
Appeal Decision

Site visit made on 14 January 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 28 March 2015

Appeal Ref: APP/N1350/A/14/2219379

Skipbridge, Neasham Road, Hurworth Moor, Darlington, DL2 1QL

- 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 Robert Burnside against the decision of Darlington Borough Council.
 - The application Ref 14/00106/FUL, dated 6 February 2014, was refused by notice dated 8 May 2014.
 - The development proposed is the erection of a chalet bungalow for holiday accommodation (for 11 months of the year).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application forms identify the applicant to be 'Mr Robert Burnside', whilst the grounds of appeal highlight the appellant to be both 'Robert Burnside' and 'Mark Burnside'. On the basis that the appeal must be made by the same party or parties as identified as the applicant for the planning application, I have identified the sole appellant in this instance to be 'Mr Robert Burnside'.

Main Issues

3. The main issues are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposed development would safeguard the living conditions of the neighbouring occupiers of The Potteries, having regard to noise and disturbance from vehicular and pedestrian movements.

Reasons

Character and appearance

4. The appeal site comprises a tarmac area of land which is accessed by a narrow private drive serving The Potteries, which are a small group of single-storey dwellings located on land immediately to the north-east of the site. To the south-east is a collection of existing farm buildings, with the nearest positioned in close proximity to the common boundary with the appeal site. To the north-west is the Lakeside Eco Lodge Park (the Lodge Park), which shares part of the

- access to The Potteries and the appeal site. At the time of my site visit, the Park was only occupied on a limited basis with many empty plots remaining.
5. The proposed development would comprise a timber chalet bungalow. The appellant has cited the presence of the nearby Lodge Park and the style of buildings already in situ as justification for the design and appearance of the building as being characteristic of existing development within the area. In this respect, the proposed development would not appear out of keeping with the appearance of the chalet bungalows on the Lodge Park. However, whereas the existing chalet bungalows occupy positions within a set-piece development, the proposal would be located beyond the visible extent of the Lodge Park and adjacent to farm buildings and the existing single-storey brick dwellings of The Potteries. Whilst I accept that the premise for occupation as proposed would differ from that of the adjacent permanent residences, the proposed chalet bungalow would nevertheless appear as an incongruous form of development within the context in which it is located, particularly as a result of its form, appearance, and use of materials.
 6. The appellant has drawn my attention to an apparent preference of objectors for a brick built structure rather than the timber chalet bungalow. However, whether this may or may not be the case, this has not been placed before me as an alternative form of development, and in any event I have noted the Council's reported reservations to such a form of development in this location. This is not therefore a matter which has had any significant bearing on my decision-making.
 7. Whilst I have had regard to the position of the nearby Lodge Park, the proposed development would nevertheless have an adverse effect on the character and appearance of the area. The proposal would therefore conflict with Policies CS2 and CS16 of the Darlington Core Strategy 2011 (the Core Strategy), which seek to ensure that development positively contributes to the character of the local area, and does not have an adverse effect on general amenity.

Living conditions

8. The Council has highlighted in the reason for refusal that the proposed development would have an adverse effect on the residential amenity of residents of The Potteries, as a result of increased comings and goings in connection with the development. However, the Council has not explicitly stated how the increased comings and goings would manifest themselves as an adverse effect on the living conditions of neighbouring occupiers. Whilst I would not dispute that the proposed development would result in greater pedestrian and vehicular movements, there is no evidence before me that the particular nature of the use would result in levels of activity, noise and disturbance so severe as to have an unacceptable impact on living conditions.
9. I have also had regard to the concerns of residents regarding the potential for disruption to access to The Potteries by additional vehicles, and the consequent potential for obstruction. However, in considering this matter I have been mindful of the conclusions of the Council's Highways Engineer regarding the potential for only limited additional traffic generation from the proposed development, and that the provision of two parking spaces would be satisfactory to ensure that overspill parking does not occur. In the absence of any compelling evidence to the contrary, I am satisfied that the level of traffic

that would be expected to be generated, and the availability of sufficient parking on the appeal site, would not result in adverse highway conditions to the detriment of the living conditions of neighbouring occupiers.

10. On the basis of the submitted evidence and my own observations on the site, I am satisfied that the proposed development would safeguard the living conditions of the neighbouring occupiers of The Potteries, having regard to the additional comings and goings associated with the chalet bungalow. Whilst the Council has referred to Policy CS16 of the Core Strategy which refers to general amenity, the Council has not cited any specific Development Plan policies in respect of living conditions in the reason for refusal. I have therefore assessed the proposals against the National Planning Policy Framework, and concluded that the proposals would not conflict with the core planning principles at paragraph 17, as the development would secure a good standard of amenity for all existing occupants of land and buildings.

Other Matters

11. The appellant, in seeking to address concerns raised by interested parties in respect of the construction period and obstruction to the access, has advised that the chalet bungalow would be lifted into place in one piece, thus limiting the duration of the construction period, and any disruption that may occur. The appellant has also drawn my attention to the absence of objections from technical and statutory consultees which, whilst noted, would neither weigh against nor in support of the proposed development.
12. Interested parties have drawn my attention to a number of other matters. These include the nature of occupation of the chalet bungalow, matters related to the ownership of the access, the limited size of the site and ability to provide any feasible outdoor space for the use of occupiers, the location of the site away from existing services and facilities, and concerns over the impact on existing utilities.
13. I am satisfied that the description of development indicates clearly the terms in which the application has been made, and whilst I have noted the concerns of interested parties over the enforceability of any condition seeking to control the occupation of the accommodation, I am not persuaded that this is a matter which could not be satisfactorily controlled in the event of permission being granted. With regards to land ownership, an appellant does not have to own a site to seek planning permission for development upon land, and I note that in this instance the appropriate Certificate has been completed by the appellant in order to ascertain the precise ownership of the land. In respect of the size of the appeal site and ability to provide amenity space for future occupiers, I would agree with the contention that the outdoor space would be relatively limited in area, although I note that this is not a matter which has been expressed in the reason for refusal by the Council, and is not therefore a matter which has been central to my decision-making in this instance.
14. In respect of the other issues raised, I note that the Council has addressed these matters in its Committee Report, and in the absence of any compelling evidence to the contrary, I see no reason to disagree with the Council's conclusions in these respects.

Conclusion

15. I have concluded that the proposed development would safeguard the living conditions of the neighbouring occupiers of The Potteries, having regard to the additional comings and goings associated with the chalet bungalow. However, this would not outweigh the harm which I have found in respect of the effect of the proposed development on the character and appearance of the area.
16. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

M Seaton

INSPECTOR