



Appeal Decision

Site visit made on 2 December 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/X1355/W/19/3237123

Garage to the rear of Chapel Court, Newgate, Barnard Castle DL12 8NG

- 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 S Makepeace against the decision of Durham County Council.
 - The application Ref DM/19/01568/FPA, dated 15 May 2019, was refused by notice dated 24 July 2019.
 - The development proposed is for conversion of a garage to a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the Barnard Castle Conservation Area, and
 - the living conditions of future occupiers with respect to the internal and external space, and the living conditions of neighbouring occupiers with respect to privacy, light, outlook and access to outdoor amenity space.

Character and appearance

3. The proposed two-storey dwelling would be constructed by conversion of an existing single storey, pitch roofed garage which sits within a small courtyard accessed from Newgate through an archway. The relatively enclosed and private courtyard is fronted by Chapel Court which contains a small retail unit and five residential flats. Parking bays for several cars are marked out and during my site visit these appeared to be well-used. A detached dwelling at 22A Hole in the Wall sits to the north west of the appeal site. To the rear of the garage is a large former mill which adds to the character and appearance of the conservation area (CA). It has two windows within the gable wall. This building sits around 600 millimetres (mm) from the rear of the garage and from the front elevation, the gap between these two buildings is not obvious.
4. The Heritage Officer does not consider that the proposal would harm the CA as the garage is considered not clearly visible. However, the top part of the appeal building can be seen from the adjacent public car park. From this viewpoint the garage currently blends well with the adjacent and surrounding buildings with the roof ridge sitting directly below the sill of the adjacent building. This subservient position in relation to the building to its rear sitting gives the garage a neutral impact upon the CA.

5. As the appeal site sits within Barnard Castle CA, any development must be considered within the context of S72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the CA. Although no character appraisal has been submitted, the wider area consists of mainly traditional stone-built properties. The more recent Chapel Court development including the garage has been designed to complement this existing character.
6. The proposal would raise the roof of the garage by around 600 mm to accommodate an upper floor. There would be construction of a lean-to style side element and windows to the roof space rooms. Raising the roof height would result in the roof structure cutting across one of the windows of the former mill building. No substantive evidence has been advanced to demonstrate that the impact of this would not harm the relationship between these two buildings. It was evident from my site visit that the windows within the gable wall of the former mill were not original however, they are currently present and, in all likelihood, despite the 600 mm gap between the buildings, would be affected by the proposal both functionally and visually.
7. Paragraph 193 of the National Planning Policy Framework¹ (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a CA, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. The garage within Chapel Court currently has a neutral impact upon the CA. Raising the roof would result in an awkward and incongruous relationship between the proposal and the former mill to its rear. Harm in CAs is not predicated upon visibility from the public domain which in any case may change. However, the altered relationship between these two buildings would be visible from the adjacent public car park, from surrounding properties and from within the courtyard. This would harm the character and appearance of the designated heritage asset. This harm to the significance of the CA would be 'less than substantial'.
8. In accordance with paragraph 196 of the Framework, the public benefit of a proposal must be balanced against any harm found. The proposal would provide an additional dwelling to the local housing supply and the presence of additional residents would increase surveillance within the courtyard. However, these would be modest benefits. It is also contended that the proposal would enhance the CA through the design and finish of the dwelling which would remove the large garage door on the front elevation. However, although this may be of benefit when seen from within the courtyard, the predominant public views from within the neighbouring car park would be of the roof and its awkward relationship with the former mill. Therefore, in accordance with paragraph 196 of the Framework, the public benefits of this proposal would not outweigh the harm to the CA.
9. The proposal would not preserve or enhance the character of the CA due to the incursion of the proposed roof, across the neighbouring window. This would conflict with Policy GD1 of the Teesdale District Local Plan 2002 (Local Plan). This policy seeks that proposals have a high standard of design and are in keeping with the character and appearance of the area in terms of its layout,

¹ February 2019.

the setting of neighbouring buildings and adjoining uses. The proposal would also conflict with Policy BENV4 of the Local Plan which requires development to respect the quality and character of the CA.

Living conditions

10. The proposed dwelling would have a maximum ceiling height of 2.1 m throughout. Allowing for light fittings, this would be further reduced. Within the upstairs bedrooms, this height would be constrained due to the sloping roof with this maximum ceiling height only available in the central part of the room. Access to the beds and any other furniture would be within lower parts of the rooms and this would harm and constrain the living conditions of future occupiers. The Technical Housing Standards – National Prescribed Space Standards (2015) (the Housing Standards) advocate a ceiling height of 2.3m. Although the space standards have not been adopted within Council policy, they do provide a guide. Additionally, the Council has cited a recent appeal decision² for a residential dwelling with a similar proposed ceiling height. This appeal was dismissed and the Inspector's views regarding ceiling height concur with my findings within this appeal.
11. The housing standards require a minimum gross internal floor area for a two bedroom, two-storey dwelling of 70 sqm for a three-person dwelling. Any area with headroom of less than 1.5 m is not included. The Council state that the floorspace would equate to 64 sqm and the appellant has not provided any evidence to the contrary. This would limit available space and it is unclear where storage space would be accommodated. This would be particularly evident within the upstairs bedrooms where the ceiling height would be constrained. The floor area would be less than the housing standards advocate and this supports my conclusions. The low level of available floorspace combined with the limited ceiling heights throughout the proposed dwelling would not provide suitable living conditions for three or four occupiers.
12. The proposal would result in the raised garage roof encroaching over the window of the former mill building. Occupants of this building would reasonably expect to retain their unhampered outlook and access to light. Although there would be a 600 mm gap between the roof and the window, the proposal would in all probability affect their outlook and light levels. The appellant suggests that the use of the former mill building does not require a view to be taken from this window. No evidence has been submitted to support this view and in any case, use can change over time. Consequently, the proposal would harm the living conditions of occupiers of the former mill building.
13. A condition has been suggested to alter the roof design from a gable to a hipped design which would mitigate the increased roof height by increasing the space between the proposed roof and the former mill building. However, this proposed amendment would not reflect the double gable to the rear and the predominant gable roof profiles generally characteristic of the buildings surrounding the courtyard. This would therefore not be a more acceptable option.
14. The position of the windows on the north side of the proposed dwelling would affect the privacy of occupiers of 22A Hole in the Wall. This would be due to overlooking of their rear garden and the proximity of respective first floor

² APP/X1355/W/19/3225676.

windows which would be 13 m apart. The appellant contends that this room would only be used as a bedroom however, this would still be a habitable room. The appellant also draws my attention to the small size of the neighbouring property's windows. However, I have no evidence that these are not habitable rooms and that privacy would not be affected. It has been suggested that the proposed windows could be obscure glazed however, this would affect the living conditions of future occupiers leading to a feeling of enclosure particularly when taken in combination with the limited ceiling height and floorspace. Therefore, although the properties are within a relatively built up area where some overlooking would be expected, the relative proximity of the habitable room windows would harm the living conditions of the occupiers of 22A Hole in the Wall.

15. The Council contends that the proposal would decrease the available outdoor amenity space within the courtyard from 57 sqm to 40 sqm and this would affect existing occupiers of the flats and future occupiers of the proposed dwelling. The layout plan for planning application ref. 6/1991/0134/DM shows the planning function of the area for clothes drying. The garage building was subsequently constructed within this area under application ref. 6/1993/0335 and the appellant claims that use of this remaining area by residents is discretionary. I do not have sufficient evidence upon which to determine this matter but in any event, within the context of my findings on other main issues, this matter is not determinative.
16. The proposal would harm the living conditions of future occupiers with respect to internal floor space and ceiling height. It would also affect the living conditions of occupiers at 22A Hole in the Wall and the former mill to the rear of the garage. This would conflict with Policy GD1 of the Local Plan with respect to the proposal's design; scale; layout; conflict with adjoining uses, and levels of amenity for occupants.

Other Matters

17. It is noted that no objections have been received from the occupants of the former mill or 22A Hole in the Wall. However, both ownership and use of properties may change over time. In any case, the lack of objection from an occupier is a neutral factor which does not weigh for or against the proposal.

Conclusions

18. The principle of residential development at the appeal site is acceptable and the proposal would add to the housing supply. It would be constructed from appropriate materials and has the support of residents of the neighbouring flats. However, the harm to the character and appearance of the CA and the effect of the proposal on the living conditions of future and neighbouring occupiers, outweighs these benefits. The proposal therefore conflicts with the Local Plan policies when taken as a whole.
19. For the reasons stated above the appeal is dismissed.

E Symmons

INSPECTOR