

Appeal Decision

Site visit made on 23 June 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/N1350/W/22/3295999

63 Woodland Road, Darlington, DL3 7BQ

- 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 DACR DESIGN against the decision of Darlington Borough Council.
 - The application Ref 20/01213/FUL, dated 14 December 2020, was refused by notice dated 22 February 2022.
 - The development proposed is described as the "Demolition of garage block (four garages) and construction of 1 No. two bed residential dwelling (Class C3) incorporating the existing two storey dovecote, and the creation of a courtyard/garden."
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that in the course of determining the application the proposals were altered and the description was changed, with the agreement of the parties, reflecting the changes to the proposed development in particular the reduction from 2 dwellings to 1.

Main Issues

3. The main issue is whether or not the appeal scheme creates appropriate access to the site, with particular regards to pedestrians and people with mobility issues.

Reasons

4. Policies IN1 and IN2 of the Darlington Borough Local Plan are relevant to the appeal scheme and are referred to in the Decision Notice. The policies require, amongst other matters, that new development provides permeability and connectivity for pedestrians, is well connected with each other and with existing transport networks and to provide suitable access and facilities particularly for people with mobility issues.
5. The appeal site is located in a rear lane, referred to as Woodland Road South Back on the submitted site location plan. The site is accessed along a narrow and unlit cobbled lane, without the benefit of a footpath, that also provides access to a number of other properties.

6. It is not at dispute between the parties that the site is in close proximity to public transport and a range of service and facilities. However, future residents of the appeal scheme would have no option but to travel along Woodland Road South Back to join with the wider transport network to access the services and facilities.
7. The appellant has identified a number of issues regarding the Council's preferred option of providing a footpath, lit by streetlights, along Woodland Road South Back to the appeal site. Nonetheless, the appellants alternative of the use of Woodland Road South Back as a shared surface would result in pedestrians, cyclists and vehicles sharing an unlit section of carriageway.
8. I have no substantive evidence before me to suggest that the lighting on Vane Terrace in combination with the proposed porchway light at the proposed dwelling would adequately illuminate the highway for the varied users.
9. Both parties have referred to examples of developments where footpaths are provided and are absent. I do not find that the examples provided are determinative in this instance.
10. The use of this unlit back lane as the only access to the appeal property, in the absence of any appropriate provision for pedestrians, would inevitably lead to conflict between pedestrians and vehicles.
11. I therefore find that it has not been demonstrated that the appeal scheme would create appropriate access to the site, with particular regards to pedestrians and people with mobility issues. Thus, the appeal scheme is contrary to Policies IN1 and IN2 of the Darlington Borough Local Plan.

Other Matters

12. The appeal scheme consists of an additional residential dwelling and as such has the potential, either alone or in combination with other development in the area, to result in the deterioration of water quality to due additional nitrogen input from wastewater discharge and thus have a significant effect on the environmentally sensitive Teesmouth and Cleveland Coast Special Protection Area.
13. The Habitats Regulations require that permission may only be granted after having ascertained that the development will not affect the integrity of the habitats site.
14. The appellants, while acknowledging the issue, refer to the fact that the application was determined prior the issue being raised by Natural England and that this should be given significant weight in the determination of the appeal.
15. Be that as it may, no measures have been put forward by the appellant to mitigate the effects of the proposed development nor has it been indicated that they are prepared to undertake the necessary assessment or other detailed work necessary to resolve this matter.
16. In any event, there are other reasons why this appeal should not succeed and the outcome of any such assessment would not change my findings in respect to the main issue.

Conclusion

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

Mr M Brooker

INSPECTOR