



Appeal Decision

Site visit made on 13 May 2009

by **Don Rankin DipTP MRTPI**

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

The Planning Inspectorate
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Decision date:
16 June 2009

Appeal Ref: APP/N1350/A/09/2099025

59 Elton Parade, Darlington, County Durham, DL3 8PJ

- 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 Voyage against the decision of Darlington Borough Council.
- The application Ref 08/01002/FUL, dated 22 December 2008, was refused by notice dated 13 February 2009.
- The development proposed is a part 2, part single storey rear extension.

Procedural matter

1. The submitted drawings include an amended final plan and it is that final amended version which I have used in my consideration of the proposal.

Decision

2. I allow the appeal and grant planning permission for a part 2, part single storey rear extension at 59 Elton Parade, Darlington, County Durham, DL3 8PJ. The permission is granted in accordance with the terms of the application Ref 08/01002/FUL, dated 22 December 2008, and the plans submitted therewith as amended, subject to the conditions in the attached schedule.

Main issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Stanhope Road/ Grange Road Conservation Area.

Reasons

4. The appeal site has a long standing use as a care home for 8 residents. The existing building is a late 19th/early 20th Century hipped roof, painted brick building with timber sash windows. To the front are a large bay window and a Doric columned portico. It is a distinctive period building standing in its own extensive grounds and in my view makes a positive contribution to the character and appearance of the conservation area. It is at present empty and in a poor state of repair. The building is presently served by an access yard to the side which would be largely replaced by an 8 space parking area (including a disabled bay). The proposed refurbishment of the main house would leave its external appearance largely unaltered and the proposed extensions would be in a similar style of brick construction to that existing, with sympathetic window and roof designs. Both the two storey and single storey extensions would remain subservient to the host building. The single storey extension across the rear of the garden would be largely screened from Eldon Parade by the mature, protected, trees on the street frontage.

5. These alterations would in my view be wholly subservient to the architectural style of the building and to the appearance of the appeal site from Elton Parade. The refurbishment of the host building and the improved parking and access would benefit the overall appearance of the site. I accept that the development would be generally visible from the surrounding residential properties but taking into consideration the range of building styles and roof heights also visible from these vantage points I consider that this would not result in significant harm to the prospect of the conservation area. I note the view of the Council's Conservation Officer that with respect to the effect on the character and appearance of the conservation area the proposal is acceptable. The Council has offered no additional evidence on this issue I find no reason to disagree with the conservation officer's assessment. I consider that the proposal would preserve the character and appearance of the conservation area and in consequence is not contrary to Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).
6. With regard to other matters raised I note the view of the highway authority that the parking and access arrangements, subject to appropriate planning conditions are acceptable. There is no convincing other evidence that there would be adverse effects on parking availability or road safety. The council has not raised objection to the proposal on grounds of any adverse effect on the living conditions for the occupants of neighbouring properties. Whilst I note third party objectors' comments on the potential for added noise and disturbance from the type of care home intended I have no convincing evidence to that effect. The proximity of the site to other care homes would not result in any demonstrable harm.
7. All of the existing protected trees (Borough of Darlington TPO No.6 Order 1983) are to be retained and I accept the results of the arboricultural survey with respect to the quality and expected lifespan of those trees to be removed. A wildlife survey is in my view unnecessary in this urban setting where the property has been recently in use as a care home and I have no reason to consider a threat to any protected species exists. With regard to the proximity of the proposed extension to the rear of the properties in Cleveland Terrace, the wall adjoining the boundary with the side access road would be single storey. Any ground floor windows, which may overlook neighbouring property would be obscure glazed and the upper storey landing window could be required by a planning condition to be obscure glazed, to protect privacy. As a predominantly single storey structure, separated from the gardens of the houses in Cleveland Terrace by an access road, and from the houses by about 19 metres there would be no appreciable loss of either daylight or direct sunlight. I have no conclusive evidence that any drainage matters could not be resolved. The existence of restrictive covenants which may affect the appeal site are not a planning matter I consider therefore that there would be no significant adverse effects on the living conditions for neighbouring residents.
8. For the reasons given above, and having regard to all other matters raised, I conclude that the proposal would preserve or enhance the character or appearance of the Stanhope Road/ Grange Road Conservation Area and is not therefore contrary to PPG15. In consequence the appeal is allowed.

Conditions

9. I have used the conditions recommended on the officer's report as a guide. I agree with the appellant company that a condition further restricting the use within Class C2 is inappropriate there being no evidence to suggest that other Class C2 care homes could be harmful to the living conditions of the occupants of adjoining properties. I have determined the appeal on the basis of the submitted plans which show 8 bedrooms. A further condition to restrict occupancy to eight residents would appear unnecessary.
10. Having regard to the provisions of Circular 11/95 Use of Conditions in Planning Permissions I consider the following conditions are necessary for the reasons given. Condition 2, on materials, is to protect the character and appearance of the area. Conditions 3, 4 and 5 are necessary in the interest of road safety and to encourage cycle use. Conditions 6 and 7 to protect trees during construction, condition 8 to protect the privacy of nearby residents and condition 9 to protect the character and appearance of the area.

Don Rankin
INSPECTOR

