



Appeal Decision

Site visit made on 27 August 2025

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2025

Appeal Ref: APP/X1355/W/25/3368055

4 Stringer Terrace, Langley Park, Durham DH7 9UT

- 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 Miss Lindsay Hall against the decision of Durham County Council.
 - The application Ref is DM/24/01291/FPA.
 - The development proposed is described as a self-contained annexe to create level access living for parents, to comprise of open plan living room/kitchen, 1 bathroom and 1 bedroom.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form but I have excluded superfluous information that is not an act of development.
3. The plans submitted with the appeal include a number of alternative proposals for the appeal site. I understand that these were submitted during the course of the Council's determination of the application. However, both parties have confirmed that the Council's decision was based on the originally submitted plans, and I have therefore considered the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on nearby trees.

Reasons

Character and Appearance

5. The appeal property is a two storey, end terraced dwelling which sits in a large plot with gardens to the front, side and rear. It sits at the end of a short row of four, modest-sized terraced properties, which are positioned at a right angle to Low Moor Road. The proposed annexe would be located on the boundary with the rear gardens of the properties on Davis Crescent and Langley Park Cemetery is located immediately to the north and west of the appeal site.

6. The proposed annexe would measure approximately 12.9 metres by 4.5 metres with an overall height of 5.15 metres. It would provide an open plan living room and kitchen, a bedroom and a bathroom on the ground floor with mezzanine storage above. It would be finished in a grey render with a concrete tiled roof and grey uPVC windows.
7. It would be located in a visually prominent position, close to the north and eastern boundaries of the appeal site and forward of the principal elevation of the appeal property and adjoining terrace. Its siting would result in a high degree of visibility from public viewpoints, notably Low Moor Road and Langley Park Cemetery. This visual impact would be intensified by the open character of the appeal site, which lacks natural screening. Moreover, the absence of any proposed soft landscaping would further contribute to the development's stark and intrusive presence within the surrounding area.
8. The scale and design of the annexe, including its steeply pitched roof, would result in a form of development that appears incongruous within the established street scene. Its siting would be at odds with the prevailing pattern of development and fail to respect the character and appearance of the appeal site, the adjacent terraced dwellings, and the wider area. Whilst the proposed materials would reflect those used on the host property, they are not representative of the broader area and do not sufficiently mitigate the visual harm caused by the proposal.
9. My attention has been drawn to an example of a detached annexe building within the village of Witton Gilbert. However, I have not been provided with full details of this proposal. The Council has confirmed that this example was approved under previous Local Plan policies. Therefore, whilst I accept the example relates to a detached annexe building, I have not been presented with any substantive evidence that it is directly comparable to the appeal proposal. Furthermore, it was approved under different local plan policies and therefore, I attribute this very limited weight.
10. For the above reasons, I therefore find that the proposed development would cause unacceptable harm to the character area. Thus, it would be contrary to Policy 29 of the County Durham Plan, adopted 2020 (the CDP) which requires amongst other things, that development proposals should contribute positively to an area's character.

Trees

11. The appeal site borders the cemetery, which has a number of large trees along its boundary. Whilst these trees are not subject to Tree Preservation Orders, the proposed annexe would be sited within approximately one metre to this boundary and the trees. The Council's Tree Officer considers that the proposed building would be likely to fall within the root protection area of these trees. However, no tree survey or other arboricultural information has been provided. The Council's Tree Officer has also raised concerns about the height and proximity of the trees in relation to the living conditions of future occupiers.
12. Whilst I have considered whether or not these concerns could be addressed by requiring further details of the foundation design at the buildings regulations approval stage or by imposing suitably worded planning condition, I am not satisfied that this would be sufficient to determine the likely effects of the proposal on the nearby trees.

13. Consequently, I therefore find that it has not been demonstrated that the proposed development would not cause harm to the existing trees directly to the north of the site within the cemetery grounds. Thus, it would be contrary to Policy 40 of the CDP which requires amongst other things, new development to retain existing trees where they can make a positive contribution to the locality or to the development, maintain adequate stand-off distances between them and new land-uses, including root protection areas where necessary, to avoid future conflicts, and integrate them fully into the design having regard to their future management requirements and growth potential.

Other Matters

14. I have had regard to the concerns raised by a neighbouring occupier regarding the potential for loss of light to the garden area of their property. The Council concluded that whilst the scheme is likely to result in some loss of daylight in the late afternoon to a small part of the garden of the neighbouring property, this is not considered to be at an unreasonable level that would warrant refusal of the application in amenity terms. Based on the evidence before me and my own observations, I see no reason to disagree with this conclusion.
15. I also acknowledge that concerns have been raised in respect of loss of view from neighbouring property. However, loss of view is not a material consideration in the determination of this appeal.

Conclusion

16. For the reasons set out above, the proposed development would conflict with the development plan taken as a whole. There are no material considerations, including the Framework, of sufficient weight which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR