



Appeal Decision

Site visit made on 2 April 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 June 2024

Appeal Ref: APP/V0728/W/24/3337703

Land adjacent to 1 to 4 Hall Close, Hall Close, Marske TS11 6AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Dr William Peter Moore against the decision of Redcar and Cleveland Borough Council.
 - The application reference is R/2023/0494/CA.
 - The development proposed is new dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effects of the development on:
 - The Character and appearance of the area, including the Marske Conservation Area; and
 - The living conditions of the occupiers of neighbouring properties at 1 to 4 Hall Close, with particular regard to overlooking and privacy.

Reasons

Character and appearance

4. The appeal site is formed of an area of hardstanding which was previously used as a car park for a former medical centre which has been converted to flats and is now known as 1 to 4 Hall Close (Nos. 1 to 4). It is located to the rear of 127A to 131 High Street (Nos. 127A to 131) and abuts a footway to the front of Yeoman Terrace to the north. To the south of the site is a row of two storey terraced dwellings on St. Mark's Close. It lies within Marske Conservation Area (MCA).
5. The significance and character of the MCA is derived from its historical development over time, the buildings, their relationship to the spaces between them and the ways in which those spaces are used. Although many spaces to the rear of properties have been developed the basic linear layout of Marske's historic core remains substantially unaltered¹.

¹ Marske Conservation Area Character Statement 2011

6. Buildings in the vicinity of the appeal site consist of a mixture of traditional brick-built terraced houses and other buildings, and more modern development at Nos. 1 to 4 and on St. Mark's Close. The appeal site is bounded by a low timber close boarded fence on the boundary with Nos. 1 to 4, a low brick wall on the boundary with Yeoman Terrace and higher fencing and vegetation on the boundaries with St. Mark's Close and Nos. 127A to 131. The open appearance of the appeal site provides some relief to the close-grained built-up area surrounding it and provides a gap between the modern development at Nos. 1 to 4 and the traditional development along Yeoman Terrace and High Street and therefore makes an important contribution to the character and appearance of the MCA. Furthermore, the orientation of the proposed dwelling would be at odds with the development surrounding it, which the Council identify as an important factor in the character and appearance of the MCA.
7. The proposed dwelling would be single storey with a steeply pitched roof accommodating pitched roof dormers in both the front and rear elevations. A flat roofed garage would be attached to the side elevation facing Yeoman Terrace. It would be considerably larger in footprint than other dwellings close by. I accept that it would be largely unnoticed in the majority of public views from High Street and Hall Close and the effect on the townscape would not be as apparent as a change to the front of the property. However, it would be highly visible from Yeoman Terrace, despite the proposed retention of vegetation along the boundary. Moreover, the character of the MCA is derived from the buildings, layout and surrounding spaces as a whole, regardless of whether particular elements are open to public view. The MCA's significance does not therefore rely only on the elements that can readily be seen.
8. Although the former health centre is a large building it accommodates four dwellings. The appeal proposal would therefore introduce a form of development which is not consistent with the traditional style and layout of buildings in the area which I consider contribute positively to the character and appearance of the MCA. For these reasons the proposal would fail to preserve or enhance the character or appearance of the MCA. As such the proposal would cause harm, albeit that harm would be less than substantial.
9. The proposal would provide public benefits in the form of an additional dwelling. I have not been made aware of a shortfall in housing delivery in the area. In any event the contribution to the delivery of housing which one dwelling would make is negligible. I have also not been made aware that the proposal would address any specific housing needs in the locality. There would be modest economic benefits during construction and the proposal would bring a vacant site back into use. The construction of the dwelling may utilise sustainable products and construction methods, but I have very limited details before me of what methods and materials would be used.
10. It is claimed that the development would reduce anti-social behaviour in the area. However, no specific details have been provided regarding any incidents of anti-social behaviour associated with the site nor of any subsequent complaints made. Any such incidents would of course be regrettable, however the scheme before me is not necessarily the sole means of addressing this matter. I would also note that there are separate controls to address anti-social behaviour. I do not consider that these concerns outweigh the harm identified or provide sufficient justification for allowing the appeal proposal.

11. Overall, the stated public benefits are limited and therefore attract little weight. Consequently, when giving great weight to the special attention I must have to the desirability of preserving or enhancing the character or appearance of the MCA, the harm that arises from the appeal scheme would not be outweighed by the public benefits identified. Accordingly, there would be a conflict with paragraph 205 of the Framework as the harm to a designated heritage asset would not have a clear and convincing justification. This attracts great weight.
12. I appreciate that there are a number of properties in proximity to the appeal site which have dormer windows. The dormers on the properties on St. Mark's Close are small and flat-roofed and therefore the large steeply pitched dormers proposed in the scheme before me do not compare favourably to them. Dormer features at Marske Hall are separated from the appeal site by a high brick wall and are therefore not viewed in the context of the appeal site. Furthermore, I do not know the circumstances under which they were constructed or their status with regard to planning permission and therefore cannot draw any direct comparison with the proposal that would weigh in its favour. Although the appellant states that he would be willing to replace the proposed fence with stone wall, and the quality of the roof slates could be dealt with by the imposition of a suitably worded condition, these matters would not overcome the harm that I have identified.
13. Consequently, I conclude that the proposal fails to preserve or enhance the character or appearance of the MCA. Having balanced this harm against public benefits which would arise from the proposal I have found that these would not outweigh the harm that I have found. This is in conflict with policies SD4 (j) and HE1 (a) of the Redcar and Cleveland Local Plan 2018 (RCLP) which together seek to ensure that development respects or enhances the architectural and historic character of the site and its surroundings.

Living conditions

14. Windows on the front elevation of the proposed dwelling would face windows in the side elevation of Nos. 1 to 4. From the information before me they would be approximately 13 metres apart. This would be in line with the guidance set out in the Council's Design of Residential Areas Supplementary Planning Document (SPD) 2011. Furthermore, a close boarded fence would prevent overlooking between the properties.
15. Dormer windows in the roof of the proposed dwelling would also face the side elevation of Nos. 1 to 4. However, above ground floor level, windows in Nos. 1 to 4 are small and set back beyond the pitched roof of a single storey element of the building. Therefore, overlooking is unlikely to be problematic. With suitable boundary treatment in place, the size and position of the windows serving properties within Nos. 1 to 4 and the distance between the proposal and them means there would be little opportunity for overlooking to a level which would be unduly harmful to the occupiers of any of the dwellings.
16. Consequently, I find that the proposal would not harm the living conditions of neighbouring occupiers with regards to privacy and overlooking. There would be no conflict with RCLP Policy SD4 (b) or the guidance contained within the Council's Design of Residential Area Supplementary Planning Document which seek to protect the amenity of neighbouring occupiers.

Other Matters

17. I note that only one objection was received from a neighbouring occupier and the majority of consultees did not object to the proposal. However, a low number of objections does not equate to a lack of harm. I also acknowledge that the proposal would not adversely impact on the setting of listed buildings close by at Marske Hall, which includes a wall which is adjacent to Hall Close. I do not dispute that matters such as contaminated land could be adequately dealt with by way of condition. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the first main issue.
18. The appellant states that he is willing to amend the scheme to overcome some of the issues raised. However, I am mindful that the appeals process should not be used to evolve a scheme to overcome the Local Planning Authority's (LPA) reasons for refusal and instead a fresh planning application should usually be made². The merits of a revised scheme would, if necessary, be a matter for the main parties to consider as part of a fresh proposal away from this appeal.

Conclusion

19. Although I have found no harm to living conditions, I have found harm to the character and appearance of the MCA. Therefore, for the reasons given above, I conclude that the proposed development conflicts with the development plan when read as a whole and having taken all other matters into consideration the appeal should be dismissed.

KL Robbie

INSPECTOR

² Annex M of the *Procedural Guide Planning Appeals – England* advises that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.