



Appeal Decision

Site visit made on 15 March 2024

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 May 2024

Appeal Ref: APP/N1350/D/24/3336540

32 Clowbeck Court, Darlington DL3 0BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kieran Meredith against the decision of Darlington Borough Council.
- The application Ref 23/00823/FUL, dated 16 August 2023, was refused by notice dated 19 October 2023.
- The application sought planning permission for the erection of a two storey side extension to provide a garage/dining room with bedroom above (as amended by plans received 25.11.21 and 10.12.21) without complying with conditions attached to planning permission Ref 21/01226/FUL, dated 21 December 2021.
- The conditions in dispute are Nos 3 and 4 which state that:
 - 3. The garage or car-parking accommodation, shown on drawing no. 678-2 Rev A, shall be provided prior to the extension to which it relates being occupied and thereafter it shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the local planning authority.*
 - 4. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:*
 - Drg No 678-1 – Existing Ground Floor Plan
 - Drg No 678-2 Rev A – Proposed Ground Floor Plan
 - Drg No 678-3 Rev A – Existing and Proposed First Floor Plan
 - Drg No 678-4 Rev B – Existing and Proposed elevations
 - Drg No 678-5 – Existing and Proposed Roof Plans
 - Drg No 678-6 Rev A – Proposed Section
 - Drg No 678-7 Rev A – Existing and Proposed Site Plans
- The reasons given for the conditions are:
 - 3. To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.*
 - 4. To ensure the development is carried out in accordance with the planning permission.*

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant is seeking to convert the garage into a habitable space, replace the garage door with a window, and provide an additional car parking space to the front of the house. In order to do so, the application sought to carry out development without complying with condition 3 of the original planning

permission. The appellant submitted a set of drawings with their application that illustrated those internal and external alterations. The Council determined that application on the basis that it also sought to vary the approved plans condition¹. It is clear from the appellant's submissions that this was their intention. Given the particular circumstances of the case I have determined the appeal on the same basis, as reflected in the heading above.

Main Issue

3. The main issue raised by this appeal is the effect that removing condition 3 and varying condition 4 would have on the character and appearance of the area, and highway and parking conditions of the area.

Reasons

4. Clowbeck Court is part of a residential estate comprising houses of various sizes and configurations. From my observations, the majority of houses have a garage and driveway or in curtilage parking areas, and even smaller houses on compact plots have off street parking. The result is an estate of pleasant appearance where circulation roads with footways either side give a generous and spacious feel, but also one where few frontages devoted entirely to parking.
5. The original planning permission permitted an extension to No 32 on an area which was previously a driveway where vehicles could be parked. Condition 3 required that the proposed integral garage which would occupy part of the ground floor remained available for parking purposes. The Council had compromised at that time by accepting two parking spaces, one of which was the garage, rather than the three recommended in their standards for the house of the extended size, as well as a garage size dictated by the available plot width.
6. With the increase in bedrooms came the potential increase in the numbers of cars used by occupiers and at the same time the space available on the driveway for parking was considerably reduced. A house with the number of bedrooms No 32 has now could readily accommodate a household with access to two or more cars.
7. The appellant has indicated a notional 2.4m by 5m second parking space on the front garden. This would not be capable of independent use, but neither would a car parked in the garage if a vehicle were to be parked on the drive. However, this space would be so close to the front door of No 32 and the boundaries of the garden as to be of limited practicality. It would also result in the effective removal of the front garden area apart from some very small wedges of planting.
8. Despite uncertainty as to whether such a constrained and inconvenient space would be used in practice, if it were, with the existing drive in use as well, this would fill the small area to the front of the house with parked cars. This would result in a cramped appearance in a prominent location within the estate, to the detriment of the more spacious character and appearance which predominates, and this would not display the qualities of good design. Indeed,

¹ This is noted as condition 2 on the Council's decision notice, however this is evidently an error as this sets out that it is the approved plan condition and I note that the correct condition number was identified the Council's Delegated Report.

this is illustrated by the appellant's photographs of a small car parked in that location.

9. The reduction of off-street parking would be likely to lead to cars being parked on the street. Given the low vehicle speeds likely in this residential area, avoiding parked cars close to the junction is unlikely to lead to highway safety issues. It would nevertheless incrementally add to on street parking which can erode the character and appearance of the area and, if done insensitively partly on the footway which may be likely give the adjacent junction, would limit accessibility for footway users. It would also incrementally contribute to a congestion of parked cars with consequent effects on movement. The overall result would be detrimental to the character and appearance of the area and an undesirable effect on how and where cars are parked on the estate.
10. The appellant points out that the garage as approved is smaller than the Council's minimum garage size set out in their Design Guide². I give very little weight to the suggestion that the current garage should not be considered as an existing parking space due to its compact dimensions, particularly as its size was clearly a compromise by the Council to enable the extension to be built. It may well be constrained in terms of parking some cars within it, albeit it has not been convincingly demonstrated that it would be incapable of use for parking a car. In any event, even if it were found to be too constrained by some users it would still be capable of accommodating other forms of private transport such as motorcycles, bicycles, mobility vehicles and similar, that might reasonably be in use by a household occupying a four bedroom house.
11. Darlington Local Plan, 2022 (DLP) Policy IN 4 requires that regard be had to the Design Guide. Having done so, the development would not accord with DLP Policy IN 4's parking requirements. It would consequently not accord with DLP Policy DC 1 which requires parking arrangements in accordance with Policy IN 4, and also as the proposed alternative parking arrangements would not result in good design.

Conclusion

12. For the above reasons removing condition 3 and varying condition 4 would harm the character and appearance, and the highway and parking conditions, of the area, contrary to the development plan considered as a whole, as supported by Council guidance. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

² [Tees Valley] Design Guide & Specification - Residential and Industrial Estates Development.