



Appeal Decision

Site visit made on 8 February 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2022

Appeal Ref: APP/H0738/W/21/3286194

Land to the rear of 232 Cotswold Crescent, Billingham TS23 2QN

- 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 & Mrs Leck (Blue Sky Homes) against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 20/2819/FUL, dated 18 December 2020, was refused by notice dated 2 June 2021.
 - The development proposed is the erection of 10 dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr and Mrs Leck (Blue Sky Homes) against Stockton-on-Tees Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the surrounding area; and
 - the living conditions of future and neighbouring occupiers, with respect to outlook and external amenity space.

Reasons

Character and Appearance

4. The appeal site occupies a parcel of land off Cotswold Crescent. The houses on the Crescent and surrounding streets are modest sized semi-detached and terraced two-storey houses, the majority of which have generously sized gardens. Notably, those close to the appeal site are set on particularly large plots. Houses are generally set back from the highway by short front gardens. Boundaries are commonly marked by low walls and higher hedges. Within Cotswold Crescent directly to the west of the site is a communal grassed space giving the area a spacious, verdant feel. The railway line to the south of the appeal site also plays a part in contributing to the open and spacious feel which adds positively to the area's character and appearance.
5. The proposal would see 5 pairs of semi-detached bungalows with open plan frontages built in an 'L' shape arrangement with car parking directly in front of each property. All the bungalows would have small gardens.

6. The proposed development of small bungalows would be at odds with the prevailing character of the area where two storey dwellings are set in generously sized plots with private garden space to the fronts and rears. The restricted size of the proposed plots with frontages dominated by hard standing and car parking spaces would be wholly against the prevailing spatial form of development in the area.
7. The Council is concerned that the layout of the proposal leaves little opportunity for meaningful landscaping and that the layout of the site is dominated by hard surfacing. The landscaping plan indicates the location of the proposed landscaping, the vast majority of which would be within the private amenity spaces of the bungalows. The maintenance and integrity of the submitted landscaping plan would therefore be devolved to their ownership and highlights the overdevelopment of the site and the shortcomings of the proposal in that respect.
8. Consequently, I find that the proposal would represent an overdevelopment of the site which would cause harm to the character and appearance of the area. It would therefore conflict with Policy SD8 of the Stockton-on-Tees Local Plan (2019) (SLP) which seeks to ensure that new development is designed to highest possible standard taking into consideration the context of the surrounding area and paragraph 130(b) of the National Planning Policy Framework which seeks, amongst other things, to ensure that all development is of a high quality, visually attractive and provides appropriate and effective landscaping.

Living Conditions

9. The private amenity space provided for each dwelling would be small and several of them would be particularly meagre. The smallest, Plot 1, would have a rear garden of a depth of approximately 4.5 metres, and a number of the others would only be marginally longer. The orientation of the gardens to the north and east of the site would mean that they would be in partial or total shade for a considerable part of each day. This represents an unacceptably inadequate level and quality of amenity space for the size and type of dwelling proposed, which would be compounded by poor outlooks from the rear of the properties onto high perimeter fences at close quarters.
10. I note that the houses at 230 and 232 Cotswold Crescent are controlled by the appellant. However, this does not remove the need to consider the living conditions of the occupiers of these houses. In accommodating the proposed development, their rear gardens would be reduced to a size which would provide them with little external amenity space to a level not commensurate with the size of the dwellings and would not provide them with meaningful space for sitting out, drying of laundry, or children's play. Furthermore, the proximity of the vehicular and pedestrian access to the front elevation of No 232 would give rise to comings and goings from the development taking place in very close proximity to their front window resulting in unacceptable disturbance for occupiers.
11. Policy SD8 of the SLP does not prescribe standards of amenity space, however, there is an expectation that all development is designed to the highest standard with respect to the amenity of all existing and future occupants of land and buildings. The level of provision falls short of that which should be reasonably provided in a development of this type.

12. Consequently, the proposed development would not provide appropriate living conditions for both existing and future occupiers with regard to both outlook and the provision of amenity space. The proposal would therefore be contrary to SLP Policy SD8 and paragraph 130 of the Framework, which amongst other things, seek to ensure that new development is of high quality and provides a high standard of amenity for existing and future users.

Other Matters

13. The appellant contends that the proposal should be assessed in accordance with the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework. However, mindful that I have not been made aware by either party that the Council cannot demonstrate a 5-year housing land supply, I can only therefore conclude that the development plan policies are up-to-date and that the provisions of paragraph 11(d) are not triggered.
14. I acknowledge that other similar developments in the area have been built to higher densities and to similar designs to that which is proposed, and the appellant has provided me with some details with regard to these. However, I am not aware of the precise context in which they were granted planning permission, and, in any event, I must consider the appeal on its own merit. The existence of these other developments does not outweigh the harm that I have otherwise found. The density of the previous development on the site in the form of lock up garages also does not carry any weight in my decision, as this does not relate to residential development.
15. I am mindful of the benefits of the proposal, including that it would add to the number and mix of dwellings in a location which is close to the town centre and public transport links, and I acknowledge that the proposal may address an identified local housing need for units providing an element of care, however no mechanism is before me to consider how this would be secured and guaranteed. I therefore cannot consider this further. Whilst I agree that the proposal would be on previously developed land which is currently unkempt and would remove anti-social behaviour from the site. This may benefit those which currently live close to the site. These benefits would not outweigh the harm I have identified in the main issues.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR