



Appeal Decision

Site visit made on 24 May 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2022

Appeal Ref: APP/X1355/W/22/3293668

2 Cragdale Villas, Dalton-Le-Dale SR7 8QR

- 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 Garreth Gaydon against the decision of Durham County Council.
 - The application Ref DM/20/03194/FPA, dated 20 October 2020, was refused by notice dated 24 August 2021.
 - The development proposed is described as the "erection of a new dwelling within land of 2 Cragdale Villas."
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are:
 - i. Whether or not future occupiers would have satisfactory access to facilities and services
 - ii. Whether or not the appeal scheme would provide satisfactory living conditions for future occupiers, with particular regards daylight.

Reasons

Access to services

3. Policy 6 of the County Durham Plan refers to development on unallocated sites, such as the appeal site. Detailed criterion f, referred to in the decision notice, requires that new development "has good access by sustainable modes of transport to relevant services and facilities and reflects the size of the settlement and the level of service provision within that settlement".
4. Dalton-Le-Dale is not an insubstantial settlement but nonetheless there are limited services within the settlement and no public transport options on Dene Road that runs through the settlement. The appellant and Council have referred to bus stops to the outskirts of the settlement, a short walk from the appeal site. I saw at the site visit that that the bus services stopping here provided reasonably frequent access to nearby settlements and the services and facilities there.
5. Furthermore, I note that there is a good pavement including streetlights alongside Dene Road that links Dalton le Dale with Seaham. However, as a

result of the distance between the settlements and the steep incline into Seaham, it is undoubtedly not a leisurely walk or cycle.

6. Referring to sustainable development of housing in rural areas, the National Planning Policy Framework states that “development in one village may support services in a village nearby”¹.
7. The appeal scheme is for a single dwelling located on a site within the existing village. Based on the evidence before me I am satisfied that this is reflective of the size and level of services within Dalton-Le-Dale.
8. Policy 6 f. does not define what constitutes ‘good access’, the appeal site benefits from walking and cycling opportunities and nearby bus services that provide access to surrounding settlements. On the basis that the appeal scheme consists of a single dwelling, it is my planning judgement that in this context the appeal site benefits from good access by sustainable modes of transport.
9. As such, I find that the appeal scheme is not contrary to Policy 6 of the County Durham Plan.

Living conditions

10. The appeal site accommodates a number of large, in proportion to the size of the site, trees and is generally of a somewhat overgrown appearance.
11. The Tree Protection Plan (TPP) submitted in support of the appeal shows that the dwelling would be located within or in close proximity to the existing and predicted crown and canopy growth and root protection areas of a number of trees. I saw at the site visit that the site slopes upwards, away from Dene Road and the proposed location of the dwelling. Consequently, in addition to being located in close proximity to the proposed dwelling, some trees would be located at a different level.
12. The proposed dwelling is shown on the TPP as having ground floor, first floor and rooflight windows that would likely be affected by shading from the trees in the future. The plans show that the extent of the “predicted future growth of canopy” would envelope the part of the front elevation and almost all of the rear elevation.
13. I do not have any substantive reasoning behind the “predicted future growth of canopy” or how the construction of the dwelling would influence future spread. The appellant accepts² that the size of trees on the site “are an issue” and “pruning works will be inevitable”. No detailed analysis or description has been provided as to the suggested “occasional pruning” or the effect this would have on the trees.
14. Furthermore, it is stated that “light penetration into the windows will be an issue” and suggests roof lights and large windows as a solution. While I note the use of roof lights the windows shown on the submitted plans do not appear to be larger than normal and as such offer limited compensation for the anticipated shading.

¹ Paragraph 79. National Planning Policy Framework

² All About Trees letter dated 3 May 2021

15. For the reasons detailed above I find that it has not been demonstrated that the appeal scheme would provide satisfactory living conditions for future occupiers, with particular regards daylight. Furthermore, on the basis of the evidence before me it appears that the appeal scheme would inevitably lead to future demands to prune or indeed fell the trees on the site.
16. Thus, the appeal scheme is contrary to County Durham Plan policies 39 and 40 that, amongst other matters, seeks to protect the landscape from unacceptable harm and ensure that new development does not result in the loss of or harm to trees, specifically including a requirement to maintain appropriate separation distance between new development and trees.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR