
Appeal Decision

Site visit made on 11 February 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th March 2020

Appeal Ref: APP/X1355/D/19/3243584

35 Uppertown, Wolsingham, County Durham DL13 3ET

- 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 Peter Cook against the decision of Durham County Council.
 - The application Ref DM/19/02550/FPA, dated 6 August 2019, was refused by notice dated 1 October 2019.
 - The development proposed is removal of a garden wall and terracing and alterations to the existing steps to create 2 off road parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Issue

2. The County Durham Plan has been submitted to the Secretary of State for examination, however at this early stage of the process I agree with the Council that I can afford it little weight and have considered the appeal on that basis.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the Wolsingham Conservation Area (WCA).

Reasons

4. The appeal property is an attractive stone, semi-detached house set at an elevated position above the road, behind a garden formed of a series of terraces which step down to a stone wall, topped with railings which forms the boundary of the site with the highway.
5. On this side of the street one of the key visual qualities of the area is the strong linear feature that the stone walls that front these properties at the back edge of the road creates.
6. The properties on this side of the street in the main do not have independent vehicular accesses which also adds to the clear delineation between the properties and the road.
7. I consider the current property makes a positive contribution to the character of this part of the WCA, being part of a traditional pattern of development, with other properties set in a similar building line with front gardens and stone walls or walls with railings.

8. I accept that the property immediately to the south is at odds to this pattern being gable end on to the street, but this does not detract from the clear character of the frontage walls on the edge of footpath.
9. The effect of the development would be to create a gap in the wall and provide two parking spaces. Despite the intention to reuse the materials from the wall to create the retaining wall behind the proposed parking spaces this gap would be at odds with the street pattern and harm the appearance of the street and consequently harm the WCA.
10. I consider the degree of harm from the proposal would be less than substantial when considered in the context of paragraph 196 of the Framework. In such cases the harm needs to be balanced against any public benefits the development might bring, and I consider this further below.
11. The appeal scheme would therefore be contrary to the Wear Valley District Local Plan (1997) Policies BE1, BE5 and BE6 which seek to ensure development within conservation areas is undertaken in a way which preserves or enhances the character or appearance of the area.

Other Issues

12. The appellant considers that the development would allow off street parking and consequently improve highway safety. I have been provided with limited evidence in respect of the highway benefits which might arise. The appellant indicating cars have been damaged whilst parked on the street and the Council describing the road as 'a relatively quiet piece of road'.
13. I accept that my site visit was a snapshot in time, but I found despite on street parking outside the appeal site the limited traffic that there was, was not significantly impeded. On this basis, the modest public benefit of removing parked cars from the highway and the private benefit which would arise by the creation of the parking spaces would not be of such weight as to overcome the harm I have identified.

Conclusions

14. I therefore conclude that the proposed development would harm the character and appearance of the WCA and the appeal should be dismissed.

Edwin Maund

INSPECTOR