



Appeal Decision

Site visit made on 19 November 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2025

Appeal Ref: APP/X1355/D/24/3348511

The Coach House, Derwentcote Farm, Derwentcote Farm Road, Hamsterley Colliery, Durham NE17 7RR

- 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 Dr. Kaaki against the decision of Durham County Council.
 - The application reference is DM/23/03481/FPA.
 - The development proposed is side extension with portico.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. It does not change the planning policy context in respect of the main issues, and I have determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The character and appearance on the site and the surrounding area; and
 - A public right of way.

Reasons

Character and Appearance

4. The appeal property is an extended, detached stone built dwelling set on a generous plot. The host property has a central two storey element with various single storey elements. It is associated with adjacent buildings for the keeping of horses. It lies within the open countryside in an area designated as an Area of High Landscape Value (AHLV). This part of the AHLV is predominantly rural in character and appearance, comprising pasture and woodland with sporadic dwellings and farmsteads.
5. The proposal involves a single storey pitched roof extension to an existing day room. The roof pitch and gable feature of the proposed extension would replicate that of the existing day room. The proposal also includes a portico with a semi-circular flat roofed element off the end of the existing day room and extending around the perimeter of the proposed extension. The portico would feature ornate columns around its perimeter with the semi-circular

- element topped with a decorative balustrade and would be set down from the level of the surrounding land on an existing sunken area.
6. The existing day room and the proposed extension would dominate the end of dwelling and would add to the already significant extensions and additions to the property, which over time have altered its character and appearance. Although the proposed extension would follow the side elevation of a previous conservatory extension it would add bulk to the dwelling and would exacerbate the awkwardness of the transition from the main house to the existing conservatory and day room. As a result, the proposal would be conspicuously incongruous in this location.
 7. Furthermore, the large portico with its expanse of flat roof and ornate balustrading and columns, would be a dominant feature on the gable end of the property which would not relate positively to the form of either the day room or the original dwelling. Whilst I note that the existing dwelling incorporates column features and other decorative elements these appear to be later additions to the dwelling, and therefore not appropriate to be replicated in an effort to match the character and appearance of the appeal property.
 8. The proposed development would not be readily visible from the highway due to the topography and intervening buildings and structures. However, the proposal, would be clearly visible in close quarters for a significant length from the nearby PROW. Although the portico would have open sides which would provide users of the space views of the landscape, its construction would appear as a bulky and unsympathetic detracting rather than enhancing the setting of the appeal property in the AHLV.
 9. I accept that the pitched roof of the proposed extension would offer an element of symmetry in the gable features of the day room. However, it would be overshadowed by the dominance of the proposed portico and the cumulative impact of the current scheme in conjunction with previous extensions to the property. This would be contrary to the advice set out in the Residential Amenity Standards Supplementary Planning Document (2023) (SPD) which states that house extensions should be subordinate to the host dwelling.
 10. I also recognise that a covered area may allow the occupiers of the dwelling to sit out more often, however I am not persuaded that the proposal before me would be the most sympathetic and appropriate manner in which to provide this type of facility for the occupiers of the property.
 11. For these reasons, the proposal would be unacceptably harmful to the character and appearance of the area, including the appeal property. There would therefore be conflict with Policies 29 and 39 of the County Durham Local Plan (CLP). These policies, amongst other things, require proposals to contribute positively to an area's character ensuring that extensions and alterations are sympathetic to an existing building. In AHLVs developments should enhance the special qualities of the landscape.

Public Right of Way

12. The proposal would be very close to, if not obstructing the definitive line of Public Right of Way no. 11 (PROW) which runs through the garden of the appeal property. On my site visit, I observed that the trodden footpath follows a route around the outer perimeter of the fence line to the garden. The

appellant states that he has applied to the Local Authority to permanently divert the PROW, however, I have no substantive evidence before me that an application has been made, details of any proposed route or that an application for its permanent diversion is likely to be approved. Other than a copy of a map at a small scale which shows the definitive line of the PROW, I have no compelling information before me to demonstrate that the proposal would not adversely affect the legal route of the PROW.

13. I therefore conclude that it has not been adequately demonstrated that the proposal would not adversely affect the legal line of PROW no. 11 resulting in conflict with CLP Policy 26 which requires developments to ensure access to the countryside is maintained or improved. Proposals which affect PROWs are required to demonstrate that alternative provision of a suitable standard is made.

Other Matters

14. I note that adequate parking can be provided within the ownership of the appellant, the proposal would leave sufficient private amenity space for existing and future occupiers, and it would not prejudice highway safety. The appeal property is also located close to bus stops on the main road which allow travel to nearby towns and there are opportunities for walking and cycling close by. These are not factors which weigh in favour of allowing the appeal and do not diminish the harm that I have found on the main issues.
15. A Grade II listed building, known as Derwentcote Lodge is in proximity to the appeal property. I have not been made aware by either main party that the proposal would have an adverse impact on the significance of this heritage asset or its setting, and I have no reason to disagree with this view.

Conclusion

16. For the reasons set out above, having considered the development plan as a whole, I conclude that the appeal is dismissed.

K L Robbie

INSPECTOR