
Appeal Decision

Site visit made on 27 June 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 30th August 2017

Appeal Ref: APP/H0738/W/17/3172499

Land South of Cayton Drive, Thornaby, TS17 0HD

- 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 Mandale Construction North Limited against the decision of Stockton-on-Tees Borough Council.
 - The application Ref: 16/3022/REV, dated 24 November 2016, was refused by notice dated 15 March 2017.
 - The development proposed is described as 'reserved matters approval (appearance, landscaping, layout, access and scale) for the erection of 45 no. dwellings, access from Cayton Drive and ancillary works pursuant to outline planning consent ref: 15/1466/OUT'.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely details of access, appearance, landscaping, layout and scale, submitted in pursuance of condition No. 1 attached to planning permission Ref: 15/1466/OUT dated 8 March 2016.

Application for costs

2. An application for costs was made by Mandale Construction North Limited against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. Outline planning permission, with all matters reserved, for residential development of up to 45 dwellings was granted on appeal on 8 March 2016. This appeal relates to an application for approval of the matters that were reserved for future approval as part of that permission. I have considered the appeal on this basis.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of the occupiers of numbers 35 and 37 Lockton Crescent, 33 Liverton Crescent and 24 Middleton Avenue;

- Whether the proposed development would provide suitable living conditions for the future occupiers of the dwellings on plots 1 and 45, with particular regard to sunlight and daylight; and
- The effect of the development on highway safety in the area.

Reasons

Living conditions of neighbouring occupiers

5. Saved policy HO3 of the Stockton-on-Tees Local Plan 1997 (the Local Plan) seeks to ensure that new development does not have an adverse effect on the living conditions of the occupiers of adjacent properties. This is consistent with the National Planning Policy Framework (the Framework) which seeks to secure high quality design and a good standard of amenity for all existing and future occupiers of buildings. The Council's Sustainable Design Guide Supplementary Planning Document 2011, which has to be read alongside this policy, states that a separation distance of 21 metres will normally be expected between the main habitable room windows on facing residential properties and a gap of at least 11 metres where main habitable room windows would face a gable wall.
6. The appellant has submitted a dimensioned drawing which shows that the gable of the proposed dwelling on Plot 6 would be approximately 16.4 metres from the main rear walls of numbers 35 and 37 Lockton Crescent and that the gable of the proposed dwelling on Plot 20 will be located approximately 17 metres from the main rear wall of number 33 Liverton Gardens and approximately 13 metres from the ground floor rear extension to this property. Whilst these measurements are not challenged by the Council, and the Council accepts that the position of the houses meets the requirements of the Sustainable Design Guide, it is suggested that these separation distances are for guidance only and each site is considered on its own merits.
7. The Council submit that in this case, the proximity of the proposed new dwellings to the boundaries of existing properties has a significant impact in terms of overbearing. The proposed dwellings on Plots 6 and 20 would be located 7 metres and 6 metres respectively from the rear boundary fences of existing houses. Whilst the proposed new houses would be two storey they would not, in my view, be excessively close to the boundary with the adjoining properties.
8. The proposed dwelling on Plot 41 is orientated with its gable wall facing the gable wall of 24 Middleton Avenue. The Council's guidance does not specify a required separation distance where gable walls face each other, and I saw when I visited the site that this relationship is essentially similar to many others in the area.
9. During my visit I was also able to view the appeal site from number 33 Liverton Gardens and see where the proposed location of the dwelling on Plot 20 had been pegged out. Whilst the proposed new dwelling would be seen from this property, I am satisfied from what I saw, that the proposed new dwelling is located sufficiently far from the existing house that it would not be excessively overbearing. Whilst it would alter the outlook from the rear of number 33, due to the level of separation, this alteration would not be sufficient to warrant refusing planning permission.

10. Neither Policy HO3 nor the Council's supplementary planning guidance specify a minimum distance that new development must be located from the boundary of adjoining properties. There is no significant level change between the appeal site and the existing development that would warrant a greater degree of separation and, consequently, I do not find the Council's argument for setting aside the separation distances that are normally applied a compelling one.
11. From the submitted plans, the proposed house types on Plots 6 and 41 would have no windows in the gable elevation facing the existing houses and although the proposed house on Plot 20 would have a first floor window in the gable wall, this would be an opaque glazed bathroom window. There would not, therefore, be any overlooking of, or loss of privacy to, the existing houses as a result.
12. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of numbers 35 and 37 Lockton Crescent, 33 Liverton Crescent and 24 Middleton Avenue. It would comply with the relevant requirements of Saved Policy HO3 of the Local Plan, and would also be consistent with the Framework.

Living conditions of the future occupiers

13. To the south of the appeal site there is a large belt of tree planting. I saw on my site visit that at the western end of the site the trees were taller and more closely spaced, whilst at the eastern end they were sparser and not as high.
14. There is no technical evidence from either main party on respect of the amount of daylight and sunlight that would be received by these dwellings. Although, due to their proximity to this tree belt, the proposed dwellings on Plots 1 and 45 would experience a degree of overshadowing, as their principal windows would face east and west, these would receive direct sunlight for at least parts of the day, as would the garden areas.
15. On this basis, I find that the proposed development would provide suitable living conditions for the future occupiers of these plots. It would comply with the relevant requirements of Saved Policy HO3 of the Local Plan and the Framework.

Highway safety

16. The proposed development would be in the form of a single cul-de-sac accessed from the existing carriageway of Cayton Drive. I saw when I visited the site that, whilst the roads in the surrounding area are interconnected, there are also a large number of culs-de-sac running off this network of roads, some of which serve a similar number of dwellings to the appeal proposal. The proposed form of the development is, therefore, not inconsistent with the character of the surrounding road system.
17. Cayton Drive and Liverton Crescent are 5.3 and 5.5 metres wide respectively. During my site visit, I saw the majority of houses in the area had off-street parking and whilst on-street parking occurs, due to the width of the carriageway, this did not unduly disrupt vehicle movements. The surrounding road network was not heavily trafficked, although I appreciate that at other times there would be a greater number of vehicle movements and a greater level of on-street parking. Nonetheless, whilst in these circumstances

motorists may have to wait behind parked cars to allow an on-coming vehicle to pass, there is no persuasive evidence that this results in significant delays, or is inherently unsafe, particularly as the access to the appeal site can be reached either via Burniston Drive or Liverton Crescent. Additionally on-street parking can have the effect of reducing vehicle speeds through residential areas.

18. I have been provided with a traffic count commissioned by Thornaby Town Council which indicates that there are a high number of vehicle movements, approximately 4,500 to 5,000 daily, on Bader Avenue, the main road into the wider housing area. These are predominantly private cars with lesser numbers of light goods vehicles and buses. However, this was not accompanied by any further analysis or commentary that would demonstrate that the cumulative impact of the development on the highway network would be severe.
19. The proposed new dwellings would generally each be provided with two off street parking spaces, which complies with the Council's car parking standards. There is nothing which would indicate that the development would result in additional on-street parking within the existing residential streets.
20. The Highway Authority, whilst expressing a preference for a second access point, has not raised any objections to the proposal utilising a single access point. My attention has also been drawn to a recent appeal decision relating to a similarly sized development on the same site¹. This also proposed a single point of access to the development and I note that although the Inspector dismissed the appeal for other reasons, she concluded that scheme would be acceptable in terms of highway safety.
21. Whilst I am mindful of the concerns that have been raised by local residents in their representations in respect of the application and the appeal, I have no evidence that there has been any material change in circumstances since the previous appeal was decided. This, and the lack of any objection from the Highway Authority, leads me to the same conclusion as the previous Inspector.
22. I therefore find that the proposed development would not cause harm to highway safety in the area. It would comply with the relevant requirements of Policy HO3 of the Local Plan insofar as it seeks to ensure that satisfactory arrangements can be made for access and parking in new developments.

Other matters

23. I have had regard to the representations that have been made by third parties to both the application and the appeal. A substantial number of these raise objections to the principal of development on the site, but this has already been established by planning permission Ref: 15/1466/OUT. It is not open to me reconsider those matters which were dealt with at the outline stage and this appeal is concerned with the acceptability of the reserved matters before me. The other matters raised have mainly been covered above and none of the other points, either individually or collectively, lead me to a different conclusion on the main issues.
24. Neither main party has suggested that any further conditions, over and above those attached to the outline planning permission and specific to the reserved matters, are necessary.

¹ Appeal Ref: APP/H0738/W/16/3159756

Conclusion

25. For the above reasons, and having regard to all other matters raised I conclude that the appeal should be allowed.

John Dowsett

INSPECTOR