



Appeal Decision

Site visit made on 15 July 2025

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/H0738/W/25/3364109

Land east of 232 Cotswold Crescent, Billingham TS23 2QN

- 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 Mr M Leck against the decision of Stockton-on-Tees Borough Council.
 - The application Ref is 23/0364/FUL.
 - The development proposed is erection of 10 dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of 232 Cotswold Crescent, with particular regard to noise and disturbance from the access road and parking areas.

Reasons

4. The appeal site comprises approximately 0.24 hectares of land off Cotswold Crescent. It was previously occupied by domestic garage blocks, which were demolished several years ago. Currently, only remnants of the original hardstandings remain, and the area is informally used for parking by nearby allotment holders.
5. The proposal includes widening the existing narrow access track between 232 and 234 Cotswold Crescent, taking part of the garden of No 232. The widened access would cut diagonally across the entire frontage of No 232, bringing vehicle movements within a few metres of its front-facing windows. Additionally, the access road and designated parking spaces for the allotments would extend around the side and rear of the modest garden, effectively surrounding the property with vehicular activity at significantly closer proximity than currently exists.
6. Although the historic garage use did generate vehicle movements, these were likely intermittent and the access did not bring regular traffic into such close proximity with the habitable areas and garden of No 232. The current use by allotment holders results in only occasional, low frequency vehicle movements, typically limited to daylight hours - an arrangement that has remained unchanged for many years.

7. In contrast, the development would introduce 10 residential units, each likely to generate regular daily activity. This would include vehicle movements by residents and visitors, deliveries, and pedestrian traffic. Residential use is inherently more frequent, varied, and less predictable, particularly during evenings and weekends when domestic activity tends to peak. The close proximity of this activity to the windows and garden of No 232 would create a sustained presence of vehicles and people, significantly diminishing the privacy and tranquillity currently enjoyed by the occupiers.
8. While the appellant's noise assessment concludes that predicted sound levels fall within acceptable thresholds under BS8233 and WHO guidelines, such assessments do not fully capture the qualitative experience of noise and disturbance. The frequency of use, proximity, and layout of the access and parking would result in a material loss of residential amenity for the occupiers of No 232 through a combination of noise and visual intrusion. This could not be adequately mitigated through boundary treatments or landscaping.
9. A previous appeal (APP/H0738/W/21/3286194) for a similar development was dismissed, in part due to the impact of the access road on No 232. Although the current proposal seeks to address certain design issues raised in that appeal, the layout of the access road remains largely unchanged. The Inspector in that case found the proximity of the access to the front windows of No 232 to be materially harmful, and that conclusion remains valid.
10. I therefore find that the development would unacceptably harm the living conditions of the occupiers of No 232 through noise and disturbance, contrary to Policies SD5 and SD8 of the Stockton-on-Tees Local Plan (2019), which seek to protect the amenity of existing and future residents.

Other Matters

11. I note that planning officers recommended approval of the application and that no objections were raised by either the highways authority or environmental health officers. However, the planning committee was entitled to exercise its judgement on the planning merits of the scheme, particularly in the context of the previous appeal decision. Residential amenity is a matter of planning judgement, not merely technical compliance, and I concur with the committee's assessment for the reasons outlined above.

Planning Balance and Conclusion

12. Several benefits of the scheme have been highlighted, including the redevelopment of previously developed land, contribution to local housing supply, and provision of smaller units suitable for an ageing population. The site's accessibility to public transport and local services is also a positive factor.
13. However, these benefits do not outweigh the significant harm identified to the living conditions of existing residents. The proposal conflicts with the development plan when read as a whole, and no material considerations have been advanced that would justify a departure from it. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR