The Planning Inspectorate

Appeal Decision

Site visit made on 29 January 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2020

Appeal Ref: APP/X1355/W/19/3232557
51 Whinney Hill, Durham DH1 3BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Hope Estates against the decision of Durham County Council.
- The application Ref DM/19/00649/FPA, dated 27 February 2019, was refused by notice dated 16 May 2019.
- The development proposed is a wrap-around extension and internal alterations to existing dwelling, new shared gated and new gravel surface to existing car parking.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - The effect of the development proposal on the character and appearance of the host property, with particular reference to its bulk and scale; and
    - The effect of the development proposal on the living conditions of neighbouring occupants within the cul-de-sac in respect of noise and disturbance.

Reasons

Character and Appearance

3. The appeal property is a 2-storey end terraced dwelling currently used as a House in Multiple Occupation (HMO). It is located on a corner plot at the bottom of a short cul-de-sac in the residential area of Whinney Hill in Durham. I understand that the dwellings in the neighbourhood date back to the inter-war years when they were built to accommodate those working in the nearby Durham Prison. The plot lies within the City of Durham Conservation Area and is also close to the University of Durham.

4. The terrace which includes the appeal property comprises 4 dwellings and lies across the end of the cul-de-sac looking towards the entrance. There are two further terraces of 4 dwellings arranged at right angles to the end terrace and facing each other. Between the end of each of these terraces and the entrance to the cul-de-sac is a pair of semi-detached dwellings. The dwellings in the cul-

de-sac are each of red brick construction at the ground floor and are harled at first floor level.

5. Part of the rear garden of the appeal property is used as an area for car parking with access to a nearby road known as The Hallgarth via a narrow track. I understand that the track is a public thoroughfare. It affords clear views of the side and rear of the appeal dwelling.

6. The appeal proposal comprises the erection of a 2-storey side and part rear extension, a single-storey part rear extension, some internal reconfiguration and the laying of a gravel driveway to the rear. The extension would be constructed of materials to match the existing walls and roof. The 2-storey element would have a pitched roof and the single storey element would have a gently sloping roof. The proposal would be set down from the ridgeline of the existing roof and would be set back from the front elevation. Although the dwelling is in a Conservation Area, I note that there were no adverse comments from the Council's heritage officer.

7. The extension would facilitate the provision of 5 new additional bedrooms and a shower room. It would also allow the installation of a kitchen / diner / lounge almost twice as large as that which currently exists. 4 of the existing bedrooms would be removed such that the net effect of the changes would be an increase in the level of provision from 6 to 7.

8. The end terrace block is framed by the gaps between it and the 2 neighbouring terraced blocks. I consider that the character and appearance of the appeal dwelling is inextricably linked with the gap between it and No. 50. This gap comes into view almost immediately as one enters the cul-de-sac.

9. Because the extension would be set back from the front elevation and set down from the roof ridge, it would look subordinate and subservient to the host dwelling when viewed from the front. Nevertheless, although it would be subservient it would still materially reduce the gap between it and No.50 when viewed from the cul-de-sac. Consequently, it would look conspicuous, and would jar with the host dwelling.

10. In coming to this view, I realise that the dwelling at the other end of the same terraced block (No 54) has also been extended at the side such that it has filled much of the gap between it and No 55. Nevertheless, the design of that extension has ensured that the symmetry of the block has largely been preserved.

11. Because of its scale and design the 2-storey side and rear extension would be clearly visible to those passing along the track behind the dwelling. The wraparound element would almost entirely conceal any sign of the original dwelling. Furthermore, when seen from the track the extension would incorporate a roof line projecting at right angles to the existing one towards the rear. This would also jar with the lines of the dwelling as it currently stands and, again, would result in a rather awkward, incongruous structure that would look out of place. This would harm the character and appearance of the dwelling.

12. By contrast, by virtue of its relatively modest scale, its design and its position, the single storey element of the rear extension would not look out of place. To

those passing by it would be almost unnoticeable. It would not detract from the appearance of the original building.

13. During my visit I saw that some of the dwellings within the neighbourhood had been extended, including at least 2 within the cul-de-sac. I have also been referred to drawing plans for an approved extension within the neighbourhood.

14. Each planning application, of course, is treated on its own merits. Nevertheless, whilst 2 of the dwelling extensions referred to me (Nos 17 and 20 Whinney Hill) appeared to be of similar scale and design to the appeal proposal none appear to have been constructed on a corner plot where I consider the visual impact to be greater. Consequently, I do not accept that these other extensions are directly comparable to the appeal proposal and I therefore afford them limited weight.

15. For the above reasons, I find that the proposed development would cause harm to the character and appearance of the host dwelling, in particular with regard to bulk, scale and design. It would therefore fail to accord with Policy H9 and Q9 of the City of Durham Local Plan 2004 (LP) which seek to ensure that proposals for the extension of dwellings and HMOs protect the scale and character of the original building. Finally, I find that the proposal conflicts with the advice set out in Paragraph 127(b) of the National Planning Policy Framework (the Framework) that new development should be visually attractive and well designed.

Living Conditions

16. The pattern of development within the cul-de-sac is quite compact. The front gardens are quite small and the road separating them, and the dwellings, is narrow. There is only limited space for car parking. Indeed, I noted during my visit that the cars parked at the top of the cul-de-sac were facing the entrance, suggesting that they had probably been reversed down the road because of the obvious confines of the turning head.

17. A number of local residents expressed concerns about the level of noise that might be created were the proposal to be approved. It would be possible to condition any approval with a requirement for enhanced sound insulation within the dwelling and this might help resolve some of the concerns over possible noise problems, in particular those raised by the neighbouring occupant at No 52.

18. However, it would not deal with concerns expressed by the Council concerning noise generated within the curtilage of the dwelling. I understand that many of the dwellings within the neighbourhood are occupied by students and that this has led to some problems concerning late night noise. Based upon the evidence in front of me, I consider that there is an issue of noise and disturbance within the cul-de-sac.

19. Whilst I accept that the proposal would only lead to one additional person occupying the dwelling, this would still increase the level of pedestrian footfall within the cul-de-sac. This would aggravate the existing problems which I have identified above. Because of the tight confines of the cul-de-sac these problems would adversely affect the living conditions of neighbouring occupants in respect of noise and disturbance.

20. Furthermore, there is concern that were the proposal to be approved there would be sufficient floorspace to permit the addition of at least one more bedroom through the reconfiguration of internal dividing walls. This could be achieved without the need for planning permission. This is a factor that further reinforces my view that the development would diminish the living conditions of neighbours.

21. The property would be managed by a firm of agents operating from a nearby office. This would make it easier for the agents to speak to the tenants directly in the event of any serious problems reported by neighbours. However, I am not persuaded that it would have any significant effect on the low level, day-to-day problems that tend to arise with occupants of HMOs such as the late-night arrivals of taxis and the failure to manage waste collection properly. These problems individually and collectively significantly affect the living conditions of neighbours.

22. Notwithstanding my findings on the above points, however, the design of the proposed extension would not harm the living conditions of the occupants of No. 52. The part immediately adjacent to the boundary is single storey and so would not be overbearing. Nor does it contain any side windows that would overlook the adjacent garden.

23. I also note that the additional space within each bedroom and the improved communal facilities created by the proposal would enhance the living conditions of the occupants of the appeal dwelling and allow the premises to comply with HMO standards. These findings help support the proposal, but they would not overcome the harm that I have found.

24. For the above reasons I find that the appeal proposal would fail to provide for the adequate living conditions of neighbouring occupants. It would therefore be contrary to Policy H9 and H13 of the LP which seek to ensure that proposals for multiple occupancy dwellings and other developments do not harm the living conditions of neighbouring occupants. I also find that the proposal fails to accord with the advice given in paragraph 127(f) of the Framework that new development should provide for a high quality of living standards for current and future occupants.

Other Matters

25. I have not based my decision on the contents of the Council's Interim Policy on Student Accommodation since it was not cited in the Council's reasons for refusal and is not therefore a matter of dispute between the two main parties.

Conclusions

26. For the reasons set out above the appeal is dismissed.

William Walton

INSPECTOR