



Appeal Decision

Site visit made on 12 October 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2022

Appeal Ref: APP/H0738/W/22/3300682

The Ship Inn, 50 High Street, Wolviston TS22 5JX

- 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 Alan Moutrey against Stockton-on-Tees Borough Council.
 - The application Ref 22/0147/COU, is dated 19 January 2022.
 - The development proposed is conversion of Public House to 1 dwelling with a proposed detached garage to eastern boundary.
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Decision

1. The appeal is allowed. Planning permission is granted for conversion of Public House to 1 dwelling with a proposed detached garage to eastern boundary at The Ship Inn, 50 High Street, Wolviston TS22 5JX in accordance with the terms of the application Ref 22/0147/COU, dated 19 January 2022 subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 1651-00 PP, 1651-01 PP, 1651-02 PP, 1651-03 PP, 1651-04 PP, 1651-05 PP, 1651-06 PP, 1651-07 PP, 1651-08 PP, 1651-09 PP, 1651-10 PP, 1651-11 PP & 1651-12 PP.
 - 2) The materials used in the construction of the external walls and roof of the development hereby approved shall match those within the existing main building.
 - 3) The hereby approved detached garage shall only be used for incidental purposes for the use of the residential dwelling known presently as 50 High Street, Wolviston. This building shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit and shall be used only by occupants of the main dwelling.
 - 4) Prior to the construction of the first-floor balcony full details of screening to the southern side of the balcony shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details prior to the first use of the balcony and thereafter retained for the lifetime of the development.

Procedural Matters

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted a statement which sets out its putative reasons for refusal.

These constitute the matters of disagreement with the appellant, and they therefore form the main issues in this case.

3. The description of the proposal has altered from the application form to that included within the acknowledgement letter from the Council. That on the application form however adequately describes the proposal and I have determined the appeal on this basis. I do however acknowledge that the proposal involves internal and external alterations, a balcony at first floor level and some demolition.
4. It was evident on my site visit that the building was no longer in use as a public house. Works were underway which appeared to relate to the proposal before me. Some minor aspects of the work, particularly relating to a rear extension did not appear to fully accord with the submitted plans. For the avoidance of doubt, my decision has been made on the basis of the plans.

Main Issue

5. The first main issue is whether the loss of the use of the building as a public house would have any significant adverse impact on the cultural, social leisure and recreation needs of the local community. The second is whether there would be any adverse impact on highway safety. The third is whether there would be any unacceptable impact on the living conditions of the occupier of 48 High Street (No.48) with regard to privacy arising from the proposed balcony to the rear elevation.

Reasons

Loss of Public House

6. The proposal has resulted in the loss of the use of the building as a public house, removing a public gathering place from within the community. However, an alternative public house, The Wellington Inn, sits immediately across from the site. Further public houses fall within walking distance, which would offer choice and competition. There are also other community buildings just around the corner on West Hartlepool Road.
7. As a result, there is other similar community infrastructure within the locality to cater for local community needs which are indicated to have been formerly provided at the Ship Inn. The loss of the use of the building as a public house will not therefore have had any significant adverse impact on the cultural, social leisure and recreation needs of the local community.
8. Policy TI2 of the Stockton-on-Tees Borough Council Local Plan (2019) (SBCLP), seeks amongst other things to protect community infrastructure where appropriate and practicable. In relation to public houses, proposals which would lead to their loss will not be supported unless there is no demand for it and its continued use would be economically unviable or unless equivalent alternative facilities are available nearby. There would therefore be no conflict with policy TI2 of the SBCLP. Given that criteria b. is met, I have not therefore explored issues relating to demand or viability under branch a. of the policy.

Highway Safety

9. There is an existing vehicle access on the northern boundary to West Hartlepool Road and a further access and driveway are proposed onto the same road which would lead to a single garage to the rear of the main building.
10. However, West Hartlepool Road is a cul-de-sac, providing through access to pedestrians only. Whilst the road does serve a number of community and other uses, there is nothing within the evidence that this road suffers from high traffic levels or speeds or has a high level of footfall.
11. Therefore, even were vehicles to have to leave the vehicular accesses in reverse gear, the number of vehicle movements per day would likely to be low for a single dwelling and it is likely that such manoeuvres would be undertaken very carefully by any driver exiting the site given the high boundary walls. I therefore consider the risk of conflict resulting in significant safety concerns between a driver exiting the site and other road users low.
12. Subsequently, I do not consider that the proposal would have any significant adverse impact on highway safety. There would therefore be no conflict with Policy TI1 of the SBCLP which amongst other things requires that new development incorporates safe and secure layouts which minimise conflict between traffic, cyclists and pedestrians.

Living Conditions

13. The plans indicate that the southern side elevation of the balcony would be fitted with a tall side screen. Provided that this screen were to be suitably obscure glazed, the opportunities for overlooking into the rear yard of No. 48 would be very limited. Such limited opportunity would be obvious for the occupier of that property and therefore the potential for concerns over perceived overlooking are also limited.
14. The balcony would not be of a large size and would not be of such depth or width that it could be used for large gatherings. I am also mindful that the area where the balcony is proposed currently hosts a fire escape which may have been occasionally used. I am also mindful that the rear garden of No. 48 backs directly onto the former beer garden, and therefore, some noise and disturbance may have been experienced in the past as a result of the former use of the site.
15. There would subsequently be no significant adverse impact on the living conditions of the occupiers of no.48 with regard to privacy. The proposal would therefore accord with Policies SD3 and SD8 of the SBCLP which amongst other things require new development to respond positively to the privacy and amenity of all existing occupants of land and buildings. There is nothing within part 3.6 the SPD¹ guidance which completely rules out the provision of balconies.

Other Matters

16. The site sits within Woolviston Conservation Area, the significance of which in part sits largely with the form, scale, materials and detailing of its buildings. The characterful public facing elevations would remain largely unaltered and

¹ Stockton-on-Tees Householder Extensions and Alterations Supplementary Planning Document May 2021.

the rear garage would not be prominent. There would therefore be no harm to the significance or character and appearance of the Conservation Area. For the same reason the proposal would also preserve the setting of the nearby grade II listed buildings.

17. Natural England has recently updated the conservation status of the Teesmouth & Cleveland Coast SPA/Ramsar. Concern over water quality is identified with regard to nitrogen. However, the proposal would not lead to an increase in overnight accommodation given that premises previously incorporated a residential flat. Further, bearing in mind the former use of the building as a public house, the proposal would not be likely to increase nutrient loading.
18. There is nothing compelling within the evidence to indicate that the proposal would have any significant adverse impact on archaeological or biodiversity resources.

Conditions

19. Conditions have been suggested by the Council and some are broadly included subject to some drafting changes and simplification. I have imposed a condition requiring the development to be carried out in accordance with the submitted plans.
20. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. A condition relating to the garage is necessary to define the permission.
21. Condition 4 is imposed to ensure that the required details are submitted, approved and implemented so as to make the development acceptable in planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the outstanding matter before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.
22. A condition requiring obscure glazing to the bathroom are not necessary given that there would be limited clear views towards these windows from other properties. There is no clear justification to include a condition restricting national permitted development rights and this is therefore not included. A commencement condition would not be appropriate given the works that were underway at the property.

Conclusion

23. Taking all relevant matters into account, the proposal accords with the development plan and there is no indication, including the provisions of the Framework² that a decision should be made other than in accordance with it. The appeal is therefore allowed and planning permission is granted.

T J Burnham

INSPECTOR

² National Planning Policy Framework 2021.