



Appeal Decision

Site visit made on 22 July 2025

by **M J Francis BA (Hons) MA MSc MCIfA**

an Inspector appointed by the Secretary of State

Decision date: 2 September 2025

Appeal Ref: APP/X1355/W/25/3364516

Land to the north east of 90 Snows Green Road, Shotley Bridge, Consett, County Durham DH8 0NL

- 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 Jeremy Swinburne against the decision of Durham County Council.
 - The application Ref is DM/24/00870/OUT.
 - The development proposed is outline application with access for the erection of 2 no. dwellings (up to 2 storeys) with appearance, layout, scale, and landscaping reserved.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs has been submitted by Mr Jeremy Swinburne which is the subject of a separate decision.

Preliminary Matters

3. The application is in outline with access to be considered. Therefore, matters relating to appearance, layout, scale and landscaping are reserved for subsequent approval. Plans submitted with the application indicate the proposed location of the dwellings, and proposed elevations and floor plans for a two-storey house. However, the appellant has confirmed that the plot layout and house plans are indicative only.
4. The address on the application form is 'land to the north-east of Snows Green Road'. As the road is of some length, and this description does not provide a specific location, I have used in the banner heading above, the address from the appeal form which identifies that the site is to the north-east of No 90.

Main Issues

5. The main issues are:
 - the effect of the proposal on highway safety;
 - the effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the Shotley Bridge conservation area; and
 - whether it achieves net gains for biodiversity.

Highway safety

6. The existing access to the host dwelling, Varades, is an opening, between low stone walls, off Snows Green Road, the B6310. The road slopes relatively steeply from the north-east to the south-west. Additionally, the access is located opposite the junction with West Law Road.
7. There is no evidence of accidents 250m either side of the junction within the last five years, but the main parties, as well as the current occupier of Varades, do not dispute that the existing access is sub-standard. Consequently, a mirror is located to assist with visibility. The proposal seeks to improve this at the access point by constructing a build-out scheme of 2m, with visibility splays of 2m x 48m to the south-west and 2m x 57 m to the north-east.
8. Vehicle speeds were recorded¹ at the site in wet weather producing speeds of 33mph southbound and 29mph northbound at the 85th percentile. A 7-day speed survey² showed 85th percentile speeds to be 36mph and 32.4mph, which the appellant states was largely undertaken in dry weather. This survey stated that the average vehicle flow through the week was 3,207 for both directions of travel within a 24-hour period, with an average of 285 between the busiest period of 16.00-17.00 hours.
9. Whilst the Council's most recent survey demonstrated a slightly higher average daily total³ of vehicles travelling on the B6310, I have not been provided with the date and location of the survey. Notwithstanding the traffic levels on the road, the Council categorise it as a transitional link or feeder road, and I could see that Snows Green Road is a key link connecting to the wider road network.
10. In contrast, the appellant considers that the traffic levels are light, and as the site is within a 30mph zone, Manual for Streets (MfS) or Manual for Streets 2 (MfS2), which provides highway guidance on roads below 40mph in speed, should be used. Instead, the Council considers that the proposal neither achieves MfS guidelines or Design Manual for Roads and Bridges⁴. This has resulted in the parties disagreeing as to whether the setback should be 2 or 2.4m. Notwithstanding this, the appellant has shown several options, including setbacks for both these distances.
11. Whichever guidance is used, and even if the only bus service on this stretch of the road is on a school bus, the proposal is on a B-road which is well used by all types of vehicles. Furthermore, visibility is reduced to and from the north. Moreover, traffic speed has been recorded above the 30mph speed limit that exists on this road.
12. The main parties dispute the proposed width of the carriageway following the construction of the build-out, although the appellant contends that a narrower carriageway could result in lower vehicle speeds. However, this would be on a downhill incline and close to a blind corner. Therefore, vehicles having manoeuvred around the bend in the road would be faced with the build-out, resulting in them driving further into the centre of the road as they approach the access point. Additionally, this would be directly opposite the junction with West

¹ 12 March 2024

² 23-29 October 2024

³ 3,383 vehicles

⁴ CD 123 National Highway Design

Law Road. When exiting from this road, the junction slopes upwards to where it adjoins Snows Green Road, and visibility is impaired when, as I saw, several cars were parked to the south outside properties along Snows Green Road. Furthermore, there is no footpath along the side of the road adjoining the proposed access, making it difficult and potentially dangerous for pedestrians to cross the road.

13. The appellant has referred to another build-out scheme close to the site at the junction of Snows Green Road and Benfieldside Road. However, this is a relatively large junction, visible from the approach to it, and is not comparable to the domestic access scheme being considered in the appeal. Several photographs of sites where build-out has been used in road schemes within the county have been provided by the appellant. However, from the limited evidence available, these all appear to be in urban settings and on a straight section of road, with no incline. Therefore, these are not comparable to the appeal case.
14. The appellant contends⁵ that the three dwellings that would use the proposed access would generate a daily total of 10 two-way trips by all modes which they consider would not have any material impact on the surrounding highway network. This would appear to be a reasonable figure, based on the location of the dwellings within the settlement, and their siting relatively close to a bus stop. Although this would not result in an excessive number of new trips using the proposed access, I am not persuaded, however, that the scheme, which would narrow the road, would not result in a conflict between users of the highway in this location.
15. For the above reasons, I therefore conclude that the proposal would have a detrimental effect on highway safety. It would conflict with Policies 6 and 21 of the Durham Local Plan, (DLP), 2020, which together and in part requires development to not be prejudicial to highway safety.

Character and appearance and CA

16. The appeal site consists of two plots of irregularly shaped land which are joined by an access drive that extends from the B6310 to Varades. This is a traditional, brick-built bungalow, elevated above the access track, and with a sizeable garden which rises gently in height towards the rear. The access track has wide verges with mown grass and is bounded by hedges and small trees.
17. The proposed development of plot 2 would utilise a roughly rectangular area of garden to the side of the bungalow, stretching from the access track to the rear boundary on the north-western side of the site. This is currently occupied by a glasshouse, a shed, raised beds, fruit bushes, and a lawn with shrubs. It is separated by a hedge from a large, detached property, Cauldwell, with other properties to the rear on Kempton Close.
18. The front plot, referred to as plot 1, has a low stone boundary wall which runs alongside the B6310. The site slopes downwards in a westerly direction towards the neighbouring property, No 90 Snows Green Road (No 90). The site is overgrown but contains some bushes and sizeable trees along the roadside. Some of these are subject to a Tree Preservation Order (TPO). Whilst the rear of the site

⁵ Technical Note, Dynamic Transport Planning

backs onto No 90, the other side has a hedge which is the boundary of the gardens of detached houses on Wetherby Close.

19. Plot 1 is within the Shotley Bridge Conservation Area (CA), whilst plot 2 is next to the boundary of the CA. The significance of the CA derives from its historic and evidential value as a settlement of agricultural origin with later industries, including sword, corn, paper and fulling mills, developing alongside the now wooded banks of the River Derwent. By the mid-19th century, it became wealthy and fashionable, and a spa was opened in the town. Buildings were constructed of local sandstone with slate roofs. Those that have survived include a mix of stone cottages, grand civic and industrial buildings.
20. The site is within a relatively rural part of the CA with open fields and farmland nearby, whilst Wheatclose Wood, opposite the site, provides a woodland setting. The Character Analysis map of the CA shows that the trees within the grounds of plot 1 contribute to the character of the area. Therefore, the significance of the CA as it relates to this case, is derived from the stone boundary walls and trees within plot 1 which contribute to the relaxed and rural character of this part of the CA.
21. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the CA, great weight should be given to the asset's conservation.
22. The appellant has referred to buildings in their own grounds at a distance from the street being a key characteristic within the CA. In this instance, the size of plot 1 could accommodate a house and retain the trees at the front of the site. Moreover, based on the indicative siting of the house, which would avoid the Root Protection Area (RPA) of the trees, it would be on a similar alignment to the adjoining property, No 90. In addition, it would be seen against a backdrop of the housing on Wetherby Close. Therefore, it would not appear inappropriate in this location.
23. The indicative plan shows a property fronting the access track, with the side elevation parallel to Snows Green Road, which would reflect the lack of formality in the siting of housing in this part of the CA. I noted that further down the road there was a large side elevation of a cottage facing the road. Therefore, the proposed siting of the house on plot 1 would not be uncharacteristic in this regard.
24. The land within the plot slopes downwards to the south-west, and a dwelling could be constructed at a height which would be in proportion to adjoining properties. This, I saw, would maintain the hierarchy of housing along Snows Green Road, which, because of its position, prominent roof and gables and extensive grounds, is dominated in this area by the detached house, Cauldwell, to the north.
25. In addition, the indicative plans show a property of stone and slate, notwithstanding that brick and tile are also used within the CA. Therefore, subject to the house being of a suitable design and materials, and appropriately worded conditions, visually, a house would not appear inappropriate in this location. Consequently, it would preserve the character and appearance of the area.
26. Plot 2 is narrower at the front where it adjoins the access track. Because of the topography of the land, a house up to two storeys would be raised in height and

therefore more prominent when viewed from Snows Green Road and the CA. Additionally, it would be sited next to Varades, which is a single storey dwelling. Therefore, whilst the proposal would be outside the CA, its siting to the rear of Varades, with the parking to the front, would appear contrived and cramped on this site.

27. Moreover, at potentially two storeys in height, it would intrude into and dominate the currently pleasant, verdant setting that contributes to the appearance of the area around Varades. Consequently, as the application is in outline, with only details of access provided, there is limited evidence as to how a property would successfully be accommodated on the site without harming the character and appearance of the area.
28. I therefore conclude that the proposed development on plot 1 would not harm the character and appearance of the area and it would preserve the CA in accordance with the Act. It would, in addition, accord with DLP Policies 6, 29 and 44 which collectively, and in part, seek to provide development that is appropriate to the character and setting of a settlement and would sustain the significance of designated heritage assets. Moreover, it would accord with paragraph 212 of the Framework.
29. However, I conclude that the proposal at plot 2 would harm the character and appearance of the area and would therefore conflict with DLP Policies 6, 29 and 44 as set out above.

Biodiversity

30. It is agreed between the main parties that the planning application was submitted before statutory Biodiversity Net Gain (BNG) was in place for sites of this size. I have no reason to take a different view. However, a BNG assessment using the Small Sites Metric 4.0 was undertaken which demonstrated a net gain of 0.0895 habitat units and a net gain of 0.2858 hedgerow units.
31. The evidence includes an Arboricultural Impact Assessment and a Tree Constraints Plan. Whilst some small trees and hedges would be removed to facilitate the development, it would not affect the TPO trees growing at the front of the site on plot 1. Therefore, based on the submitted evidence, a house could be designed which would be outside the RPA of the protected trees, subject to suitably worded conditions.
32. The Preliminary Ecological Appraisal⁶ (PEA) identified within the survey area that there was a moderate potential for roosting bats, which was mainly confined to the retained trees at the front of the site. This highlighted the connectivity between the network of vegetated garden habitats in the area and belts of woodland that exist between residential areas.
33. Whilst the proposal does not suggest that there would be significant harm to biodiversity, Policy 41 of the DLP requires new development to minimise impacts on biodiversity by enhancing existing biodiversity assets and features and providing net gains for biodiversity, including by established coherent ecological networks. The PEA identifies proposals to improve the biodiversity of the site as part of the landscaping, as well as providing a sensitive lighting scheme. Although

⁶ Whitcher Wildlife Ltd, 18 March 2024, updated 9 April 2025

there is limited evidence as to how this would be achieved, based on the conclusions within the PEA, a suitably worded condition could ensure that the proposal would result in net gains for biodiversity and the establishment of ecological networks.

34. Therefore, I conclude that the proposal would not harm the biodiversity of the site and net gains for biodiversity would be achieved subject to the necessary safeguards and a condition. It would not conflict with Policy 41 of the DLP as set out above, and paragraph 187 d) of the National Planning Policy Framework.

Other Matters

35. An officer report for a householder application⁷ at No 90 Snows Green Road, next to plot 1, has been submitted by the appellant. As this relates to an existing property and is of a scale and form which is not comparable to the appeal case, it is of limited weight in the consideration of this appeal.
36. There is reference to a previous planning application next to Varades⁸, which was considered acceptable in terms of character and appearance. Based on the limited substantive evidence provided, it is not clear, however, whether this proposal is comparable to this appeal.

Planning Balance and Conclusion

37. The proposal would provide two new houses, each with three parking spaces, and, based on the indicative plans, separation distances would be satisfied, and appropriate garden space would be provided. In addition, the development would provide some economic benefits during the construction of the housing, and from future occupiers of the dwellings.
38. The site is partly within the CA. Whilst I have found that the development of plot 1 would not harm the character and appearance of the area and would preserve the character of the CA, I have found that a dwelling up to two storeys in height on plot 2, would cause some harm. In addition, whilst there is agreement that the existing access onto Snows Green Road is sub-standard, the evidence does not support the proposed changes which would have an unacceptable effect on the safety of users of the adjoining highway.
39. Therefore, for the above reasons, I conclude that the proposed development conflicts with the development plan when considered as a whole. Whilst there are material considerations in favour of the development, these do not outweigh the identified harm and that warrant a decision other than in accordance with the development plan
40. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR

⁷ Ref DM/21/00828/FPA

⁸ Ref 1/2009/0120/FUL