

Appeal Decision

Site visit made on 5 August 2021

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2021

Appeal Ref: APP/X1355/W/21/3276130

Site west of Western Cottage, Whitesmocks, Durham DH1 4HN

- 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 Glendinning against the decision of Durham County Council.
 - The application Ref DM/20/03811/FPA, dated 18 December 2020, was refused by notice dated 6 April 2021.
 - The development proposed is a detached dwelling and garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in July 2021. The main parties have been provided opportunity to comment on this.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area and whether the proposal would provide acceptable living conditions for occupants of the proposed and surrounding dwellings.

Reasons

Character and appearance

4. The appeal site contains a single-storey garage and workshop building of commercial appearance, located within a residential area that is predominantly characterised by substantial dwellings in spacious gardens. The appeal site is walled off from the rear garden of Western Cottage, which is smaller than most other gardens in the area. The effect of the proposal would be to, firstly, replace the appeal site buildings with a new dwelling and comparatively small garden and, secondly, reduce the size of Western Cottage's rear garden.
5. The existing buildings on the appeal site form part of a well-established brownfield site, with clearly defined boundaries and dedicated vehicular access. However, the proposed plot layout makes ineffective use of what is already a very limited area of land; even with a comparatively small dwelling footprint, the parking, turning and garden areas would involve taking in of part of Western Cottage's existing garden. Consequently, both the existing and proposed dwellings would have comparatively small private gardens.

6. Indeed, the proposed rear garden of Western Cottage would be many times smaller than most of the other dwellings in the immediate area, notwithstanding that it would retain its larger, but more public, front garden. Furthermore, the proposed dwelling would have a significantly higher building-to-plot ratio than most of the surrounding plots. Whilst two cottages to the north, on Long Garth, also have comparatively small gardens, these are not typical of the area to which the appeal site primarily relates. As a whole, the proposal would adversely affect the development pattern, and hence the character and appearance, of the surrounding area.
7. A group of existing large trees between Western Cottage and the appeal site are likely to need to be felled to facilitate the development. Nonetheless, this group principally comprises somewhat overgrown and unmanaged conifers that do not contribute in any significant way to the character of the area. Their loss would not be harmful in this regard. Hedgerows removed to facilitate widening of the shared access could be adequately replaced alongside the new access, thereby mitigating initial adverse effects.
8. The proposal represents a form of backland development. However, the shared access driveway currently serves some six individual access points and, as a result, the driveway already has the characteristic of an access road serving backland development. Consequently, in this respect, the impact of the proposal would not be inappropriate. That the proposed dwelling is designed to reflect the varied dwelling designs in the area is not disputed.
9. Overall, the proposal would have a significant adverse effect on the character and appearance of the surrounding area. The proposal conflicts with policies 6 and 29 of the County Durham Plan (2020) (CDP), policies S1 and H3 of the Durham City Neighbourhood Plan (2021), and the Framework. Together, these require new development to contribute positively to the character and form of the settlement and not result in inappropriate backland development. No conflict arises with policy 40 of the CDP, which seeks to prevent loss of trees and hedges that make a positive contribution to the locality.

Living conditions

10. The daylight to, and outlook from, the southern window of the proposed open plan living space would be restricted by proximity to the boundary. However, this would be offset, firstly, by the longer internal views across the open plan space to the large eastern window. Secondly, two western windows would provide the open plan space with additional light sources as well as ensuring double aspect views into private garden space, despite its small size.
11. The positioning of the rooflight for the second bedroom would be horizontally aligned with the dormer window for the main bedroom, suggesting that adequate outlook would be available. The proposed third bedroom is some 7 square metres with a width of some 1.8 metres. This falls slightly short of the Nationally Described Space Standards; however, I note that those minimum requirements have not yet been adopted by the Council. Even so, whilst the layout of the room is narrow, it is also long, and could adequately accommodate the furniture and manoeuvrability necessary for a single bedroom, particularly if the smaller, northern window was omitted by condition.
12. Any noise or disturbance generated by the comings and goings at the proposed dwelling is, assuming normal and reasonable residential use, unlikely to be

significantly greater than that of the existing garages or former workshop, even if the existing use of these is no more than incidental to the residential use of Western Cottage. Consequently, the living conditions of surrounding residential properties would not be adversely affected by the proposed residential use. Whilst the widening of the shared access road would bring vehicles slightly closer to Western Cottage than at present, the impact of a relatively low number of additional traffic movements would be limited, particularly if replacement boundary treatments were to be planted or erected.

13. Overall, the proposal would provide acceptable living conditions for occupants of the proposed and surrounding dwellings, complying with policies 6, 29 and 31 of the CDP and the Framework. Together, these require that development should not have unacceptable impact on living conditions.

Other matters

14. That the access to the site has been agreed by the highways authority does not outweigh my above finding of harm.

Conclusion

15. I have found that the proposal would have a harmful effect on the character and appearance of the area, contrary to the development plan as a whole. This is not outweighed by the lack of harm to living conditions for occupants of the proposed and surrounding dwellings, or any other considerations. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR