



Appeal Decision

Site visit made on 8 April 2019

by **David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2019

Appeal Ref: APP/H0738/W/18/3219100

61 Harlsey Road, Stockton-on-Tees TS18 5DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bainbridge against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 17/2067/OUT, dated 7 August 2017, was refused by notice dated 22 November 2018.
 - The development proposed is described on the planning appeal form as "Outline application with some matters reserved (appearance, landscaping, layout and scale) for 28no. dwellings, associated means of access and demolition of 61 Harlsey Road and 61A Harlsey Road".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application has been submitted in outline with all matters reserved for future consideration except access. I have dealt with the appeal on that basis, treating the provisional layout and house types as indicative.
3. The description of development in the heading above has been taken from the planning appeal form, which differs from that given on the planning application. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. The description does not reflect some of the details submitted with the appeal in respect of the number of proposed dwellings, and I note that the appellant is willing to cap the development at 23 dwellings. The application has been submitted in outline and matters such as layout and scale are reserved for future consideration. Therefore, whilst I have used the description of the development as given on the appeal form, I have been mindful of the comments of the appellant in respect of the number of proposed dwellings.
4. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to determining the planning application, the Council adopted the Stockton-on-Tees Local Plan (LP) in January 2019. The LP superseded the policies referred to by the Council in its reasons for refusal. Whilst the LP was adopted subsequent to the appeal being submitted, the appellant has had the opportunity to comment on the LP and has done so within his final comments. I have therefore considered the appeal

against the relevant adopted policies of the LP and make no further reference to the previous development plan.

5. The Government has published its Housing Delivery Test results alongside the publication of an updated revised National Planning Policy Framework (The Framework) in February 2019. This includes minor revisions including an additional footnote to Paragraph 11. The Housing Delivery Test outcome for the Council indicates that the total number of homes delivered has been above the total requirement for the last three years, which results in no change to the housing position. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of this appeal.

Main Issues

6. The main issues are whether the site would be a suitable location for residential development with regard to:
 - Planning Policy in respect of development in the countryside;
 - Character and appearance;
 - Highway safety and capacity; and
 - Whether sufficient information has been provided in respect of flood risk.

Reasons

Planning Policy

7. With the exception of the proposed access leading from Harlsey Road, much of the appeal site is designated as being within the countryside in the LP.
8. Policy SD3 of the LP sets out the Council's housing strategy including circumstances where new development in the countryside may be supported. The proposal would not meet any of the provisions of Policy SD3(4) with regard to new dwellings in the countryside including criteria such as being essential for a rural based enterprise, the use of heritage assets or redundant/disused buildings, or being of an exceptional quality or innovative design. The proposal would also not meet the provisions of Policy SD3(8) with regards to extensions to a dwelling or the replacement of a dwelling within the countryside.
9. Based on what I have seen and read, the proposal would conflict with Policy SD3 of the LP in respect of the development of housing within the countryside.

Character and Appearance

10. I saw that residential development to the south of Harlsey Road establishes a clear linear form of development. The substantial dwellings extend along a ridge with gardens and open areas leading down the slope towards Hartburn Beck, with open space beyond that. Although there are buildings and other man-made structures within the appeal site, these are of a limited scale and do not detract from the predominantly open character of the site or the strong building line established by the dwellings along Harlsey Road. The site makes a positive contribution to the open character of the countryside and the landscape setting around this settlement.

11. Within this context, the proposal would appear as suburban development extending beyond the well-established building line and down the slope into the countryside setting around the settlement. Whilst the site is not readily visible from the street, the development would be visible from nearby properties as well as from the open space to the south of Hartburn Beck. The proposal would appear as an obtrusive form of development which would detract from the built linear form of the area and the contribution that this area of countryside makes to the setting of the settlement. The set back of the extent of built development from the beck would do little to mitigate this harm.
12. The appellant has referred to commercial development to the rear of Harlsey Road which he considers detracts from the consistency of the linear form of development in this area. However, whilst the commercial buildings project into the countryside beyond the building line, I saw that they are of a low-key and understated character. They do not establish an overriding visual context which would justify the form and extent of residential development which would arise from the appeal proposal.
13. I have had regard to the Landscape and Visual Assessment (LVA) submitted by the appellant, and its conclusion that the overall residual effect on the landscape character will not be significant. However, based on what I have seen and read, I disagree with this conclusion for the reasons stated previously. I also note that the LVA refers to a moderate visual effect being reduced over time as boundary planting matures. However, this planting will take time to establish and even then I am not persuaded that it would mitigate the effect of development on the predominantly open character of this area of countryside.
14. I conclude that the proposal would lead to substantial harm to the character and appearance of this area of countryside and would detract from the built form of the settlement. The proposal would therefore be contrary to Policy SD8 of the LP which seeks to protect the landscape character of the area and reinforce local distinctiveness, amongst other things.

Highway Safety and Capacity

15. Access to the appeal proposal would be enabled by the demolition of a dwelling on Harlsey Road. Due to the limited width of the access point, the footway along the western side would not connect with the footway along Harlsey Road. This would force pedestrians into the carriageway at a point where vehicles would be waiting to exit or making turning manoeuvres. Such an arrangement would be likely to lead to conflict between pedestrians and vehicles to the significant detriment of highway safety. Whilst there may be pedestrian movements across the junction, this would not justify the provision of an inherently inadequate footway which would force pedestrians into the carriageway. Furthermore, the number of proposed units would be likely to lead to a significant number of pedestrian movements along this access, including children, which adds to my concerns on the unacceptable impact on highway safety.
16. I also saw that the width of the carriageway along Harlsey Road is restricted by on-street parking. Therefore, vehicles passing along this road may sometimes have to wait to enable traffic to pass in the opposite direction. However, I also saw that traffic speeds were relatively low and it has been confirmed that the road is subject to a 30 mph speed limit. Whilst I acknowledge that the

proposal would lead to an increase in vehicle movements along this residential street, there is no substantive evidence before me that this would be to a degree where highway safety would be compromised.

17. The Council's Decision refers to insufficient information in respect of cumulative highway capacity. However, the appellant has provided a Trip Generation Statement which indicates that the impacts of the proposed development on the highway network would not be severe, including on the Elton Interchange. I acknowledge that the Trip Generation Statement was based upon 23 dwellings rather than the 28 in the description of development, although the appellant has confirmed that he is willing to accept a cap on the number of dwellings. Subject to a limitation on the number of proposed dwellings, the evidence provided by the appellant leads me to conclude that the proposal would not cause undue harm to highway capacity in the area.
18. Notwithstanding my conclusions in respect of the capacity of Harlsey Road and the wider highway network, I conclude that the proposal would not provide safe pedestrian access and would therefore lead to an unacceptable impact on highway safety. The proposal would therefore be contrary to Policies SD8 and TI1 with regards to public safety and providing safe routes for pedestrians. The proposal would also conflict with the Framework due to its unacceptable impact on highway safety.

Flood Risk

19. The appeal site is primarily within Flood Zone 1, although parts to the south close to Hartburn Beck are within Flood Zones 2 and 3. The appellant has provided an indicative layout showing that the proposed dwellings and the SUDS pond could be located within Flood Zone 1.
20. However, the Council has expressed concern that elements of the proposal may raise issues of flood risk, including ground level changes and supporting structures. This reflects my own observations, where I saw that the sloping topography of the site and the depicted access road may lead to earthworks or other infrastructure within Flood Zones 2 and 3 to facilitate development. There is a significant possibility that such works may raise flood risk issues, including flood storage capacity. I note that the Flood Risk Assessment submitted by the appellant sets out that the site would be at a low residual risk from flooding, but this Assessment does not address the concerns raised by the Council which I consider to be well-founded.
21. I therefore conclude that sufficient information to enable a full assessment of the effect of the development on flood risk has not been provided. The proposal would therefore be contrary to Policy ENV4 of the LP and paragraph 163 of the Framework. Taken together, these require development in Flood Zones 2 or 3 to provide a site specific flood risk assessment to demonstrate that development would be safe over the lifetime of the development, would not increase flood risk elsewhere, and mitigate flood risk through design, amongst other things.

Other Matters

22. In his Appeal Statement, the appellant states that the Council does not currently maintain a 5-year land supply. However, the new LP has been adopted since the submission of the appeal. I am mindful that matters of

housing land supply would have been addressed as part of the examination and adoption of the LP, as set out in the Council Officer's report on the application. This is also reflected in Policy SD2 of the LP which sets out the Council's strategic housing development needs. The Housing Delivery Test referred to previously also indicates that housing delivery has been above the total requirement for the last three years. On the basis of the evidence before me, I conclude that the Council is now in a position to demonstrate a 5-year housing land supply and that the 'tilted balance' of paragraph 11(d) of the Framework is not triggered.

Conclusion

23. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR