

Appeal Decision

Site visit made on 17 September 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/X1355/W/24/3346632

66 Graythwaite, Chester-le-Street DH2 2UH

- 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 Dominic Carroll against the decision of Durham County Council.
 - The application Ref is DM/23/01801/FPA.
 - The development proposed is change of use of public open space to residential curtilage and two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development stated on the decision notice and appeal form in the banner header above, as it includes reference to the change of use of land that is shown on the plans provided.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the protected tree adjacent to the site.

Reasons

Character and appearance

4. This main issue relates solely to the proposed change of use of the open space to residential use. At present, this area of land creates a sizeable gap between the appeal property and that at 68 Graythwaite. It is an open area which is characteristic of the street scene along Graythwaite, with other similar examples in the immediate vicinity. Collectively these give the surrounding area a pleasant and spacious feel and contribute positively to its character and appearance, even in the absence of there being such gaps between all of the dwellings along the road.
5. The proposed change of use would substantially reduce the width of the open space and alter its impact on the street scene. It would leave a much thinner sliver of open space than currently exists and result in a notable erosion of the visual contribution that the land makes to the surrounding area, in particular

in the context of such areas being characteristic features of the locality. Even though the proposed fencing would be set back from the road and an open frontage retained, there would nonetheless be a detrimental change to the character and appearance of the area as a result of the reduction in the open space. Alongside the harm to the street scene caused in that respect, the close proximity of the new fence to the tree would result in a visually awkward relationship between the two.

6. The appellant does not seek to demonstrate that the open space is surplus to requirements for the purposes of Policy 26 of the County Durham Plan 2020 (CDP). Although they refer to benefits in the form of increasing biodiversity and through the planting of a wildflower meadow, those considerations would not clearly outweigh the harm that would arise from the loss of the open space. Reference is also made to anti-social behaviour and nuisance having been experienced on the land. However, given that there would be a retained area of open space that could still be accessed by the public, it does not appear that the appeal proposal could serve to eradicate this.
7. For these reasons, the proposed change of use of the land would result in significant harm to the character and appearance of the area. The benefits of the proposal would not outweigh the loss of the open space, and therefore the proposal would fail to accord with Policy 26 of the CDP where it seeks to protect green infrastructure.

Protected tree

8. The Beech tree is a mature tree of significant height and visual magnitude and is subject to a tree preservation order. It is an important feature in the street scene. Any impact upon it which might compromise its long-term health and retention would therefore be to the clear detriment of the surrounding area. Whilst a tree location plan has been provided showing a 2.5% incursion of the proposed side extension into the root protection area (RPA) of the tree, it is not explained why the RPA has been offset by 20% to the north. Furthermore, the proposed plans submitted indicate that a strip foundation would be used, which may not be appropriate for use as a foundation type within a RPA.
9. As a whole, the information provided to demonstrate what the impact on the protected tree might be is limited. What is available provides no comfort that the proposed two storey side extension could be constructed without causing harm to the tree. As such, the submission before me does not show that the proposal would accord with the aims of Policy 40 of the CDP, where it seeks to prevent the loss of trees of high amenity value.

Other Matters

10. The appellant sets out that the proposed extension to the dwelling would improve the housing stock in the area, reduce the need to commute and future proof the property in the event of further pandemics or adverse weather. These considerations do not however outweigh the harm that would result to the character and appearance of the area from the associated change of use of the land, nor do they address the failure to show that the proposed extension could take place without harm to the protected tree.

Conclusion

11. For the reasons given above, the appeal should be dismissed.

Graham Wraight

INSPECTOR