



Appeal Decision

Site visit made on 3 March 2025

by **L Clark BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/X1355/D/24/3355605

2 Ullswater Avenue, West Auckland, Durham DL14 9LP

- 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 Darren Hughes against the decision of Durham County Council.
- The application Ref is DM/24/00552/FPA.
- The development proposed is a change of use to the old rear garage into sun room with new canopy roof and retaining boundary wall.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised in December 2024, with further minor updates in February 2025. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comment.
3. It was apparent during my site visit that some works have commenced, namely, the outbuilding (the sunroom) to the rear of the appeal property (No 2) has double doors to the end elevation facing Windermere Drive (the front), with two tall slim windows to the elevation facing the rear of No 2 (the side), and a flat roof which overlaps the sunroom to both its front and side elevations which creates a canopy. The canopy is also partially supported by posts erected on top of the boundary wall. The boundary wall to the perimeter consists predominantly of two different bricks; the lower section appears to be a dark engineering brick, and the bricks above it range in colour. I have therefore dealt with the appeal on the basis that planning is being sought retrospectively.

Background and Main Issue

4. Planning permission was granted¹ in 2020 for the erection of a two-storey and single-storey side extension and a 900mm brick wall with 1500mm pillars. Whilst I have not been provided with the details, the Council has indicated that the 2020 application is near completion. The Council contend that the wall approved as part of this application has not been built in accordance with the approved plans with respect to the height and materials.
5. The main issue of this appeal is the effect of the development on the character and appearance of the surrounding area.

¹ DM/20/01186/FPA

Reasons

6. Policy 29 of the County Durham Plan 2020 (the CDP) seeks to ensure, amongst other matters, that proposals for alterations to residential properties be sympathetic to the existing building and the character and appearance of the area in terms of design, scale and materials.
7. The Council's Residential Amenity Standards Supplementary Planning Document 2023 (SPD) states that outbuildings should be, amongst other matters, of a high-quality design, especially where they are proposed in a prominent location. They should also match or be similar in appearance in terms of window details and materials utilised in the main house.
8. The appeal property (No 2) is a predominantly brown brick two-storey semi-detached dwelling occupying a prominent corner position on the junction of Ullswater Avenue and Windermere Drive. Levels rise past No 2 when travelling along Ullswater Avenue and fall gradually when travelling past its flank elevation on Windermere Drive. Many of the front boundaries within the immediate vicinity are defined by low, predominantly brick walls with soft landscaping behind. The exception to this is 1 Ullswater Avenue (No 1) opposite. I shall return to this matter later in my Decision.
9. I acknowledge that the appellant does not dispute that the materials used in the boundary wall do not match. Considering that No 2 occupies a prominent position within the street, and the boundary is visible on the entrance to Ullswater Avenue and Windermere Drive, this stark contrast stands out as an anomaly. Even if the bricks were expensive and of a high quality, they are clearly different in appearance to the appeal property and those nearby, and as a result, the wall appears as an unsympathetic feature within its context.
10. Plans submitted by the appellant show that the overall height of the wall and pillars is approximately 2.325 metres when measured from the pavement outside the site and at the corner with its immediate neighbour, 36 Windermere Drive (No 36). Whilst I appreciate that the height of the wall reduces as it extends from the rear towards the front of No 2, its height on Windermere Drive nevertheless results in an imposing feature which appears dominant and discordant within the surrounding area.
11. The sunroom is located to the rear of No 2. I have nothing before me which demonstrates how much its height has increased, however, I did see that it was only marginally higher than the garage to the flank elevation of No 36. I therefore do not consider its height alone to be harmful to the character or appearance of the street.
12. The canopy to the front of the sunroom, however, extends up to the boundary wall and submitted plans show that this has an overall height when measured from the pavement of approximately 3.225 metres. From the evidence before me, ground levels to the front of the sunroom up to the boundary with the pavement appear to have been built up to approximately the same level as the remainder of the garden to the rear of No 2. The overall height of the canopy when viewed alongside the wall is significantly higher than the pavement, which runs alongside it, and the canopy projects beyond the flank elevation of No 2 and also significantly beyond the front elevations of properties on Windermere Drive. This projection, when viewed in combination with its height, is seen as an unduly prominent feature which appears as an unsympathetic and dominant form within the street.

13. My attention has been drawn to a number of properties in support of the appeal. Whilst the appellant claims that these are within the same estate as the appeal property, I have only been provided with photographs, not addresses, and therefore I cannot be certain that these are within the same estate.
14. Notwithstanding this, I acknowledge that the majority of the photographs show that the walls are constructed from different materials than the properties in the background. However, in contrast, the walls are predominantly low. I also have nothing before me which demonstrates that the height at which the canopies project above pavement level is similar to the canopy subject to the appeal, or that the canopy attached to an outbuilding within the garden is visible from the street, as is the case with the appeal at No 2. The circumstances in those examples are therefore not considered to be comparable to the appeal before me.
15. I did see, however, that No 1 is directly opposite the appeal site and has a wall and pillars to its boundary with Windermere Drive and Ullswater Avenue. Whilst the design of the wall may be similar, the materials used in its construction match those of the dwelling. I also have nothing to demonstrate that its height is the same as that of No 2 and, as such, is not comparable to the appeal before me.
16. I also saw that 23 Thirlmere Grove (No 23) had a canopy to the front of its garage. Whilst the canopy is visible from the street and projects beyond the nearby garage, the structure is set behind the front-facing elevation of No 23. It is therefore seen as a stepped feature within its context and is not comparable to that before me.
17. The appellant contends that the wall and materials were considered acceptable by the Council. However, I have not been provided with any evidence which confirms its agreement. The appellant has, in contrast, provided an email from the Council which states that the materials should essentially match or best match the dwelling, and that the canopy and wall are not considered in keeping with No 2 or the wider area. I therefore attach little weight to the appellant's claim.
18. For the reasons given above, the development causes harm to the character and appearance of the area. As such, it fails to accord with Policy 29 of the CDP. There is also conflict with the requirements of the Framework, which seek to ensure development is sympathetic to local character and adds to the overall quality of the area.

Other Matters

19. I understand that the appellant did not intend to undertake development that required planning permission and that they have sought further meetings with the Council to aid a better understanding of its concerns. Whilst the apparent lack of engagement from the Council and time taken to be notified of its decision have caused frustration, these matters are between the parties and do not affect the consideration of the main issues. Any concerns relating to its conduct are best addressed through direct engagement with the Council, utilising any complaints procedure that it may have.
20. Whilst I acknowledge the Council did not fully engage with the appellant, the procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.

21. Even though the appellant did not receive the officer's report at the time the Council made its decision, I am satisfied that I have sufficient information before me to assess the impact of the development.
22. I note that the development may improve the quality of accommodation available to the appellant's family and, in turn, assist their mental wellbeing. However, when set against the need to safeguard the character and appearance of the streetscene and surrounding area, and in the absence of any evidence to demonstrate that the proposed development could not be achieved in a less harmful way; and in the public interest, dismissing the appeal is a proportionate response in this case.
23. The appellant has drawn my attention to the Council's concerns with regard to the driveway and dropped kerb. However, as these were not part of the reasons for refusal, and no additional evidence was provided by the Council, these matters need not be considered further. Moreover, the issue of building regulations falls outside the scope of my assessment which must focus on the planning merits. Moreover, the lack of objection from neighbouring properties does not in itself render the scheme acceptable.

Conclusion

24. The proposal conflicts with the development plan, and the material considerations do not indicate that the appeal should be decided upon other than in accordance with it.
25. For the reasons given above, I conclude that the appeal should be dismissed.

L Clark

INSPECTOR