



Appeal Decision

Site visit made on 9 January 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2023

Appeal Ref: APP/X1355/W/22/3309642

Land to the North of 2 The Paddocks Hawthorn, Durham SR7 8SL

- 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 J Seymour against the decision of Durham County Council.
 - The application Ref DM/21/02983/FPA, dated 23 August 2021, was refused by notice dated 13 May 2022.
 - The development proposed is Erection of 2no. dwellings, associated access and amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form did not provide a full site address only easting and northing references. I have therefore used the address from the appeal form.
3. The site is outside of the Hawthorne Conservation Area (CA), the boundary runs roughly along the rear of the built development and gardens at West View and The Paddocks. The Grade II listed Church Hall at 1,2,2A, West View is to the west of the appeal site. I have therefore had regard to the statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issue

4. The main issue is the effects of the proposed development on the on the character and appearance of the area.

Reasons

5. The appeal site comprises pasture land, which has a boundary with a wider field. This extends into the open countryside. The site is also located adjacent to The Paddocks (a residential cul-de-sac) and then other residential properties within the village of Hawthorn which front the road West View. Towards the final side of the site, is a watercourse. The topography of the site, and wider paddock slopes down towards this, where there are also various landscape features. Beyond this there is an unnamed local road. This runs roughly parallel with the site, and at the time of my site visit the appeal site was clearly visible from this road.
6. The site lies within the Council's East Durham Limestone Plateau landscape character area and within an Area of High Landscape Value (AHLV). I note the contents of the appellant's Landscape Appeal Statement. The appeal site is but one part of the wider AHLV designation, to try and apply an assessment of the

characteristics of the larger area to one smaller part, as the appellant has done seem to me unhelpful in the context of a wider landscape designation evaluated within the County Durham Landscape Value Assessment (CDLVA) 2019 in accordance with recognised practices. In any case whether or not the boundaries of the AHLV are justified, to my mind the site contributes to the rural setting of the village with a strong scenic, visual and physical connection to the open countryside. In addition, at my site visit I observed that historic field pattern did appear to reflect the elongated field system, identified by the Council as associated with medieval tofts, which also contributes positively to the villages rural setting and historic conservation interest.

7. There is a large garden to the side of No 2 The Paddocks (No 2) separated by a domestic fence. There is also a large gap to the rear of the properties fronting West View, and substantial vegetation at the rear of this forms a very soft natural edge to the village which contributes to its setting. Therefore, the proposal, whilst following the same building line as No 2 would not be sited up close to the existing built form. As such the uncharacteristic separation gap would result in the proposed development appearing detached from the immediate village. Notwithstanding that landscape features would not be lost, the associated landform changes in places, and introduction of buildings of substantial scale within large plots and a driveway would harmfully and incongruously encroach into the countryside affecting setting of the village.
8. I acknowledge that the development would not be prominent in distant public views. The rooflines of the proposed development would be set below existing properties and screened at points by vegetation. However, it would be visible from sequential points along the unnamed local road that runs adjacent to the site and views from the road at The Paddocks. Despite the boundary vegetation, oblique views and existing built form of nearby housing, the proposal would bring development closer to the unnamed local road and The Paddocks, and therefore would be more prominent. The resultant development would be a noticeable and materially harmful change in the appearance of the site particularly from these locations, and to a lesser degree footpath 9 to the north of Hawthorn.
9. The Council has explained that the previous development at The Paddocks falls within the footprint of an agricultural holding that was on site prior to the redevelopment. This is demonstrated in aerial photographs provided within the appellant's heritage statement. Thus, the effects of the proposed development including the proposed layout and location would represent a new incursion into the undeveloped countryside. The limited wider visibility and mitigation provided by seasonal vegetation screening would not be sufficient to mitigate the above effects on the immediate rural character and setting of the village.
10. I appreciate that my site visit was at a time when vegetation around the site was not in leaf. However, for part of the year there would be more than glimpses of the appeal site and the proposal would also still be visible from the nearby dwellings and gardens. These views allowed appreciation of the changing landform and the association of the site with the countryside beyond the setting of the village. In any event, although the adverse effects may be localised the Council's policy requirement for development to be compatible with character and setting is not limited to that which is visible in the public views.

11. Therefore, I find that the proposal would harm the character and appearance of the area and consequently would not conserve or enhance the AHLV. The proposal would be contrary to Policy 6, 29 and 39 of the County Durham Local Plan 2020 (Local Plan). Combined, and insofar as they relate to this matter, these policies seek to ensure that the components of development contribute to the character, function, form and setting of the settlement and landscape character, and to conserve or enhance the AHLV. The proposals would also be contrary to and Parts 12 and 15 of the National Planning Policy Framework which seek to achieve well designed spaces and respect the character of the countryside.

Other Matters

12. The Council's design and conservation advice sets out that the special character of the CA is derived from the linear plan form of the village, grouped around farmsteads, and following my site visit I see no reason to disagree. It also accepts the conclusions of the appellants Heritage Statement that the proposed development will result in a neutral impact in terms of the setting and therefore the significance of the Hawthorn Conservation Area. From the evidence before me and my observations on site I would concur.
13. The proposed development is not considered to harm the setting of the Grade II listed Church Hall properties. The significance of these cottages include their prominent position on the northern approach to Hawthorn village and I note the listing description includes them for their group value. Similarly, as a result of topography and subsequent modern development the Council raises no concerns regarding their setting. I therefore concur with the Council's design and conservation advice.

Planning Balance and Conclusion

14. The appeal scheme would be located in an area accessible by various modes of transport to services and facilities, and the general thrust of national policy seeks to boost housing provision, albeit that the Council is able to demonstrate a suitable supply of housing within the County Durham Plan period. The contribution of 2 dwellings to the supply and mix of housing in the area would be minimal, as would be any economic benefits resulting from the construction period and spending of future occupiers. As such, even if I were to agree that there was a lack of harm with regard to the design of the dwellings highway safety, ecology, setting of the CA, the listed buildings, retention of landscape features these would do not outweigh the harm identified above.
15. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
16. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR