



Appeal Decision

Site visit made on 18 August 2009

by **Graham E Snowden** BA BPhil Dip
Mgmt MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
21 August 2009

Appeal Ref: APP/N1350/A/09/2104126

West View Cottage, Darlington Road, Sadberge, Darlington, County Durham DL2 1SA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr John Fagan against the decision of Darlington Borough Council.
- The application Ref 09/00155/FUL, dated 10 March 2009, was refused by notice dated 7 May 2009.
- The development proposed is one dwelling within garden.

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the effect of the proposed development on
 - the character and appearance of Sadberge Conservation Area and
 - the safety of users of the adjacent highway.

Reasons

Character and appearance of Sadberge Conservation Area

3. The appeal site occupies a highly visible location on the western edge of the village as it is approached via a slight incline from the A66. West View Cottage is a modern bungalow on an elevated site above the roadway, with modern housing development behind. Its immediate context is of contemporary buildings of little architectural merit, which dominate the western approach to Sadberge, before giving way to the more traditional cottage and terrace forms, which characterise the core of the village to the east. The proposed dwelling would occupy part of the garden of the host dwelling. This occupies an elevated position behind a rubble stone retaining wall, which is a significant and traditional feature of the streetscape, and the development would involve cutting into the land form from the roadway. The consequent partial removal of the stone retaining wall would, in my view, be harmful to the general appearance of the approach to the village.
 4. The proposed dwelling, itself, would be aligned at right angles to the roadway, with a gabled frontage with art stone copings. This is clearly an attempt to reflect the appearance of Rose Cottage, a traditional building further east,
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which is similarly aligned to the roadway. Whilst the overall form is not unsympathetic, the suburban window dimensions and doorway incorporating non-traditional side window and canopy represents poor detailing for such a prominent site. Of greater concern, however, is the way that the development would open up the site to the road in a location where the retaining wall forms an attractive boundary edge to the village.

5. In my view, the development would represent a weak and diminutive element in the street scene, which would contribute little to this important approach to the village and harm its appearance.
6. I, therefore, conclude on this issue that the proposal would harm the character and appearance of Sadberge Conservation Area.

Safety of users of the adjacent highway

7. Access to the site would be located on the outside of a bend in the road approaching the village. To the west of this point 30mph speed restrictions on the approach to the village are introduced. Despite this, and the slight incline as the village is approached, I noted - perhaps as a result of the proximity of the A66 dual carriageway to the west - that some traffic only tended to slow down as the appeal site was approached. The Council claims that a visibility splay of 2m x 30m only can be achieved to the west, which is below that recommended for the road conditions in Manual for Streets (MfS), and argues that this would be contrary to Policies T13 and T24 in the Borough of Darlington Local Plan (Local Plan). However, the appellant disputes this and argues that a "y" distance of 44m (i.e. just above that recommended in MfS) can be achieved. It was impossible to verify the actual situation on site, but I consider that the broad grass verge (2.7m) at the access point and the absence of public footways on this side of the road would normally be sufficient to ensure lack of conflict between emerging vehicles and road users, particularly given the level of traffic, which, at the time of my visit, was fairly low.
8. However, the proposed arrangement would not allow for vehicles to turn within the site, meaning that they would have to reverse in and out. At this point on the outside of a bend, where traffic is adjusting to a change in speed restrictions, I consider that there would be some scope for potential conflict. I conclude, therefore, that the development would give rise to an unacceptable impact on the safety of users of the highway. This, therefore, contributes to my conclusion that the development is unacceptable. The appellant has drawn my attention to other cases within the area where "similar" arrangements have been accepted by the Council. I am not familiar with the locations involved, but, from the photographs supplied, it would appear that one is located on the inside of a bend and, in the other two cases, there is provision for vehicles to turn within the site. I do not consider the situations to be comparable and, as each situation has to be considered on its merits, I have accorded little weight to these examples in reaching my conclusion on this issue.

Conclusion

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G E Snowdon

INSPECTOR

