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## Appeal Decision

Site visit made on 4 August 2020

**by M L Milliken BA(Hons) MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9 September 2020**

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**Appeal Ref: APP/X1355/W/20/3249982**

**Land Rear 85 Newholme Estate, Station Town, Wingate, Co. Durham  
TS28 5EW**

- 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 Percy Stephenson against the decision of Durham County Council.
  - The application Ref DM/19/03321/FPA, dated 10 October 2019, was refused by notice dated 24 March 2020.
  - The development proposed is described as 'domestic garage (retrospective)'.
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### Decision

1. The appeal is allowed and planning permission is granted for proposed domestic garage at Land to the Rear of 85 Newholme Estate, Station Town, Wingate, Co. Durham TS28 5EW in accordance with the terms of the application, Ref DM/19/03321/FPA, dated 10 October 2019, and the plans submitted with it, subject to the following conditions:
  - 1) The development shall be undertaken in accordance with the full details as shown on drawing Ref. Ryder Architects Plan 1R1 (as amended and showing two garage doors on the front elevation).
  - 2) Within 3 months of the date of this permission, a scheme of landscaping to the boundary with Newholme Estate shall be submitted to the Local Planning Authority for approval, and following approval, shall be implemented within an agreed timeframe in accordance with the details as approved and be retained thereafter.
  - 3) The building hereby approved shall be used for no purpose other than as a domestic garage and shall not be occupied as a residential dwelling or otherwise be used as habitable space.

### Procedural Matter

2. From undertaking my site visit, it was clear that there is a building present on the appeal site. The proposed development is described as retrospective involving retention of a domestic garage, however it was clear from my site visit that the building constructed is materially different to that shown on the drawing as submitted, publicised, and upon which the Council made their decision, particularly in relation to the garage doors, as constructed. Furthermore, it is acknowledged by the appellant that minor works would be

required for the existing building to accord with the submitted plan for a domestic garage.

3. For the purposes of this appeal, and for the avoidance of doubt, I am therefore basing my decision upon the formal details shown on the drawing submitted and involving creation of a domestic garage as proposed on those terms.

### **Main Issues**

4. The main issues are:

- (i) The effect of the proposed development on the living conditions of existing and future occupiers, with particular regard to outlook; and
- (ii) The effect of the proposed development on the character and appearance of the surrounding area, with particular regard to countryside encroachment.

### **Reasons**

#### *Living Conditions*

5. The appeal site is located on land adjacent to Newholme Estate, beyond the edge of the existing settlement boundary. Newholme Estate contains a number of two-storey dwellings. The garage building would be situated close to the property to which it would relate, Sapphire Cottage, although it is accepted that it would not sit within the existing curtilage of this building, by virtue of existing physical boundaries present between the two sites. It would, nonetheless, be located within close proximity to Sapphire Cottage and vehicles would therefore utilise the existing internal access road, as per the existing situation.
6. The building would be used as a domestic garage and therefore appear visually as a secondary building within the townscape. I have had regard to the separation distances cited by both parties in their evidence, together with the guidance documents provided and my site visit, particularly in relation to dwellings closest to the appeal site. It is noted that the rear elevation of No. 83 Newholme Estate faces the rear elevation of the proposed garage building, and that the plot also contains a detached garage, which serves to limit direct visibility between No. 83 and the appeal building.
7. With regard to No. 84 Newholme Estate, I note the presence of an existing boundary fence, which provides an element of screening between the single storey section of that particular property and the appeal building. I also note that there appears to be no third party objection in relation to the effect of the proposal on outlook. Furthermore, I am confident that any residual effect on living conditions can be mitigated through the provision of appropriate landscaping to be secured by condition, should I be minded to allow the appeal.
8. I note the Council's evidence with regards to separation distances between existing properties within Newholme Estate and the appeal building, including references to Appendix 6 of the Easington District Local Plan (EDLP) (adopted 2001) and the County Durham Plan Residential Amenity Standards Supplementary Planning Document (SPD) (adopted 2020). From the evidence before me, it appears that, since determination of the application, Appendix 6 of the EDLP which referred to, in part, the importance of protecting the privacy,

outlook and spacing around dwellings has now been superseded and that guidance contained within the recently adopted SPD is not considered to be relevant. I am also mindful that the proposed building is a garage and not a dwelling, as referred to within the now superseded Appendix 6. Therefore, whilst I have had regard to the various documents presented, this does not affect my starting position in assessing the proposal against relevant adopted development plan policy, nor my conclusions in that regard.

9. Given the position and scale of the building, I do not consider that there would be an adverse effect on the living conditions of existing and future occupiers, with particular regard to outlook, as a result of the proposed development gaining permission. For the reasons given, the proposal would accord with saved Policy 35 of the EDLP (2001), which seeks to ensure that, amongst other things, proposals have no serious adverse effect on the amenity of people living within the vicinity of a development site, in terms of visual intrusion. For the same reasons, I also find no conflict with Paragraph 180 of the National Planning Policy Framework (the Framework).

#### *Character and Appearance*

10. The appeal site is located on land adjacent to Newholme Estate. It is surrounded by existing built development and paddock, with agricultural land beyond.
11. The proposed garage building would only comprise a single storey, to be constructed out of traditional red brick, with a grey tiled roof. As such, I consider that it would be in keeping with existing built development within the local area, particularly within Newholme Estate. Although physically separated from the property to which it would relate, it is clear from the description of development, together with its physical form and character, that it is a secondary building and not a residential dwelling. In addition, the presence of detached garages within the local area does not appear to be an uncommon feature, as also acknowledged by the Council.
12. The Council asserts that the building introduces urban sprawl, however from my site visit it is clear that there are a number of buildings and structures present beyond the boundary of Newholme Estate, including Sapphire Cottage. Whilst the proposed garage would sit beyond the former built development line of Newholme Estate and some distance from the highway, by virtue of its scale, design and location, the proposed domestic garage would not resemble a dwelling but would appear as a characteristically secondary building, and would therefore not introduce urban sprawl or encroachment into the countryside.
13. In conclusion, the proposal would not have an adverse effect on the character and appearance of the surrounding area. For the reasons given, the proposal would therefore accord with saved Policies 1,3 and 35 of the EDLP (2001), which seek to, in part, protect the countryside from encroachment and ensure that developments respect local character. For the same reasons, I also find no conflict with Paragraphs 124 and 127 of the Framework.

#### **Other matters**

14. Whilst I note references to Paragraph 11 of the Framework, the starting point for decision making in this instance is the development plan. I have found the development plan to be consistent with the Framework and thereby consider it

to be up-to-date. I have also found that the proposed development accords with the plan as whole, with specific regard to the policies as cited.

15. I attribute very little weight to references made to issues relating to the construction of an access from the B1280, associated with an existing planning permission for an adjacent dwelling, as these issues are not directly relevant to the determination of this appeal, which relates to a proposal for a domestic garage. References to nearby unlawful structures and other planning applications within the vicinity of the appeal site are noted, however as they are not considered directly relevant to this appeal I attribute very little weight to the examples provided.
16. The appellant has also drawn my attention to recent appeal decisions APP/X1355/C/19/3240887, APP/X1355/C/19/324088 and APP/X1355/W/19/3240785. Whilst noting that these decisions include matters relating to the merits of the existing building on site, I do not find these decisions to be inconsistent with the conclusions I have reached with regards to the planning merits of the current appeal.

### **Conditions**

17. I have had regard to submissions from both parties regarding suggested planning conditions.
18. Whilst the building erected on site is different for the purposes of this decision and minor works are required to ensure that it accords with the plan as submitted, it was clear from my site visit that the development has commenced and therefore I have not imposed the standard time limit condition in this regard.
19. In the interests of certainty, I have imposed a condition requiring accordance with the specific plan as cited, to ensure compliance in this regard.
20. Following examination of the evidence, in order to mitigate any residual adverse effects with regards to living conditions, I have imposed a condition requiring details of landscaping to the boundary with Newholme Estate to be submitted to the Council for approval, prior to implementation and subject to retention thereafter.
21. I do not consider that the condition proposed by the Council in relation to construction management and tree protection is necessary or proportionate, given the minor nature of the outstanding works required in order for the building to accord with the plan as submitted.
22. With reference to the Council's suggested highway condition, I do not consider that the condition is relevant to the proposal or necessary in order for the proposal to be acceptable.
23. Lastly, and following examination of the evidence, I have imposed a condition restricting the use of the building, to accord with the stated purpose as a domestic garage. I consider this condition to be necessary in the interests of certainty and to reasonably ensure that the building is not utilised for any other purpose which has not formed the basis of my decision, including that of residential accommodation.

## **Conclusion**

24. For the reasons set out, I conclude that the appeal should be allowed.

*M L Milliken*

INSPECTOR