
Appeal Decision

Site visit made on 4 June 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2020

Appeal Ref: APP/X1355/W/19/3243000

Land to the North of 2 Arthur Terrace, Bishop Auckland DL14 6BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Angela C MacDonald against the decision of Durham County Council.
 - The application Ref DM/19/01767/OUT, dated 8 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is an outline application for the erection of up to a maximum of 2 dwellings with all matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was in outline with all matters reserved. A plan has been submitted as part of the appeal which indicates how two dwellings could be accommodated on the site. I have taken this plan into account for indicative purposes only.
3. I have taken the site address from the Council's decision notice as this is a more accurate description of the location of the site.

Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the area and 2) the living conditions of the occupiers of surrounding properties and the proposed dwellings.

Reasons

Character and appearance

5. The appeal site comprises a pair of single storey garages which are attached to the end of a terrace of two storey properties. The appeal site is located in a predominantly residential area that is characterised by terraces of two storey properties with associated back yards and back lanes. From the information before me, the appeal site is the same width as two of the existing plots to the rear and is marginally narrower than two of the existing plots on the terrace to which the existing garages adjoin.

6. The indicative plan shows two dwellings of a similar footprint and plot size to the existing dwellings in the area. These existing dwellings are typical of terrace housing in many urban areas, and although characteristically of a higher density, they do not appear overdeveloped, cramped or constrained.
7. The indicative layout shows an almost identical arrangement with the dwellings to the rear of the site that form the end of Frances Terrace, and in turn, their arrangement in relation to the dwellings on Short Terrace. The indicative layout would appear as a natural continuation of the existing terrace and would by no means be out of character with the surrounding area.
8. I therefore conclude that the proposed development would not have an unacceptable impact on the character and appearance of the area. It would comply with the requirements of Saved Policies GD1 and H24 of the Wear Valley District Local Plan (1997) that development is in keeping with the character and appearance of the area in which it is to be situated; and it has regard and is appropriate to the setting of neighbouring buildings of the surrounding areas; and that proposals reflect the density and character of the locality.

Living conditions

9. As outlined above, the development is proposed in a dense urban area that is predominantly formed by two-storey terraced properties. The indicative layout shows that a similar arrangement in relation to separation distances could be achieved with surrounding properties. Such an arrangement would not be in strict accordance with the distances that are outlined in Saved Policy H24 of the Local Plan or those contained in the Residential Amenity Standards SPD. However, they would be consistent with the prevailing separation distances in the area which are not wholly inappropriate to maintain satisfactory levels of daylight, sunlight, outlook and privacy. Given this context I consider that in this instance it would be unreasonable to rigidly apply the separation distances contained in the above policy documents and I therefore conclude that development of the site would be able to achieve acceptable separation.
10. Similarly, the indicative layout shows a comparable arrangement to the surrounding properties in terms of private amenity space. Such an arrangement would not be in strict accordance with the amenity and garden space standards that are outlined in Saved Policy H24 of the Local Plan or those contained in the Residential Amenity Standards SPD. However, they would be consistent with the dominant size of amenity space in the area, with the SPD identifying that site-specific circumstances may allow for a reduction in size. Again, given this context I consider it would be unreasonable to rigidly apply the amenity space/garden size contained in the above policy documents and conclude that the development of the site would be able to accommodate an acceptable amount of private amenity space.
11. The appeal site sits adjacent to 4 Arthur Terrace. This is an end terrace property with an existing gable wall containing a window overlooking the appeal site. There is nothing before me to state whether this window is to a habitable room such as a bedroom, or a non-habitable room such as a landing or bathroom, nor is there any indicative plan to demonstrate that the living conditions of the occupants, in relation to outlook, levels of daylight and sunlight would not be unacceptably harmed.

12. I am therefore not able to conclude that the proposal would not have an unacceptable impact on the living conditions of this property. It would therefore be contrary to the requirements of Saved Policies GD1 and H24 of the Wear Valley District Local Plan (1997) that development does not conflict with adjoining uses, and guidance contained in the Residential Amenity Standards SPD (2020) that development does not result in a significant loss of outlook or light for occupiers of existing dwellings.

Other Matters

13. The appellant outlines that they are merely seeking to establish the principle of residential development at the site, in an apparent suggestion that matters in dispute could be considered at the reserved matters stage. The application subject to the appeal is not of the type outlined in the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 where the scope of the first stage is to establish whether a site is suitable in principle for residential development solely in relation to location, land use and amount of development.
14. An outline planning permission is the planning permission. Decision makers must be satisfied that a proposal which is granted outline planning permission is capable of being delivered without causing harm to issues of acknowledged importance. As I have found that I am unable to conclude that the scheme would not harm the living conditions of existing residents, outline planning permission should not be granted.
15. The lack of objections from neighbours or internal consultees are not considerations that outweigh the harm caused by the development.

Conclusion

16. Although I have found there would be no harm to the character and appearance of the area, I find that it has not been demonstrated that the proposal would not have an unacceptable impact on the living conditions of the occupants of 4 Arthur Terrace.
17. Therefore, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR