



Appeal Decision

Site visit made on 9 November 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th November 2021

Appeal Ref: APP/N1350/W/21/3280869

Land to rear of 1 and 1a Stockton Road, Darlington DL1 2RZ

- 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 Ms Barbara Dewing against the decision of Darlington Borough Council.
 - The application Ref 20/01231/FUL, dated 26 January 2021, was refused by notice dated 14 May 2021.
 - The development proposed is erection of 1 no. residential dwelling with car parking spaces and associated amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Amended plans were submitted prior to the determination of the application by the Council showing the pedestrian access onto Stockton Road via a shared garden and alleyway between numbers 1 and 3/3A Stockton Road. I have considered the appeal on the same basis.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the setting of No 53 Haughton Green, a grade II listed building and the character and appearance of the Haughton-Le-Skerne Conservation Area and the surrounding area.
 - The effect of the proposal on highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site comprises an area of unused garden land situated to the rear of numbers 1 and 1A Stockton Road. The land is overgrown and has been subject to fly tipping in the past. The site is situated within the Haughton-le-Skerne Conservation Area (CA). The rear garden of No 53 Haughton Green, a Grade II listed building is situated to the west, separated by an area of garden land. The surrounding area is predominately residential with some commercial uses on Haughton Green and Stockton Road.

5. The Haughton-Le-Skerne CA was designated in recognition of it being an attractive linear village with a long, narrow village green following the tree lined road. The CA was subsequently extended to include the physical and visual setting of the village where it contributes to the character and appearance of the area, including the appeal site.
6. Haughton-le-Skerne Conservation Area Character Appraisal and Management Plan (CAMP) (2014) defines the special interest of the CA as its "high rural village qualities, its village green and close links to the River Skerne and surrounding green landscape". It identifies the contrast between the tightly packed small, terraced properties on the eastern side of the village and the larger more spacious properties on the western side as contributing to the significance.
7. The CAMP highlights that many of the older properties on the northern side of Haughton Green have long, narrow gardens and small front gardens. It identifies that the loss of garden land to the north of Haughton Green has already caused some harm to the character of the Conservation Area, although enough remain to evidence original Burgage plots. It identifies that the remaining garden land may come under pressure for garden land development and that further loss will be resisted through the planning process.
8. There is disagreement as to whether this section of Stockton Road and the rear gardens form part of the original medieval Burgage plots. The appellant considers that Stockton Road extends north away from the village and does not form part of the village green and that as Stockton Road was not developed until the 1890's it is clearly not medieval. However, I note that the public house immediately opposite the appeal site is known as No 88 Haughton Green and has the characteristic grass verge. Indeed, the pattern of long gardens to the rear of Haughton Green continue along this section of Stockton Road.
9. However, whilst there may be some uncertainty as to whether the appeal site forms part of the medieval Burgage plots; the CA boundary was, nevertheless, extended to include this garden land. Furthermore, the gardens provide an important sense of permeability to the CA when viewed from Rose Lane and in glimpses from along Stockton Road. The gardens also form an important part of the 19th century development and the physical and visual setting of the CA. Hence, they make an important contribution to the character and appearance of the CA.
10. The appeal site is over-grown, and a breeze block wall has been erected onto Rose Lane to prevent fly-tipping. This section of Rose Lane is a single width, unmade road which is characterised by the boundary treatment of the rear gardens backing onto it and a sense of openness by virtue of the gardens and vegetation within them. Outbuildings are situated within rear gardens, some of brick construction with corrugated sheet roofing and some of a less permanent structure.
11. Whilst the site is over-grown the open, undeveloped nature of the garden contributes to the sense of space which is characteristic of the garden land in this location. Indeed, the openness of this area provides an important contrast to the tighter urban grain of the frontage development. Consequently, despite its overgrown nature, the appeal site contributes to the character and appearance of the CA and the surrounding area.

12. Situated perpendicular to Rose Lane, the dwelling would be 1.5 storeys with its own private amenity space and two off-street parking spaces. The appellant considers that due to the scale of the building and as only the gable end of the building would be visible from Stockton Road that the dwelling would have a subservient, outbuilding appearance.
13. However, at 1.5 storeys the proposal would be higher than most of the outbuildings along Rose Lane. Furthermore, the large, almost ground to eaves windows on the front elevation, vertical windows on the side elevation and the roof lights would result in a building of a clearly residential nature. Moreover, due to the layout in a separate plot with parking and domestic paraphernalia, the proposal would appear as a detached and self-contained dwelling as opposed to an outbuilding. The proposal would be a departure from the prevailing, traditional pattern of frontage development in the CA.
14. The proposal would be visible in glimpses from Stockton Road, from the car park to the rear of No 61 Haughton Green and from the rear windows of properties along Stockton Road. The proposed access would also open up views of the dwelling from Rose Lane. Whilst there has been some development to the rear of Haughton Green, such as Rymer's Court, this does not mean that the remaining open space should be developed.
15. Overall, I consider that the loss of the characteristic garden land combined with the incongruous nature of the proposal at odds with the traditional pattern of development would harm the character and appearance of the CA and the surrounding area. This harm would be less than substantial.
16. No 53 Haughton Green, a Grade II listed building is situated to the south west of the appeal site. The listing description identifies the house as being of two builds, the left part being late 18th Century and the right part probably earlier. The front of the building is enclosed by a very small garden and low wall abutting the pavement. The long garden to the rear creates a sense of openness which contrasts with the formal appearance of the front elevation. The long, rear garden, therefore, makes a positive contribution to the setting of the listed building.
17. The garden is situated around 10m to the west of the appeal site separated by another section of overgrown land. I acknowledge that there are outbuildings to the rear of No 53 which would limit views of the proposal from the windows in the rear elevation of No 53. However, the setting of the listed building is defined as the surroundings in which a heritage asset is experienced and the open land to the rear of Haughton Green and Stockton Road would have formed part of the wider setting of No 53 at the time it was built. Despite the recently constructed fencing to the garden of No 53, there would be a degree of intervisibility between the garden and the appeal site. The proposal would undermine the openness of the rear gardens and detract from the setting of No 53, although I accept that this harm would be limited and less than substantial.
18. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or

development within its setting. Paragraph 202 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.

19. The appellant contends that the proposal would tidy up this area of overgrown land; however, the area could be improved by other means. It is also suggested that the proposal would provide an active frontage and surveillance to Rose Lane and reduce the opportunity for fly tipping. However, there is already a good degree of surveillance by virtue of the rear windows of dwellings which back onto both sides of Rose Lane. Furthermore, the lane is well used to access garages to the rear, people walking dogs and as a short-cut through to Welbeck Avenue.
20. The proposal may make a contribution, albeit very limited, to housing supply in a sustainable location; however, the Council indicate that they have a five-year supply of housing. Collectively these benefits would not outweigh the permanent and irreversible harm to the character of the CA and the setting of No 53.
21. Furthermore, there are a number of long gardens behind Haughton Green and Stockton Road which back onto Rose Lane. I acknowledge that any proposals for development in those gardens would be considered on their own merits and that No 53 is listed. Nevertheless, if the appeal were to be allowed it would make it difficult for the Council to resist similar developments in the locality and the cumulative impact would have a harmful impact on the CA.
22. For the reasons stated, the proposal would fail to preserve or enhance the character and appearance of the CA and the setting of No 53 Haughton Green, the desirability of which I am required to have special regard and attention and to which the Courts judge I am required to give considerable importance and weight. Furthermore, the proposal would harm the character and appearance of the surrounding area.
23. It would, therefore, be contrary to Policies CS2, CS14 of Council's Core Strategy 2011 and Policy H13 of the Local Plan (1997) which collectively seek to achieve high quality, sustainable design, promote local character and distinctiveness, protect and enhance buildings, their settings and features of historic and archaeological local importance in Conservation Areas and resist backland development which would conflict with the scale and character of the surrounding development.

Highway safety

24. Rose Lane is adopted only up to No 16 Rose Lane. Beyond this the road is a track with no pedestrian footway, drainage or street lighting. Whilst in poor condition it provides access to rear gardens and garage buildings to the rear of Haughton Green and Stockton Road. Under a previous application for No 1a Stockton Road the appeal site was supposed to provide off-street parking for 3 parking spaces; however, these do not appear to have been implemented.
25. In terms of vehicular access, I acknowledge that Rose Lane already serves existing garages on Rose Lane and that one additional dwelling would generate minimal traffic. I am also aware that planning permission was granted for this

to be a parking area associated with No 1A Stockton Road. Considering this, the proposal would not have a materially harmful impact in terms of vehicular highway safety.

26. However, the Council is concerned that the proposal would not provide a safe, convenient access for pedestrians, cyclists, public transport users or disabled persons as Rose Lane does not have a footway. The appellant has amended the plans to show a pedestrian link directly onto Stockton Road via a shared garden and alleyway between Nos 1 and 3/3A Stockton Road. There is no reason why this could not be utilised so long as the link is kept available for use by the occupants at all time. A condition to this effect could have been applied had I been minded to allow the appeal.
27. Furthermore, I noted on my site visit that Rose Lane is well utilised by residents of Stockton Road and Welbeck Lane to access garages, for dog walking and to use the pedestrian link through to Welbeck Lane. The proposal would not, therefore, have a materially harmful effect on pedestrians, cyclists, public transport users or disabled users.
28. For the reasons stated, I conclude that the proposal would not have a harmful effect on highway safety and would, therefore, accord with Policy CS2 of the Council's Core Strategy (2011).

Planning balance and conclusion

29. The Council has indicated that it has a five-year supply of housing land; a matter not disputed by the appellant. The proposal would make a contribution, albeit limited, to housing land supply. It would also have some economic benefits in the short term during the construction phases and in the longer term as residents may help to support local services. The proposal would also help to tidy up the site, although this could be achieved by other means.
30. I have concluded that the proposal would not harm highway safety; however, this is a neutral factor in this case. I also acknowledge that the proposal would have some benefits; however, these would not outweigh the significant harm which I have found in terms of the effect of the proposal on the character and appearance of the CA and surrounding area and on the setting of the Grade II listed building. There are no material considerations which would indicate a decision other than in accordance with the development plan.
31. For the reason stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector