



Appeal Decision

Site visit made on 8 January 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2024

Appeal Ref: APP/X1355/D/23/3330941

69 Oakfields, Burnopfield, Durham NE16 6PQ

- 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 Mrs Julie Davison against the decision of Durham County Council.
 - The application Ref DM/23/01533/FPA, dated 22 May 2023, was refused by notice dated 29 August 2023.
 - The development proposed is bedroom over the garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments.
3. Within the appellant's evidence, my attention has been drawn to 56 Oakfields (No 56). Based on the photographs within their statement, and my observations on site, the property is No 57 and not No 56. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect on the living conditions of the occupiers of 52 Oakfields (No 52), with particular reference to privacy.

Reasons

Character and appearance

5. No 69 is a detached two-storey dwelling located on a corner plot within Oakfields estate. This part of estate contains a number of different dwelling types, but similar materials are used throughout and there is a commonality of architectural style. The properties are mostly simple in their form, massing and appearance, with properties winding upwards with a series of cul-de-sacs leading off the main estate road and with a staggered building line which responds to the estate layout. No 69 and its immediate neighbour No 68 form a

short row of properties fronting Oakfields. No 68 is set slightly higher and marginally back from No 69, appearing as a different house type with a wider garage and room above with a dormer window.

6. The proposal would create a first storey above the garage with a forward projecting gable. Similar extensions have been added to other properties within Oakfields, notably at Nos 36, 39 and 57. I do not know the circumstances under which these came about, but in my opinion, the designs are not altogether successful. Even though the proposal would be similar in introducing additional built mass forward of the front wall of the dwelling, the projecting gable would be more prominent than those other examples. This would result in a discordant addition which would not respond appropriately to the simple form and proportions of the host dwelling. Therefore, notwithstanding the other extensions drawn to my attention, which affect a minority of properties in any event, the proposed development would be out of character with the host building and the wider area.
7. I conclude that the proposed development would be materially harmful to the character and appearance of the area, contrary to Policy 29 of the County Durham Plan 2020 (CDP) which seeks to ensure, amongst other matters, that development integrates into its setting in terms of built form and scale and rooflines. There would also be conflict with Part 12 of the Framework, insofar as it requires developments to be sympathetic to local character.
8. The Council contends that the proposal would be contrary to Policy 31 of the CDP. However, this policy relates to amenity and pollution and is not directly relevant to matters surrounding character and appearance. As the main area of dispute subject to this appeal relates to character and appearance, this policy is not applicable to this main issue.

Living conditions

9. The decision notice does not specify which neighbouring properties the proposed development would impact. However, it is clear from the Officer Report that the Council's concern relates to No 52 which is located on the opposite side of the road and set at an angle to No 69. It is a larger two-storey property, with a double garage which has accommodation above and a large dormer inset into the garage roof.
10. The Officer Report relies upon the Council's Residential Amenity Standards, Supplementary Planning Document 2023 (SPD) as justification regarding spacing standards. The SPD builds upon policies within the CDP and is primarily linked to Policy 29. It seeks, to protect the privacy and residential amenity of occupiers, and states that a minimum distance of 21 metres "will usually be required" between habitable rooms of dwellings which exceed single storey.
11. Whilst the separation distances between the front elevations of No 52 and No 69 fall slightly below the 21 metres set out in the SPD, the habitable rooms within each front elevation are at an oblique angle to each other which limits opportunities for direct overlooking. I am therefore satisfied that the relationship between the proposed development and the habitable rooms within No 52 would maintain good levels of privacy.
12. I conclude that the proposed development would provide adequate living conditions for the occupiers of No 52 with regards to privacy. There would be

no conflict with Policies 29 and 31 of the CDP which jointly seek to ensure that development does not impact upon the privacy of existing adjacent properties.

Other Matters

13. I note that the Council suggested changes to the scheme during the course of the application. These amendments do not form part of the proposal before me and it is not for me, in the context of this s78 appeal, to comment upon them. My decision is based upon the plans considered by the Council.

Planning Balance and Conclusion

14. The proposal would not harm the living conditions of the occupiers of No 52. However, it would have an adverse impact on the character and appearance of the area. This brings the scheme into conflict with the development plan taken as a whole. Other material considerations do not indicate a decision otherwise than in accordance with the development plan. For the reasons set out above, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR