



Appeal Decision

Site visit made on 6 February 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/H0738/W/23/3329861

30 Durham Street, Stockton-on-Tees TS18 1QE

- 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 Joe Fraser against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 23/0163/COU, dated 26 January 2023, was refused by notice dated 27 March 2023.
 - The development proposed is the conversion of existing 3 bed dwelling to form 2 no. 1 bed flats including demolition of ground floor extension and installation of external staircase.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing 3 bed dwelling to form 2 no. 1 bed flats including demolition of ground floor extension and installation of external staircase at 30 Durham Street, Stockton-on-Tees, TS18 1QE in accordance with the terms of the application, Ref 23/0163/COU, dated 26 January 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 2275/01; Existing Site Plan 2275/02; Proposed Site Plan 2275/03; Existing Floor Plans and Elevations 2275/04; Proposed Floor Plans and Elevations 2275/05.

Application for costs

2. An application for an award of costs is made by Mr Joe Fraser against Stockton-on-Tees Borough Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the character of the surrounding area.

Reasons

4. The appeal property is a modest sized terraced house in a short row of properties that front onto the pavement with a gated alleyway to the rear. It is located in a small area of similar terraced housing close to Stockton-on-Tees town centre. The Council states that the area is characterised by a high percentage of rented properties, where they consider the population to be transient in nature. I have no evidence before me to dispute this.

5. The proposal would involve the removal of a single storey outrigger from the rear of the property and the installation of an external staircase. The Council have raised no objection to this element of the proposal.
6. Although the appellant has drawn attention to a small number of other properties close by which have been converted into flats, the number of times that this type of development would be likely to be replicated in the area is limited due to the relatively small number of similar terraced properties in this area. I have not been provided with any evidence that the proposal would be likely to lead to an increase in on-street parking which may lead to parking pressure in the area. Nor, has it been demonstrated that there is there an unacceptable level of crime or anti-social behaviour in the area which could be attributed to the type of accommodation proposed.
7. I have no substantive evidence before me to suggest that one-bedroomed flats in this location would be more likely to attract a more transient population than a modest three-bedroomed property as exists would, especially given that the Council consider that the area is already populated by a transient population.
8. I have carefully considered the Council's argument that the grant of planning permission would set a precedent for other similar developments in the area. Whilst they may wish to guard against concentrations of flats in any particular area, there is no location specific policy to that effect in place, nor I has a particular over-proliferation of flats in this area been pointed out to me. Furthermore, I have not been made aware that there is a latent pressure for this type of development in the area. Each application and appeal must be determined on its individual merit, and a generalised concern of this nature does not justify withholding permission in this case.
9. I therefore conclude that the proposal would not result in harm to the character of the surrounding area. There would be no conflict with Policy SD8 of the Stockton-on-Tees Borough Council Local Plan 2019, which, amongst other things, seeks to ensure that development is designed to the highest possible standard and respond positively to the character of an area. There would also be no conflict with the aims of the paragraphs 135 and 139 of the Framework, where it seeks to achieve well-designed places.
10. In arriving at this conclusion, I have taken into account the appeal decision at Roseberry View, Thornaby¹, which was for a similar development, where the Inspector came to an alternative conclusion. However, from what I have seen and read that appeal was located in a much larger area of terraced housing which is characterised by family housing with greater pressure from conversions to flats. Furthermore, the appeal was subject to evidence that the type of development proposed would lead to an increase in anti-social behaviour which was prevalent in that area, which is not the case in the appeal before me. I have also had regard to an appeal decision at Railway Cottages, Eaglescliffe². This proposal was a two-storey side extension to create additional living accommodation and is therefore not directly comparable to the case before me. These appeal decisions are therefore of limited relevance in my consideration of this appeal, and I have afforded them limited weight.

¹ APP/H0738/W/21/3272910

² APP/H0738/W/18/3205467

Other Matters

11. The appeal site lies within the impact zone of the Teesmouth and Cleveland Coast Special Protection Area (SPA) which has been identified as an area where nutrient neutrality is a matter for concern. It is therefore necessary for me to consider whether the proposal has the potential, either alone or in combination with other development in the area, to result in the deterioration of water quality due to additional nitrogen input from wastewater discharge and whether this would have a significant effect on the environmentally sensitive SPA.
12. Given the type and size of both the existing accommodation and that proposed to be created, it is highly likely that its occupation would result in a net decrease of one resident when compared with the existing accommodation. The impact of the development, therefore, would be at its worst neutral. As a result, it would not have an adverse impact on the integrity of the SPA. As the competent authority it is therefore not necessary for me to carry out an Appropriate Assessment to secure mitigation for any adverse effects on the SPA. Consequently, the proposal would comply with the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) and paragraph 188 of the Framework. A condition requiring the purchase of credits under Natural England's Nutrient Mitigation Scheme is not therefore necessary.

Conditions

13. In the absence of suggested conditions from the Council I have imposed conditions in line with advice in the Framework and Planning Practice Guidance. In addition to the standard time limit, a plans condition is also considered reasonable in the interests of clarity. No further conditions are considered necessary.

Conclusion

14. For the reasons given above, having considered the development plan when read as a whole and all other issues raised, I conclude that the appeal should be allowed subject to the conditions set out above.

KL Robbie

INSPECTOR