurbations of Eaglescliffe and Yarm. The area is an industrial

estate comprising of manufacturing and light industrial operations. The offices of the appeal site span the width of the warehouse building and sit in front of it, with the apex of the warehouse building running roughly north to south. The remaining yard area is given over to external storage of wagons, mechanical shovels and tipper lorries, as well as general paraphernalia associated with the practices of their business.

6. No objections have been raised by the Council in relation to the storage building attached to the main warehouse but currently incomplete, the office extension or the location of the proposed detached salt shed. I therefore consider these elements no further. However, it is the location of the proposed two storage bays to the rear of the site along the boundary with the residential dwellings at Black Diamond Way that is in contention between the main parties.
7. It is noted from the Site Location Plan that a storage bay was located to the south western corner of the site but has since been removed. However, in accordance with proposed plans, two open fronted storage bays, both of different sizes, is illustrated to be positioned along the rear boundary with Black Diamond Way. The most easterly building would side onto public open space.
8. Whilst these proposed bays are physically separate from the cluster of the main warehousing and offices, their proposed appearance would represent large concrete block and metal framed buildings, of similar design characteristics to the original warehouse. Furthermore, they would resemble design features of other buildings located elsewhere within the industrial park. In this respect the bays would not appear as an alien feature within that context.
9. The appeal site bounds a reasonably large piece of grassed public open space, and a concrete panel wall of approximately 2.4m high separates the two areas. The most easterly of the proposed bays would be located in very close proximity to the boundary wall, and at its highest part, would be considerably higher than it. However, it is only the solid gable wall of this building that would be closest to the area of open space. I also take into account the relationship between the existing warehouse building and its close proximity to the open space. This main building is much more visually prominent due to its size and scale.
10. The public would view the bays from this open space vantage and the appeal site, and its external contents are clearly visible from here. The bays would however have the benefit of providing organised storage of machinery than what currently exists as the site is somewhat disorganised with wagons, equipment and other materials dispersed within the yard area.
11. I have also taken into account the benefits of providing some improved visual appearance to the yard. Furthermore, the appearance of the bays are typical industrial buildings. In this regard the proposal would provide some visual benefits.
12. I therefore conclude that the proposal would accord with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019 (LP) which seeks, amongst other matters, acceptable design in new development. For similar reasons the proposal would be consistent with Policies within the National Planning Policy

Framework (the Framework) in this regard as it would achieve development in character with the area.

13. The local planning authority have referred me to Policy SD3 of the LP in relation to the first main issue. However, this relates to Housing Strategy and is therefore of limited relevance to character and appearance considerations.

#### *Living Conditions*

14. The houses and gardens of 15-29 Black Diamond Way either side or back onto the appeal site. A number of these back gardens have slight embankments that rise up with a timber boundary fence as the perimeter enclosure. Due to the embankment, less of the garden space provides a useful domestic function, and as a result some of the back gardens are reasonably small in size.
15. The proposed storage bays would have a stand-off in the region of approximately 6.5m away from the rear concrete boundary wall. The highest of the proposed bays at the apex height is approximately 13m, and in relation to the height of the boundary treatment would provide little visual screening from these gardens. The outlook from the gardens, in particular No's 17 and 21, would be onto a very wide and high structure of concrete block work and corrugated metal, the complete width of the rear gardens. The proposed development would therefore appear visually intrusive to these occupants, causing an acute sense of overbearing, harmful to their living conditions.
16. A number of first floor habitable room windows of No. 21 looks directly towards the appeal site with the higher of the proposed bays similar in height to this house. Whilst there would be a stand-off of approximately 38m from the rear of No. 21 to this proposed bay, the outlook from their first-floor windows would be significantly altered from the present open outlook, onto a development of the scale, proportions and industrial materials that would appear overbearing, therefore reduce the living conditions of the occupiers.
17. I have taken account of the appellant's comment that the proposed bays would shield the remainder of the service yard from the outlook of these houses, however, I am not convinced that this slight benefit would override the harm I have identified.
18. I find that the proposal would be in conflict with Policy SD8 of the LP in its aims to protect the amenity of residents and would be in conflict with Paragraph 127 of the Framework, that requires new development to achieve a high standard of amenity for existing users.

#### **Conclusion**

19. Although I have found no harm would arise to the character and appearance of the area, the proposal would nonetheless result in harm to the living conditions of the occupiers of a number of properties on Black Diamond Way which is not mitigated nor justified in this case. The proposal would therefore conflict with the development plan as a whole and, with no material considerations indicating a decision otherwise in accordance with it, the proposal should not be allowed.
20. For the reasons given above, the appeal should be dismissed.

*Alison Scott*    INSPECTOR

