



Appeal Decision

Site visit made on 21 January 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2025

Appeal Ref: APP/X1355/W/24/3350825

Land adjacent to 22 Tollgate Road, Hamsterley Mill, Rowlands Gill, Tyne and Wear NE39 1HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Raj Babuta against the decision of Durham County Council.
 - The application Ref is DM/23/02145/OUT.
 - The development proposed is a two storey, detached dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated it on the 7 February 2025. In the interests of natural justice, and to ensure neither of the main parties were prejudiced by this matter, I consulted both parties on the changes to the Framework, and this has informed my determination of the appeal.
3. The application has been submitted in outline form. The submitted application form indicates that approval is being sought for access, appearance, landscaping, layout and scale. However, no plans or further details in relation to these matters have been provided. The Council has considered the proposal on the basis that all matters are reserved, and I shall do the same.
4. The appeal site is the subject of a recent appeal decision¹ which was dismissed in October 2021. The appeal was dismissed on the basis that the scale of the proposed dwelling would harm the character and appearance of the host property and the surrounding area. This appeal relates to a similar proposal for a detached, two-storey dwelling, albeit the current proposal is an outline application, whereas the previous proposal was submitted with full details. I have had regard to this appeal decision as a material consideration.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and surrounding area.

¹ Appeal Ref: APP/X1355/W/21/3276610

Reasons

6. The appeal site relates to an area of garden located to the side of No.22 Tollgate Road (No.22), which is a detached, two-storey residential property. It sits within a large plot and within the pleasant residential setting of Hamsterley Mill. The surrounding area is typically characterised by large, detached dwellings mostly set within spacious plots. Hagg Spring Wood, an area of woodland is located adjacent to the appeal site. The appeal site is also within a defined Area of High Landscape Value and there are a number of protected trees², within and surrounding the site.
7. Policy 6 of the County Durham Plan, adopted 2020 (the CDP) states that the development of sites which are not allocated in the Plan or in a Neighbourhood Plan which are either within the built-up area; or outside the built-up area (except where a settlement boundary has been defined in a neighbourhood plan) but well-related to a settlement, will be permitted provided the proposal accords with all relevant development plan policies and meets the criteria set out in this policy. This includes criterion (d) which requires development to be appropriate in terms of scale, design, layout, and location to the character, function, form and setting of the settlement.
8. The proposed dwelling would be located in an area of garden situated to the side of No.22 and fronting onto Tollgate Road. As the application is an outline proposal with all matters reserved, I have limited details about the dwelling itself. However, the indicative site layout plan indicates that it would be located towards the front of the site in a similar position to that of No.22. Nonetheless, as the proposed development would reduce the amount of space around No.22, thereby eroding some of the spacious and verdant character of the area, it would cause harm to the character and appearance of the host property and surrounding area.
9. As noted above, the appeal site borders a small area of woodland that is found towards this end of Tollgate Road. The position of the appeal site in relation to this woodland area means that the appeal site contributes positively to the more open, spacious pattern of development that is found on this part of Tollgate Road and provides a transition between the residential properties on this part of the street and the neighbouring area of woodland. The proposed development of the site to provide a two-storey dwelling would disrupt this transition to the detriment of the spacious and verdant character of the area.
10. My attention has been drawn to No.35 Tollgate Road, which is an example of a smaller property and plot found on Tollgate Road. The appellant states that the width of this plot is approximately 8 metres wide, meaning that it would be much smaller than the proposed width of the appeal site at approximately 18 metres. However, I have not been provided with any evidence that this plot was created as a result of the sub-division of a large plot, nor do I find that this is reflective of the aforementioned characteristics of the area. Therefore, I find that it does not justify the allowing a development that would be an incongruous addition to the area, and which would be visually harmful and detract from the character of the area.
11. Based on the evidence before me and my own observations of the surrounding area, whilst I accept that there are some examples of smaller plots, which may be of a broadly comparable size to the appeal site the predominant character of the area is nevertheless that of large spacious plots. Therefore, whilst the frontage of

² Tree Preservation Order Ref 1986

the plot would be of a similar size to some of the existing properties on Tollgate Road, overall, the size of the proposed plot and the associated reduction in plot size of No.22 would be at odds with the established character of the area and as a result it would be detrimental to the character and appearance of the area.

12. Consequently, I therefore conclude that the proposed dwelling which would be located within a subdivided part of the residential garden plot of No. 22 would fail to respect the prevailing character, layout and form of Hamsterley Mill, contrary to Policy 6(d) of the CDP. It would also be contrary to Policies 29 and 39 of the CDP which require, amongst other things, proposals to achieve well designed buildings and places which contribute positively to, and avoid unacceptable harm to the character, quality or distinctiveness of the landscape.

Other Matters

13. It is not disputed that the Council can currently demonstrate a five-year supply of housing sites. Nevertheless, I recognise that the proposal would provide an additional house in a location where new housing development has been considered acceptable in principle by the Council. I have also had regard to the intentions of the appellant to build an environmentally sustainable dwelling. However, the social, economic and environmental benefits associated with a single dwelling are limited on account of the scale of development and attract limited, albeit positive weight in favour of the proposal.
14. I have had regard to the comments made by third parties in relation to highway safety, trees, ecology and the principle of development. However, the Council has raised no specific concerns in relation to these matters. Based on the evidence before me and my own observations, I see no reason to disagree.
15. The appellant states that since the refusal of permission for the appeal proposal, a planning permission³ has been granted for an infill tandem development. However, no further details of this approval have been provided. I have, in any event, considered the scheme before me on its own merits.
16. The appellant has expressed general dissatisfaction with the Council's handling of the application and public consultation. However, this is a matter between those parties, and it cannot have any bearing on my determination of this appeal.
17. I also note the appellant's comments regarding procedural matters in relation to the previous appeal decision. However, these matters fall outside of my remit, which is solely to determine this appeal.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

K Lancaster

INSPECTOR

³ Planning Application Ref: DM/24/01310/FPA