



Appeal Decision

Site visit made on 25 February 2025

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/X1355/W/24/3355427

Land to the rear of 5 West End, Sedgfield, Durham TS21 2BW

- 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 Steve Nadin against the decision of Durham County Council.
 - The application Ref is DM/23/02968/FPA.
 - The development proposed is a two-storey dwelling to land to the rear of 5 West End, Sedgfield, Stockton on Tees and associated parking and the felling of 3No. Trees.
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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, bearing in mind it would be within the Sedgfield Conservation Area (SCA);
 - the living conditions of the occupiers of 2 Town Court Farm, with regard to outlook, privacy and daylight/sunlight; and
 - a protected site.

Reasons

Character and appearance

3. The appeal site is a parcel of open grassed land that is part of the rear garden of 5 West End and accommodates a detached garage. The surrounding area has a residential character, and despite the properties having numerous extensions and alterations and featuring outbuildings in the rear gardens, it remains generally open. An exception to this is the modern infill development adjacent to the appeal site, behind No 3.
4. The site falls within the SCA and in line with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. From my observations and the SCA Character Area Appraisal (2016), the significance of the SCA, insofar as is relevant to this case, is primarily derived from the historic pattern of development along West End, with narrow frontages and long 'burgage' plots to the rear where the open spaces contrast with the confined spaces between buildings. The appeal site, as a parcel of land that has historically remained open makes a positive contribution to the SCA.

5. The proposal would introduce a detached dwelling at the appeal site without needing to alter the remaining sections of historic boundary wall. However, the proposal is significantly larger than the unsympathetic garage to be demolished and other outbuildings in the area. It would overly intensify the quantum of built form in the immediate area, altering the relationship between open space and buildings, encroaching on the open long plot. Even though in plan form an element of the historically open linear parcel of land would still be evident, the historic boundaries of the plot would be altered through the subdivision of the garden which would not respond positively to the historic pattern of development.
6. Despite the use of materials to match nearby properties, because of the conspicuous scale and massing the proposed development would stand very prominently within the open context of the rear gardens of West End. In doing so it would erode the positive contribution the undeveloped parcel of land currently makes to the character and appearance of the area, particularly given that the narrow burgage plots have remained generally open in the locality. There would be no views of the proposal from West End and limited glimpsed views from West Park Lane. Nevertheless, given the nature and extent of the proposal it would draw the eye and be an unwelcome intrusion in views from within neighbouring properties and their gardens. In any event, a lack of public views is not a reason, in itself, to allow harmful development, nor is the absence of any objection from statutory consultees.
7. Overall, the proposal would have a detrimental effect on the character and appearance of the SCA, harming its significance. It would fail to meet the requirements of section 72(1) of the Act and the provisions within the National Planning Policy Framework (the Framework) which seek to conserve and enhance the historic environment. For the purposes of the Framework, the harm to the conservation area as a designated heritage asset would be less than substantial. In these circumstances, the Framework states that the harm should be weighed against the public benefits. I will return to this matter later.
8. For the reasons given, I conclude that the proposal would be unduly harmful to the character and appearance of the area, failing to preserve the SCA and harming its significance. It would be in conflict with Policies 6, 29 and 44 of the County Durham Plan (2020) (CDP) and policies G1a, E1, E3 and E4 of the Sedgfield Plan (2019). Amongst other things, these policies require development to not result in the loss of open land that has heritage value, including the subdivision of burgage plots which have a significant impact on the character of the area. Development should also contribute positively to the visual and spatial characteristics of Sedgfield, its heritage significance and historic environment.

Living conditions

9. The nearest property to the appeal site is 2 Town Court Farm, which owing to the difference in ground levels is noticeably lower than the appeal site. The proposal would result in an increase in built form in views from within No 2 and the garden. However, because of the set back from the shared boundary the proposal would not appear as a dominant or oppressive feature from within No 2 and the visual change from the garden would not narrow the outlook. In coming to this conclusion, I have taken account of the existing tall boundary treatment that encloses the garden. The occupiers at No 5 currently have access adjacent to the shared boundary with No 2. Even though the surface would change from grass to

paving, there is no substantive evidence that the proposal would result in increased overlooking compared to the existing situation.

10. I have no clear reason to disagree with the conclusions of the Neighbouring Daylight and Sunlight Study (2024), which demonstrates that the amount of daylight and sunlight reaching the nearest windows at No 2 would be within the acceptable limits set out within the recognised guidelines. Despite the proposal's location to the south, and even if there would be reduced light reaching some parts of the garden of No 2 at certain times of the day, this would be unlikely to be so significant that it would limit the enjoyment of the garden area by the occupiers.
11. The Residential Amenity Standards Supplementary Planning Document (2023) (SPD) recognises that all new development will have some bearing on neighbouring properties. Reasonable privacy and light would be provided for the neighbouring occupiers to ensure that their enjoyment of their dwelling and private garden would not be diminished. The proposal would therefore reflect the SPD guidance that promotes high quality amenity and no significant loss of privacy, outlook or light and the provisions of the Framework that seek places with a high standard of amenity for existing users.
12. Therefore, the proposal would not be unduly harmful to the living conditions of the occupiers of 2 Town Court Farm, with regard to outlook, privacy and daylight/sunlight and would accord with CDP Policies 6, 29 and 31. These policies include a requirement for development to be compatible with, and not be prejudicial to, any existing use of adjacent land, minimising the impact on occupants of adjacent properties so that there will be no unacceptable impact through visual dominance, loss of light and privacy.

Protected site

13. The appeal site lies within the zone of influence for the Teesmouth and Cleveland Coast Special Protection Area and Ramsar, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of its ecological features. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. Notwithstanding that the appellant has applied for nutrient credits, as the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected site.

Other Matters

14. It is not in dispute that the proposal would be acceptable in relation to highway safety, land contamination, internal space standards, external amenity space for the proposed dwelling and No 5 and flood risk. However, the lack of harm on these matters would be a neutral factor, weighing neither for nor against the proposal.

Heritage Balance

15. The harm to the significance of the SCA would be less than substantial. The Framework requires that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification.

Nevertheless, the Framework also requires such harm to be weighed against any public benefits.

16. The proposal would contribute one two-bed dwelling to the housing supply in a sustainable location. There are said to be relatively few small dwellings in the area, however there is no substantive evidence that the proposal would meet an identified local need. Therefore, given the scale of the proposal I give the delivery of one dwelling limited positive weight. There are also likely to be modest, time-limited economic benefits from the construction stage and some limited economic benefits arising from council tax income and expenditure by future occupiers, albeit there is limited guarantee of the extent to which this would be directed to local businesses or services or contribute to sustaining the village.
17. In having special regard to the desirability of preserving or enhancing the character or appearance of the SCA, overall, even cumulatively, the sum of the public benefits of the proposal would not outweigh the harm to the significance of the designated heritage asset that I have identified, and the considerable importance and weight this carries.

Conclusion

18. 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 should be dismissed.

F Harrison

INSPECTOR