



# Appeal Decision

Site visit made on 18 October 2022

**by F Harrison BA(Hons) MA MRTPI**

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

**Decision date: 21 November 2022**

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**Appeal Ref: APP/H0738/W/22/3305593**

**10 Lawrence Road, Thornaby, Stockton – on - Tees TS17 8QF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
  - The appeal is made by Mr Aidan Mogie against Stockton-on-Tees Borough Council.
  - The application Ref 21/2929/FUL, is dated 17 November 2021, was refused by notice dated 25 February 2022.
  - The development proposed is demolition of existing dwelling and replacement with 1no dwellinghouse.
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## Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and replacement with 1no dwellinghouse at 10 Lawrence Road, Thornaby, Stockton-on-Tees TS17 8QF in accordance with the terms of the application, Ref 21/2929/FUL, dated 17 November 2021, subject to the conditions set out in the schedule below.

## Preliminary Matters

2. The description of development on the application form appears to contain extensive arguments in support of the proposal. These are not acts of development in themselves. I have therefore used the description from the Council's decision notice which adequately describes the proposal.

## Main Issue

3. The main issue is the effect on the character and appearance of the area, including the setting of the Thornaby Green Conservation Area (TGCA).

## Reasons

4. Lawrence Road is a residential street comprising a mix of bungalows and houses. The boundary of the TGCA is adjacent to the appeal site but does not include the site itself. The appeal property forms part of a row of bungalows, however there is variety within the street as a whole. Despite the general harmony of the bungalows, they are not uniform in design or appearance. It is the variety within the street, alongside the mix of property types and styles in the wider area fronting onto Thornaby Green which create a sense of place and contributes positively to the character and appearance of the area.
5. The addition of a detached dwelling would contribute to the range of the property types of varying heights and design in the street and wider surrounding area. From my site visit I saw a number of gable features. The proposal would reflect this characteristic, and the proposed gable feature with

- large, glazed window at first floor level would add to the visual interest of the appearance of the area. Moreover, the reorientation of the main side gable to the front would reflect the appearance of 6 Lawrence Street. The Council assert that the appeal property is in a more prominent location than No 6. However, although No 6 is at the end of the street, I saw from my site visit that its taller roofline is clearly visible within the street scene and from Thornaby Green.
6. While different in appearance to its immediate neighbours, the proposal would not be intrusive or detract from the qualities of the wider locality. Given the variety in property types in the area no harm arises from the increase in ridge height, particularly given the permission at the neighbouring property which increases the height of that property. Even though the proposal would be taller still, it would not be incongruous, adding instead to the overall variety, and relating positively to the character and appearance of the area.
  7. From my site visit I saw examples of the use of white render and properties constructed of a range of materials, resulting in a varied appearance. As such, the proposal, with its white render and grey brickwork would contribute positively to the visual interest of the existing varied appearance in the properties fronting onto Thornaby Green.
  8. The Council has raised concerns about the harm to the setting of the TGCA. The conservation area appraisal summarises its significance, which includes the distinct Green and landscape qualities of the area and has been designated for its landscape character as opposed to any unique building form. However, the appraisal also identifies that the Green is flanked by residential development, characterised by individual properties of varying architectural styles and ages facing the Green itself. Most of these properties are detached and due to their individual architectural designs, a unique high quality residential environment can be found with a pleasing setting around the central Green.
  9. I consider that the appeal property, as part of this residential environment, makes a positive contribution to the setting of the conservation area. The proposal would add to the overall variety of properties fronting the conservation area, contributing positively to the residential environment, and in doing so would enhance its significance. In these circumstances, the National Planning Policy Framework (the Framework) (2021) at Paragraph 206 indicates that development proposals should be treated favourably.
  10. For the reasons given, the proposal does not cause harm to the character and appearance of the area, including the setting of the conservation area, and accords with policies SD5, SD8 and HE2 of the Stockton-on-Tees Borough Council Local Plan (2019). These policies seek proposals that conserve and enhance heritage assets, including their setting, which are designed to the highest possible standard, taking into consideration and responding positively to the context of the surrounding area.
  11. The proposal is also in accordance with the provisions of the heritage protection policies of the Framework (2021), including Paragraph 195. It also accords with the provisions in relation to design at Paragraph 130, which seeks development that functions well and creates a high standard of amenity for existing and future users.

### **Other Matters**

12. I note that the proposal's layout, design and ridge orientation has been designed with the aim to reduce energy use. The proposal would significantly increase thermal efficiency and passive energy gains, which is clear benefit of the proposal.
13. I have also given careful consideration to comments from neighbouring occupiers, with regard to the effect of the proposal on their living conditions, including concerns on health and wellbeing. However, the Council in their report has given detailed reasons to demonstrate why harm would not arise to neighbours living conditions. I have no reason to come to a different conclusion.

### **Conditions**

14. The conditions requested by the Council have been considered and amended as necessary in light of the Planning Practice Guidance (PPG). In addition to the standard condition that limits the lifespan of the planning permission it is necessary to impose a condition identifying the approved plans for clarity.
15. While I note that some detail has been provided with regard to materials, in the interest of visual appearance and ensuring the proposal contributes positively to the character and appearance of the area it is necessary to impose a materials condition to secure precise details on this matter. Similarly, a hard landscaping condition is imposed in the interests of visual amenity and to ensure works that contribute positively to the character and appearance of the area. This condition covers means of enclosure and so a separate condition is not necessary. Hours of construction and contamination conditions are necessary in the interest of protecting the living conditions of neighbouring occupiers and to ensure the protection of controlled waters.
16. The PPG advises that the blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity. In the absence of any clear evidence, and given that permitted development rights are designed to protect living conditions in any event, it is not necessary to impose a condition to remove permitted development rights.

### **Conclusion**

17. For the reasons given above, I conclude that the proposal accords with the development plan. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

*F Harrison*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Location Plan, 003 Existing Site Plan, Proposed Site Plan, 001A Existing Floor Plan and Existing Roof Plan (labelled proposed floor plan), 002A Existing Elevations, 02001 Proposed Ground and First Floor Layouts, 02002 Proposed Elevations
- 3) No above ground construction shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No hard landscaping works shall commence until details have been submitted to and approved in writing by the local planning authority. The details shall include all external finishing materials, including means of enclosure and retaining structures, finished levels, and all construction details confirming materials, colours, finishes and fixings. The works shall be carried out in accordance with the approved details and prior to occupation of the development hereby permitted.
- 5) Demolition or construction works shall take place only between 8:00am to 6:00pm on Monday to Friday, 8:00am to 1:00pm on Saturdays and not at any time on Sundays and Bank Holidays.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until the developer has submitted and obtained written approval from the local planning authority for a remediation strategy detailing how this contamination shall be dealt with. The remediation strategy shall be carried out as approved before the development is resumed or continued.

**\*\*\*End of Conditions\*\*\***