

Appeal Decision

Site visit made on 9 May 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/X1355/W/16/3164455

The Rookery, Ashwood Grange, Thornley, Durham DH6 3FA

- 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 George Miller against the decision of Durham County Council.
 - The application Ref DM/16/00598/FPA, dated 1 February 2016, was refused by notice dated 23 September 2016.
 - The development proposed is the erection of a detached house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I initially visited the site on 14 March 2017 on an '*access required*' basis, but was unable to conduct the visit as neither the appellant nor a representative of the appellant was present. The site visit was aborted and a second site visit subsequently arranged and which was carried out on the date indicated above.
3. Although the appellant's grounds of appeal refers to site address as being 'Plot 2' and to the effect of the proposal on plot 3 in respect of amenity space, I note that the submitted site plan¹ show that plots 1 and 2 are located on either side of the appeal site, whilst the proposed dwelling is referred to as plot 5. The Council have confirmed that this is their understanding of the plot numbering. In the absence of express confirmation to this effect from the appellant, I have based my assessment of the proposal on the notations shown on the submitted site plan, which the appellant has confirmed as being the site plan submitted with the application for consideration by the Council.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of future occupiers of the proposed dwelling, and occupiers of the dwelling located to the east of the appeal site, with particular regard to outdoor amenity space.

Reasons

5. Saved Policy 1 of the Easington Local Plan (ELP) requires all new developments to, amongst other matters, safeguard visual and general amenity of existing residents and provide a high standard of design and landscaping. Saved ELP Policy 35 reflects the latter requirement, also seeking to ensure that there is no serious adverse effect on existing occupiers.

¹ Site Plan A1 SK100 Revision A

6. The proposed dwelling (referred to as plot 5¹) would be situated in the area between two existing houses at the southern end of the Rookery and is currently surfaced with gravel. To the site's southern boundary, a substantial brick wall runs across the rear of the site, forming a continuous wall with those along the southern boundaries of the dwellings to the east (plot 2) and west (plot 1).
7. Although the Council state that this area was originally designated as amenity open space area associated with plots 1 and 2, I have no evidence before me to demonstrate that particular relationship and the role of that land is less clear on the ground. At the time of my visit to the site a brick wall runs parallel to the gable elevation of plot 2, physically separating the appeal site from it, save for an opening towards the rear of the wall. The gravelled area is contiguous with the gravelled approach to plot 1, although it is separated from the rear garden of that property by a fence extending from its rear corner to the brick boundary wall that marks the southern extent of the Rookery.
8. Unlike plot 2, the proposed dwelling would not benefit from a longer front garden area, nor would it benefit from the larger rear / side garden that wraps around the rear corner of plot 1. Instead, the appeal property's garden depth would vary between approximately 3.3 metres and 5.7 metres. Although its rear elevation would face due south and would, by virtue of its siting and the shape of the site be relatively wide, the lack of rear garden depth and substantial rear boundary wall would, in my judgement, combine to create an overly cramped and restricted outdoor amenity space out of proportion with the size and scale of the dwelling proposed.
9. It is noted that the whilst there is an existing brick wall running parallel to the gable elevation of plot 2, the proposed plans show a realigned demarcation between the two plots. I am advised that the appeal site was intended to provide amenity space for plots 1 and 2 to compensate for the otherwise limited space at the rear of those plots. Although the realignment of the current demarcation between plots 2 and 5 would provide an additional wedge of land at the side and rear of the former, this would not wholly overcome the awkwardly shaped and cramped space at the rear of plot 2, heavily enclosed by the existing and proposed dwellings, and by the substantial brick wall to the south.
10. I have not been presented with any guidance or documents that seek to set out the Council's approach to appropriate space standards for outdoor amenity space in terms of either area or depth. However, the proposed dwelling would not have the benefit of particularly generous space at the front, whilst to the rear it would be cramped and restricted, lacking depth between the substantial rear elevation of the dwelling and the existing high brick wall. Although the realignment of the demarcation between plots 2 and 5 would create a wedge of land at the side and rear of plot 2, the proposal would nonetheless result in a cramped and restricted area of outdoor amenity space at the rear of plot 2 as a consequence.
11. Thus, on balance, I consider that the lack of depth and cramped nature of the space at the rear of the proposed dwelling, and the implications of the proposal in respect of amenity space at the rear of plot 2, to the east, are such that the proposal would fail to provide the high standard of design and landscaping

sought by saved ELP Policy 1(iv) and would also harm the general amenities of existing occupiers of plot 2, contrary to saved ELP Policies 1(vii) and 35.

Other Matters

12. I note that whilst the Council refer in their Statement of Case to the proposal having a cramped and overdeveloped appearance, this did not form part of their refusal reason. I have not been presented with any further evidence in this respect, and I have not therefore considered this particular matter further.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR