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# Appeal Decision

Site Visit made on 17 November 2021

**by Richard Newsome BA (Hons) MTP MRTPI**

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

**Decision date: 20 December 2021**

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**Appeal Ref: APP/X1355/D/21/3282650**

**29 Derwent Street, Stanley DH9 8AX**

- 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 Mrs Michelle Cook against the decision of Durham County Council.
  - The application Ref DM/21/02269/FPA, dated 20 June 2021, was refused by notice dated 17 August 2021.
  - The development proposed is a wooden shed in front garden.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Permission is sought retrospectively for the development described above.

## Main Issues

3. The main issues are i) the effect of the development on the character and appearance of the area, and ii) the effect on the living conditions of neighbouring residents at No 30 Derwent Street with particular regard to outlook and daylight.

## Reasons

### *Character and Appearance*

4. The residential area is characterised by brick faced terraces. They share common origins and are arranged to a planned layout. A strong building line is therefore evident and contributes to the ordered and consistent character and appearance of the area. Dwellings typically have front gardens adjacent to footpaths, with open areas of land beyond. As opposed to rear highway-facing yards which generally accommodate outbuildings and domestic paraphernalia, front gardens are typically open with only a small proportion being enclosed, mostly by low level fences. Thus, the area has a distinctive ordered, spacious, and open character.
5. The shed, set to the front of No 29, is typical in its design and materials for a domestic setting. I also acknowledge that there is some variety in the area in terms of boundary features and planting as certain properties have been modified over time. Nevertheless, the shed is discordant because of its materials and substantial form, both of which jar with the traditional materials and lightweight fencing typically found here.

6. Moreover, in terms of its siting, the shed clearly detracts from the front building line and sits unduly prominently and awkwardly in its context. Whilst I noted a conservatory to the front of a dwelling on the opposite side of the open area of land from the appeal site this does not justify the presence of the shed and its disruption to the established layout of the area described above.
7. For these reasons I conclude that the development harms the character and appearance of the area. This is contrary to Policy 29 of the County Durham Plan (2020), and the Council's Residential Amenity Standards Supplementary Planning Document (2020) which, amongst other things, require that development associated with residential dwellings is sympathetic to the existing building and the character and appearance of the area.

### *Living Conditions*

8. The shed protrudes from close to the frontages of No 29 and No 30 Derwent Street along the edge of the shared footpath providing access to the two dwellings to part of the front boundary of the front garden of No 29. Whilst the shed is typical in design with a shallow single pitched roof, as set out above it is nevertheless set in a discordant location.
9. As a consequence, the occupants of No 30 have a solid and imposing boundary treatment in close proximity to their dwelling, where openness is a characteristic feature of the area. This causes a sense of dominance and enclosure, adversely affecting outlook from the ground floor windows of No 30. Therefore, due to the proximity, scale, and height of the development in relation to the ground floor windows at No 30 the development harms the living conditions of occupants of the neighbouring dwelling in respect of outlook relative to that which would be a reasonable expectation in this location.
10. The introduction of the development has had some darkening effect on the frontage of No 30 at the ground floor level. However, I consider that the effect of the development upon levels of daylight at No 30 is limited given the orientation of the terrace, the height of the development, and the relative location of the principal window at ground floor level of the dwelling. Overall, whilst there has been some effect upon levels of daylight to the ground floor windows at No 30, I find that the effect is not unacceptable.
11. Notwithstanding my finding in respect of daylight, I conclude that the development detrimentally impacts the living conditions of occupants of No 30 in respect of outlook. It therefore fails to comply with Policies 29 and 31 of the County Durham Plan (2020) and the Council's Residential Amenity Standards Supplementary Planning Document (2020), which taken collectively, require that development should provide high standards of amenity and not unacceptably impact on living conditions, including those of occupants of existing adjacent properties.

### **Other Matters**

12. I note the appellant's comments that a lot of time and money has been spent in erecting the shed to a high specification to provide secure storage. However, in light of the foregoing it is not sufficient to outweigh my overall conclusion regarding the unacceptability of the proposed development.

## **Conclusion**

13. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Richard Newsome*

INSPECTOR