

Appeal Decision

Site visit made on 21 February 2017

by David Cross BA (Hons), PGDip, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 March 2017

Appeal Ref: APP/X1355/W/16/3164227

Site east of 3 Gerard Street, Spennymoor, County Durham DL16 6DY

- 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 J Ross against the decision of Durham County Council.
 - The application Ref DM/16/02031/FPA, dated 23 June 2016, was refused by notice dated 15 September 2016.
 - The development proposed is double garage with flat above.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - The living conditions of neighbouring residents and future residents of the proposed flat with regards to privacy, outlook and light; and
 - Highway safety with particular regard to parking provision.

Reasons

Living Conditions

3. The appeal site consists of an open area to the rear of the dwelling of 3 Gerard Street and an adjacent detached dwelling which was under construction at the time of my site visit. The proposal consists of a double garage with flat above located to the rear of the property.
 4. The proposed building would be located in close proximity to the rear boundary of the site, adjacent to 6 Low Grange Court. I saw on my site visit that there is a difference in site levels to the rear, with the appeal site being set higher than No 6. Due to the proximity to the boundary with No 6, the erection of a 2 storey building, albeit one of limited height, would have an oppressive and overdominant impact on the neighbouring property. The building would also be located to the south of No 6 and would therefore result in significant overshadowing and loss of light to the property.
 5. These impacts would be exacerbated due to No 6 being set lower than the appeal site. I acknowledge that the dwelling of No 6 is offset from the proposed building, but I consider that the proposal would be detrimental to the use of the rear garden of No 6 and would also result in a significant loss of light
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to the rear elevation of the dwelling in the evening due to the sweep of the sun from east to west.

6. The proposal would also be located in close proximity to the rear elevation and amenity area of 3 Low Grange Road to the north west. Due to this proximity, the proposal would have an overbearing impact on views from the rear of No 3 and would also lead to overshadowing and loss of light. The bedroom window to the side of the proposal would also enable views directly into the windows of habitable rooms to the rear of No 3, with a resultant loss of privacy to residents of that property as well as the proposed flat.
7. The first floor window for the proposed living area of the flat would also look directly onto the rear elevations of the existing house at 3 Gerard Street as well as the house which was under construction at the time of my visit. Due to the elevated position of the window and the limited separation distance, this would be harmful to the privacy of residents of the adjacent dwellings.
8. Due to the physical constraints of the site, the proposal would result in a building which would represent overdevelopment with resultant issues arising from the proximity of the building to adjacent properties. The proposal would harm the living conditions of adjacent residents as well as those of the proposed flat due to an overbearing visual impact, loss of light, overshadowing and loss of privacy. The proposal would therefore be contrary to Policies D1 and H17 of the Sedgefield Borough Local Plan 1996 (LP) which state that development should take account the relationship to adjacent land uses and provide satisfactory amenity and privacy for new and adjacent dwellings, amongst other things. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for existing and future occupants of buildings.
9. The Council has also referred to Policy D3 of the LP. However, this policy relates to highways matters and I do not consider it is relevant to this particular issue.

Highway Safety

10. The Council's reason for refusal states that the proposal would result in inadequate in-curtilage car parking to meet the requirements of the two dwellings on the site as well as the proposed flat. In response, the appellant states that the proposal would provide 6 parking spaces within the site.
11. However, I saw on my site visit that the site is physically constrained and that the space available for the parking and associated movement of vehicles would be very restricted. Based on my site visit and the evidence before me, I am not persuaded that the 4 external parking spaces depicted on the plans represent viable parking provision due to limited manoeuvring space and conflict with other vehicle movements.
12. I also saw on my site visit that the majority of properties on Gerard Street rely on on-street parking and that due to the limited road width this is only available on one side of the street. Whilst there were on-street parking spaces available at the time of my site visit, I am mindful that I visited the site during the day whereas the peak demand for parking in this residential area would be during the evening and at weekends. I also note that an objection from a local

resident has been received expressing concern about parking congestion in the area.

13. Based on the evidence before me and my observations on site, I consider that existing demand for on-street parking is high due to the number of dwellings on Gerard Street and limited private parking. The proposal would lead to an increase in demand for on-street parking, both as a result of displaced on-site parking and that arising from the extra dwelling. This would lead to an increase in on street parking pressure in the immediate area and would be likely to result in inconsiderate parking to the detriment of highway safety, such as blocking junction visibility or parking on the footway.
14. I therefore find that the proposed development would cause harm to highway safety in the area as a result of an increase in on-street parking. The proposal is therefore contrary to Policies D1, D3 and H17 of the LP which state that development should ensure safe provision for pedestrians, cars and other vehicles including satisfactory means of access and adequate parking. The proposal would also be contrary to the provisions of the Framework with regards to promoting safe and accessible development and requiring good design.

Conclusion

15. I note that the appellant states that the site is in a sustainable location and that there should be a presumption in favour of sustainable development. I acknowledge that the appeal site does provide convenient access to facilities in Spennymoor. However, I consider that the proposal does not comply with the wider definition of sustainability within the Framework, and in particular the social role of sustainability for the reasons outlined above.
16. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal is dismissed.

David Cross

INSPECTOR