



Appeal Decision

Site visit made on 9 August 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2022

Appeal Ref: APP/X1355/W/22/3297590

Holly Lodge, 4 Front Street, Burnhope, Durham DH7 0DL

- 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 Ainsley Harrison against the decision of Durham County Council.
 - The application Ref DM/21/03366/FPA, dated 23 September 2021, was refused by notice dated 7 December 2021.
 - The development proposed is conversion of stable block to dwelling including single storey extension, new access, and a detached single storey garage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of stable block to dwelling including single storey extension, new access and a detached single storey garage at Holly Lodge, 4 Front Street, Burnhope, Durham DH7 0DL in accordance with the terms of the application Ref DM/21/03366/FPA, dated 23 September 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan received 12th October 2021; Proposed Elevations and Section received 24th September 2021; Proposed Elevations received 24th September 2021; Proposed Site Plan received 24th September 2021; Roof Layout Plan received 24th September 2021; Proposed Alterations Plan received 12th October 2021.
 - 3) Notwithstanding the details shown on the submitted application, the external building materials to be used for the conversion of the existing building and detached garage shall match the existing building.

Preliminary Matters

2. I have taken the description from the appeal form as this more clearly reflects the proposed development. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the appeal site is a suitable location for the proposed development having regard to development plan policy and the character and appearance of the area.

Reasons

4. Holly Lodge is a substantial detached property facing Front Street. It is one of several individually designed detached properties on the northwest side of the street on the entrance to Burnhope broadly from the west.
5. Front street is a wide road with dwellings to both sides facing the street. Generally, properties on the southeast side of Front Street are smaller with the built form of the village behind. To the northwest adjacent to the appeal site plots are larger and border open countryside.
6. Policy 6 of the County Durham Plan (2020) (CDP) permits development on sites not allocated which are either within the built-up area or outside a built-up area, but well-related to a settlement, subject to compliance with other relevant policies and a number of criteria.
7. I observed at my site visit that the appeal site is in proximity to the services and facilities within the village and I see no reason to take a different view to the Council in its pre-application advice that the appeal site is adjacent to the built-up area of the village. Therefore, the appeal site complies with Policy 6 (ii) as it is outside the village but well-related to it.
8. In terms of Policy 6 the Council does not draw attention to conflict with any criteria other than criterion b which seeks to ensure that development does not contribute to coalescence with neighbouring settlements, would not result in ribbon development, or inappropriate backland development. In this case, the Council considers the proposal to be inappropriate backland development.
9. There is a linear character to the dwellings facing Front Street adjacent Holly Lodge because of the similar building line of properties and the consistent position of the front boundary treatment. Nevertheless, there are buildings to the rear of most of the dwellings that are visible from the road frontage. Whilst not many of these rear buildings are in separate residential use, the buildings are notable structures that extend the depths of the residential plots. The buildings mostly have a domestic character and contribute to the street scene.
10. The former stable block is an L-shaped brick-built structure with a tiled pitched roof. It is set behind Holly Lodge and separated from it by the rear garden boundary to the Lodge. The structure is at a lower level, but it is visible from the road frontage in the gap between the frontage dwellings. A separate, vehicle access to the building has been recently constructed in the location shown on the appeal plans.
11. The overall proportions of the stable building would be little altered by the extension. The erection of a separate garage would not notably change the appearance of the site and the use of the land around the building for separate residential purposes would not be prominent or incongruous with the land uses to either side. There is a wide variety of house types and boundary treatment to the frontage dwellings and against these the access arrangements would not be out of place. Whilst I accept that the existing building is in a backland location, the proposed use of it as a dwelling would not be out of character with its surroundings or inappropriate in its context.
12. The Council does not find conflict with any other relevant development plan policies, including those relevant to the design of the development, highway safety and the living conditions of adjacent occupiers.

13. I appreciate that Stone Cottage, a dwelling in a backland location near to the appeal site, was granted planning permission under policies in the former development plan. However, this does not affect my conclusions about the character and appearance of the area.
14. Consequently, I conclude that the appeal site is a suitable location for the proposed development having regard to development plan policy and the character and appearance of the area. The proposal would accord with Policy 6 of the CDP. It would also be consistent with the National Planning Policy Framework (the Framework) which seeks to boost the supply of houses whilst ensuring development is sympathetic to local character.

Conditions

15. The Council has provided a list of suggested conditions and the appellant has had the opportunity to comment on these.
16. In addition to the standard implementation condition, it is necessary to refer to the approved drawings in the interests of certainty. To achieve a satisfactory appearance, it is necessary to attach a condition to ensure that the materials used match the existing property.
17. The Council's suggested condition requiring details of the access arrangement is not necessary as I find that these are adequately detailed on the drawings. The appeal site is in an area with a variety of building designs, therefore the removal of freedoms to carry out small scale domestic alterations that would otherwise not require planning permission is not reasonable or necessary in the interests of amenity or to comply with the design requirements of Policies 29 and 31 of the CDP.
18. Although not suggested by the Council, the consultation response from the Nuisance Action Team seeks a condition to protect future occupiers from nearby road traffic noise. However, the appeal site is set back from the road frontage and there is no evidence that future occupiers living conditions would be affected by road noise, therefore a condition requiring noise mitigation measures is not reasonable or necessary. Nor is a condition restricting the construction phase of the development to certain times necessary or reasonable given the site circumstances.

Conclusion

19. For the reasons given above, I conclude that the proposal would accord with the development plan. Therefore, the appeal is allowed subject to conditions.

Diane Cragg

INSPECTOR