



Appeal Decision

Site visit made on 30 July 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/X1355/W/24/3340699

Land to the rear of Lilac Lodge, Roddymoor Road/Chestnut Grove, Roddymoor, Crook DL15 9QY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Neville Rodgers against the decision of Durham County Council.
 - The application Ref is DM/23/01789/FPA.
 - The development proposed is construction of a new bungalow.
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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; and
 - the living conditions of future occupiers, with regard to private outdoor space.

Reasons

Character and appearance

3. The appeal site is a triangular shaped plot fronting Chestnut Grove, accommodating an area of grassed land that was previously part of the garden of Lilac Lodge, now separated by a timber fence. It is located within a residential area where there are a mix of property types, and differences in design and appearance. The houses are arranged on consistent building lines and orientated to have a street frontage. There are also spacious qualities, created by the properties being set back from the road behind gardens and paved areas. The similarity in the built form and spaces around the properties creates a sense of balance which contributes positively to the character and appearance of the area.
4. The principle of a new dwelling at the site is agreed, and the proposal would be an efficient use of brownfield land, delivering an additional dwelling to the housing supply in an accessible location. While appropriate separation distances would be achieved from the main elevation to Lilac Lodge, owing to the shape of the plot and the proposed layout, the dwelling would be close to the street, with no set back from Chestnut Grove. Even though the dwelling would be single storey with accommodation in the roof to reduce the massing of the proposed dwelling and to appear subservient to Lilac Lodge, the proposal

would overly intensify the quantum of built form and would stand very prominently within the street scene. Despite being described as modest in size, the siting of the dwelling at the boundary with Chestnut Grove means that the proposal would appear as a dominant development, eroding the spacious qualities in the area.

5. A sense of discordant intrusion would be created by the orientation of the proposed dwelling and the absence of a street frontage, resulting in the scheme having a limited relationship with surrounding properties. While I have considered the nearby approved developments that do not have a street frontage, they are on a different street and have larger plots. Consequently, the context of the examples differs, are not directly comparable to the scheme before me, and do not lead me away from my above findings.
6. I acknowledge that several amendments have been made to the scheme to integrate the proposal into the street scene. However, owing to the irregular triangular plot shape the proposed dwelling would sit awkwardly within it. The appeal site is not subject to heritage constraints, and the contemporary architectural design would utilise high quality materials. Moreover, I note the appellant's attempts to match the appearance of Lilac Lodge through the proposed use of render. Nevertheless, and even if the uneven building line on the eastern elevation would not be experienced from Chestnut Grove, the proposal would not relate positively to the plot shape and would detract from the spacious qualities of the locality.
7. It is suggested that the quantum of development, including domestic paraphernalia, that could cover the site through permitted development rights would be much greater than the proposal. However, no further details are before me. Without such information a full and detailed comparison with the appeal scheme cannot be made and it is also not possible to ascertain if such permitted development would be a realistic or probable alternative or if prior approval would be given. Consequently, this matter attracts limited weight in the determination of the appeal.
8. Overall, the proposal would be unduly harmful to the character and appearance of the area, in conflict with Policies 6 and 29 of the County Durham Plan (2020) (CDP). Amongst other things these policies require development of unallocated sites to be appropriate in terms of scale and design to the character, function, and form of the settlement and to contribute positively to an area's character. In addition, it would be contrary to the provisions of the National Planning Policy Framework (the Framework) at Section 12 in relation to achieving well designed beautiful places.

Living conditions

9. The Residential Amenity Standards Supplementary Planning Document (2023) (SPD) advises that new residential developments shall be provided with sufficient amenity space for the enjoyment of future occupiers. Furthermore, layout should be appropriately designed to avoid 'leftover' spaces which typically provide little benefit.
10. Irrespective of the numerical measurement of the proposed garden area to the side and rear, and even if the overall garden area is a continuous polygon that is comparable in size to other gardens in the surrounding area, the proposed layout within the plot results in an irregular area of private outdoor space that

is relatively narrow in places. The outdoor space would therefore be contrary to the guidance in the SPD that amenity space should be attractively laid out.

11. The proposed garden area would meet an element of residents' recreational needs, however the unconventional shape of the land left over to the side and rear of the proposed dwelling would restrict the activities that could reasonably take place in it, thereby limiting its usability and enjoyment for future occupiers. There would also be direct views into the garden from the first-floor windows of Lilac Lodge which would diminish the levels of privacy the future occupiers could reasonably expect in an area of private outdoor space. Furthermore, the narrow width between the proposed dwelling and the tall trees at the western boundary would create a largely uninviting space, indicative of the dominant development at the site created by the site layout.
12. As such, the proposal would be harmful to the living conditions of future occupiers, with regard to private outdoor space, in conflict with Policy 31 of the CDP which requires proposals to demonstrate that future occupiers will have acceptable living conditions. It is also contrary to the advice set out in the SPD in relation to gardens and 'leftover' spaces.

Other Matters

13. There would be modest benefits arising from short term employment during the proposal's construction. It is suggested that residents would welcome the scheme so a family member could move to the area, and while there were no objections from local residents, this is not a reason, in itself, to allow harmful development. Policy compliance would be achieved on a range of other matters, including highway safety, ecology, and trees, and I note that any effect the proposal may have on the occupiers of Lilac Lodge did not form a reason for refusal. However, the lack of harm on these matters would be a neutral factor and would weigh neither for nor against the development.
14. While reference is made to the presumption in favour of sustainable development, there is no substantive evidence to suggest that the approach set out in Paragraph 11(d) part ii of the Framework should be applied in this particular case. The decision should be made in accordance with the development plan unless material considerations indicate otherwise. While the appellant has expressed frustrations with the Council's handling of the case, this has not affected my consideration of the planning merits of the scheme.

Conclusion

15. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR