



Appeal Decision

Site visit made on 10 January 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2023

Appeal Ref: APP/N1350/W/22/3308051

219 Carmel Road North, Darlington DL3 9TF

- 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 Simon Cavanagh against the decision of Darlington Borough Council.
 - The application Ref 21/01134/FUL, dated 29 September 2021, was refused by notice dated 7 April 2022.
 - The development proposed is the erection of a 3 bedroom bungalow with access from Pennine Close in rear of existing garden of 219 Carmel Road North.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of occupiers at 16 Pennine Close, with particular regard to outlook and light;
 - a tree covered by a tree preservation order (TPO); and
 - the Teesmouth and Cleveland Coast Special Protection Area.

Reasons

Character and appearance

3. The appeal site forms part of the large rear garden of 219 Carmel Road North. It can be accessed from Pennine Close, which is a residential cul-de-sac comprising of detached and semi-detached dwellinghouses of similar appearance and materials, which creates a strong character. The proposal would be predominantly read within the Pennine Close street scene.
4. Whilst the proposal would be finished with pale brickwork, thus giving a level of continuity with No 219, this would not reflect the predominant material within Pennine Close. That being said, the appeal site is positioned in a discrete part of the close which likely experiences very limited people passing by. Rather than seeking to be an extension to the close, the proposal would clearly be read as a standalone building from any limited glimpses which may be achieved from the wider public realm.

5. However, from closer viewpoints, the proposed dwelling would clearly have a very substantial footprint, which would project well beyond the front elevation of the adjacent property. It would also fill much of the width of its plot, thus considerably eroding the current sense of space to this part of the street scene. Its prominent roof design would exacerbate its uncharacteristic linear form. These factors combined would result in a dwelling which is disproportionate in scale and massing in terms of its plot and would fail to reflect the arrangement and layout of built form in this locality.
6. Accordingly, the proposal would harm the character and appearance of the area and would conflict with Policy DC1 of the Darlington Local Plan 2016-2036 (February 2022) (the DLP) which seeks to ensure that developments respond positively to local context.

Living conditions

7. The proposed dwelling would be positioned within close proximity to windows on the north elevation of 16 Pennine Close. I note that two windows on the ground floor serve a toilet and utility room, and the first floor window is obscurely glazed and serves a bathroom. As such, these are not considered main habitable rooms, from which a satisfactory outlook would be expected.
8. However, the remaining ground floor side window is finished in transparent glazing and serves a living room. I note that it is one of two windows serving this room and that the outlook from it is largely dominated by the adjacent boundary fence. Nevertheless, the fence is lower than the top of the window, thus providing an outlook towards an expansive open space with trees beyond.
9. Due to the proposal's substantial mass and scale, and projection beyond the front of No 16, it would be readily apparent from both the side and the front window of the affected living room. It would fill the length of the gap between the front of No 16 and its detached garage, thus significantly reducing the currently good sense of space. Whilst a non-habitable room, it would also be visible from the aforementioned utility room.
10. As such, the proposal would have an overly dominant presence within the ground floor of No 16 and there would be very little respite from its overbearing effects. It would also considerably reduce the amount of natural daylight reaching the affected living room, due to its scale and close presence. Its reduced eaves and ridge level would fail to overcome these concerns.
11. The proposal would also be experienced from the front first floor bedroom window of No 16 nearest the appeal site. However, given its height and design, and as it would be at an obscure angle, the proposal would not significantly harm the outlook from this window, given that a wider outlook could be gained by virtue of being at the first floor.
12. Consequently, the proposal would harm the living conditions of occupiers at No 16. It would conflict with Policy DC4 of the DLP which requires new development to be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings.

Protected tree

13. Within the corner of the appeal site is a mature and dominant tree (T1). The submitted Tree Survey & Arboricultural Impact Assessment (the AIA) states

that its condition is good and that it has a considerable life expectancy. The AIA also notes that surface roots are visible, which aligns with my observations. T1 contributes positively to the spacious and verdant setting of the appeal site and to the wider area.

14. The AIA states that the proposed dwelling has been sited to avoid trees and root protection areas (RPA). However, no consideration has been given to the hardstanding of the turning head of the proposed development, a considerable amount of which would be within the RPA of T1.
15. Given the above, I am concerned that the proposal would result in harm to the protected tree, thus it would be contrary to Policy H8 of the DLP which advises that a limited scale of backland garden development may be acceptable providing it does not have a significant adverse impact upon existing trees, amongst other things.

Teesmouth and Cleveland Coast Special Protection Area

16. The evidence indicates that the appeal site is within the Teesmouth and Cleveland Coast Special Protection Area (the SPA). I note the appellants concerns that this matter was not raised during the course of the planning application and thus the reason is unfair. This is not a matter for me within the context of this appeal. Nevertheless, the appellant would have had an opportunity to consider and respond to this matter prior to submitting the appeal.
17. Regardless, as I am dismissing the appeal for other reasons there is no need for me, as the competent authority, to carry out an assessment on the likely significant effects of the proposal on the SPA or explore the necessity for undertaking an Appropriate Assessment and secure mitigation where required. Even had I done so and found the proposal to be acceptable in this regard, such a finding would not have affected my overall conclusion on this appeal.

Conclusion

18. The proposed development would make a contribution to local housing supply. It would provide a dwelling in an existing residential area close to a range of shops and services. It would create temporary employment opportunities and there would be associated spending in the local area on subsequent occupation of the dwelling. However, given the small scale of the development, I afford limited weight to these benefits. Any benefits arising from the sustainability credentials of the proposal would also be limited.
19. The proposal would harm the character and appearance of the area, the living conditions of neighbouring occupiers and a protected tree. Accordingly, the proposal conflicts with the development plan when taken as a whole and the other considerations do not indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR