



Appeal Decision

Site visit made on 4 December 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2024

Appeal Ref: APP/X1355/W/24/3348155

Pinedale, Woodland Grange, Fencehouses, Durham DH4 6AF

- 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 Keith Marlow against the decision of Durham County Council.
 - The application Ref is DM/22/03650/FPA.
 - The development proposed is development of a 3/4 bedroom detached house on the land adjacent to Pinedale house.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. While the site address in the Council's decision notice is listed as 'Land east of Pinedale', the address in the banner heading above has been taken from the planning application form.

Main Issues

3. The main issues are whether the proposed development would be acceptable having regard to:
 - the character and appearance of the area;
 - the living conditions of the occupiers of nearby dwellings and gardens, in respect of privacy and outlook; and
 - the living conditions of future occupiers of the proposed dwelling, with regard to the provision of external amenity space.

Reasons

Character and appearance

4. The appeal site comprises a parcel of land featuring a forecourt and double garage, accessed via the lane serving the rear of the terraced dwellings of Morton Crescent. Behind the garage, the remainder of the site is used as an allotment, contained by close-boarded fencing. Mature trees and vegetation partially define its southern boundary. The site is physically separated from the nearest dwellings to the north, south and west by surrounding roads. To the east, the adjacent land is similarly arranged, with a garage accessed from the Morton Crescent lane, and what appears to be a garden area behind.
5. The surrounding area is predominantly residential and features a variety of housing styles. These include the terraced houses of Morton Crescent to the

north, the semi-detached houses of Woodland Grange to the south, and a mix of detached and semi-detached houses, including Pinedale, to the west.

6. Pinedale, a detached house to the west of the appeal site, sits on the opposite side of the Woodland Grange access road. While the appeal site is narrower, Pinedale occupies a similar position, nestled between the terraced houses of Morton Crescent and the semi-detached houses of Woodland Grange. The neighbouring dwellings west of Pinedale follow a similar pattern and are understood to be more recent developments compared to those on the surrounding streets.
7. Although there are some similarities between the proposed development and the existing housing to the west, a clear distinction exists between the character of development to either side of the Woodland Grange access road. The western plots, including Pinedale, are comprehensively developed as two-storey houses. Conversely, the eastern plots, including the appeal site, serve other purposes including allotments, gardens, car parking and garages. Existing buildings on these plots are limited to single-storey structures with relatively small footprints. This limited scale of development creates a sense of openness and spaciousness between the two-storey houses of Morton Crescent and Woodland Grange.
8. Given this contrast, due to its height and footprint relative to the plot size, the proposed development would result in an isolated and incongruous form of development on the eastern side of the Woodland Grange access road. Such a development would appear out of keeping with the prevailing character and scale of the adjacent plots.
9. For these reasons, I conclude that the proposed development would harm the character and appearance of the area. It would conflict with Policies 6 and 29 of the County Durham Plan, adopted 2020 (the CDP), which collectively seek, in respect of this issue, for development to achieve well designed buildings and places that contribute to an area's character and identity, and to be appropriate in terms of scale, design, layout, and location. It would also conflict with the relevant provisions of the National Planning Policy Framework (the Framework), which have similar aims.

Living conditions of nearby occupiers

10. Part e. of CDP Policy 29 requires developments to provide high standards of amenity and privacy while minimising their impact on the occupants of existing adjacent and nearby properties. Similarly, CDP Policy 31 mandates that proposals demonstrate there to be no unacceptable impacts on living or working conditions.
11. The Residential Amenity Standards Supplementary Planning Document, January 2023 (the SPD) expands on the policies of the CDP and is a material consideration in this appeal. Paragraph 1.2 of the SPD clarifies that it is primarily linked to CDP Policy 29. Among its provisions, the SPD requires a minimum separation distance of 21 metres between habitable room windows, where either dwelling exceeds single storey.
12. My assessment focusses on the issues raised by the Council, particularly the effects of the proposal on the dwellings of Morton Crescent to the north and Woodland Grange to the south. While the proposed development would meet

the SPD separation distance to the Woodland Grange dwellings, it falls significantly short of the 21-metre requirement with regard to the closest dwelling on Morton Crescent.

13. The SPD acknowledges that all new development is likely to have some bearing on neighbouring properties. Although its cited separation distance is not a formal requirement of the development plan, it is a material consideration to which I attach significant weight, as it seeks to deliver the objectives of the development plan. The substantial shortfall in this case would lead to significant potential for overlooking and loss of privacy for the occupiers of Morton Crescent, particularly in relation to upper-floor windows. This would adversely affect their living conditions, and I am not persuaded that mitigation such as screening would sufficiently address these impacts.
14. While the existing neighbouring properties to the west share a somewhat similar relationship with the houses on adjacent streets, this appeal must be determined against the current development plan policies and the specific merits of the proposed development. Consequently, the presence of similar developments, and considerations relating to the circumstances under which they were permitted, are not factors that would alter my previous findings.
15. The proposed development would also introduce a first-floor, side-facing bedroom window on the east elevation, positioned on the boundary with the adjacent garden. This would directly overlook the garden, creating elevated views that would significantly compromise the privacy of its users and occupiers.
16. Additionally, the two-storey massing of the proposed development, situated on the boundary with the adjacent garden, would represent a considerable increase in height and bulk compared to the existing garage on the site. This would result in a visually dominant and overbearing presence, reducing the sense of openness and spaciousness currently enjoyed by these plots and significantly affecting the outlook for garden users.
17. Although no objections have been received from neighbouring occupiers, this is a neutral factor that does not weigh in favour of the proposal.
18. For these reasons, I conclude that the proposed development would result in a harmful loss of privacy and outlook to the occupiers of the nearby properties and gardens. This would conflict with Policies 29 and 31 of the CDP, the aims of which have previously been set out. Insofar as it is a material consideration relevant to the appeal, the proposal would also conflict with the provisions of the SPD, and it would also conflict of the relevant provisions of the Framework, which share similar objectives.

Living conditions of future occupiers

19. The SPD advises that garden lengths will generally be dictated by the minimum separation distancing standards. While it states that gardens should typically be no less than 9 metres in length, the SPD also allows for site-specific circumstances where alternative solutions may be acceptable, provided privacy and amenity would not be adversely affected.
20. Although the proposed garden length would fall short of the SPD figure of 9 metres, its reasonable width and overall shape would provide a usable and functional external amenity space capable of meeting the needs of prospective

occupiers. Additionally, the dwellings to the rear of the garden are separated from the appeal site by a road and their own spacious front gardens, helping to maintain adequate separation distances.

21. The Council has expressed concern regarding the potential overshadowing effects of the dense vegetation currently occupying the land to the rear of the garden. However, I am not convinced that this would significantly inhibit the usability of the external amenity space or adversely affect prospective occupiers' living conditions. Given these considerations, I find no compelling evidence that the proposed external amenity space would conflict with the objectives of the SPD or the development plan.
22. For these reasons, I conclude that the proposed external amenity space would provide adequate living conditions for future occupiers of the proposed dwelling. It would therefore accord with Policies 29 and 31 of the CDP which, in relation to this issue, seek to provide high standards of amenity and living conditions for future occupiers. It would also accord with the relevant provisions of the SPD and the Framework, which have similar aims.

Other Matters

23. The appellant submits that the site is currently prone to fly-tipping and the proposal would prevent this from becoming a long-term issue, as supported by the SPD. While I did not observe any evidence of fly-tipping during my visit, I acknowledge the appellant's statement that they have actively managed this issue by disposing of dumped items themselves, which may explain my observations. However, even if the proposal were to fully resolve this issue, I am not convinced that the associated benefits would be sufficient to outweigh the harm previously identified.
24. The proposed development would provide a new dwelling in a reasonably accessible location, close to local services and amenities. It would deliver a good standard of accommodation and make efficient use of the land, offering a modest but meaningful contribution to the local housing supply. This aligns with the government's objective to boost the supply of homes, as set out in the Framework. While these benefits carry some weight in favour of the proposed development, they are not sufficient to outweigh the harm arising through the conflict with the development plan.

Conclusion

25. While I have found no harm in terms of the living conditions of future occupiers of the proposed dwelling, the proposal would conflict with the development plan as a whole. There are no other considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. For these reasons, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR