



Appeal Decision

Site visit made on 17 December 2012

by **Matthew Birkinshaw BA(Hons) MSc MRTPI**

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

Decision date: 13 February 2013

Appeal Ref: APP/N1350/A/12/2183153

Land adjacent to No 5A The Spinney, Middleton St George, Darlington, County Durham, DL2 1HD

- 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 Paul Armstrong against the decision of Darlington Borough Council.
- The application Ref 12/00428/FUL, dated 25 June 2012, was refused by notice dated 27 July 2012.
- The development proposed is the erection of a detached dwelling house.

Decision

1. I allow the appeal, and grant planning permission for the erection of a detached dwelling house on land adjacent to No 5A The Spinney, Middleton St George, Darlington, County Durham, DL2 1HD in accordance with the terms of the application, Ref 12/00428/FUL, dated 25 June 2012 subject to the conditions in the schedule at the end of this decision.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located to the side of 5A The Spinney in one corner of a small cul-de-sac, which in turn forms part of the wider 'Virginia' housing estate. The site currently consists of vacant stables and a barn which overlap the defined settlement boundary adjacent to the host property, with the associated paddocks extending further north up to a railway line and the A67. Outside the defined development limits saved *Darlington Local Plan Policy E2* seeks to restrict new housing development in order to safeguard the character and appearance of the countryside.
4. Although contrary to this policy by virtue of its siting, the dwelling proposed would only protrude beyond the defined development limits by approximately 10m. The proposal would also redevelop existing, underused land and buildings on a similar footprint. Whilst there would be a greater degree of separation from the host property when compared with previous planning permissions, the corridor of green space and gap which currently separates residential development from the railway line to the north would still be maintained. Furthermore, situated in one corner of a small cul-de-sac the proposal would still be seen in the context of the surrounding mix of suburban

housing on the Virginia Estate. As a result, although the proposed siting of the new dwelling would take development slightly outside the settlement boundary, this relatively modest protrusion would not undermine the character and appearance of the area.

5. With regard to the scale of the dwelling proposed this would be larger than others in the cul-de-sac as a result of the inclusion of dormer windows and raised eaves height. However, the surrounding area contains a mix of properties from detached bungalows to large 2-storey detached housing. Viewed in this context, and coupled with the location of the appeal site; set back in one corner of a small cul-de-sac largely screened by neighbouring properties, the height and scale of the proposal would not undermine the character and appearance of the area, despite its differences.
6. I have noted the Council's comments regarding the extant planning permission for the site, which demonstrated that a dwelling could be accommodated within the confines of the development boundary. However, for the reasons identified above the siting and scale of the proposal, protruding only approximately 10m beyond the settlement boundary and replacing existing built development on a similar footprint would not result in significant harm to the area given the context of the site and its surroundings.
7. Although the proposal would extend slightly beyond the development limits it would not have a detrimental impact on the character and appearance of the area which local planning policies seek to protect. Consequently there is no conflict with the aims and objectives of *Darlington Local Plan Policy E2* or the spatial distribution of development set out in *Darlington Local Development Framework Core Strategy Policy CS1*. There is also no conflict with Core Strategy Policies CS2 requiring proposals to reflect the character of the local area, nor CS14 which seeks to protect the distinctive character of the countryside. Similarly, there is no conflict with the Core Planning Principles of the National Planning Policy Framework (paragraph 17) which recognises the character of areas and the intrinsic qualities of the countryside.

Conclusion and Conditions

8. For the reasons given above, and having regard to all other matters raised, including comments regarding access to the property, I conclude that the appeal should therefore be allowed.
9. Aside from the standard time limit condition it is also necessary to list the approved plans for the avoidance of doubt and in the interests of proper planning. In the interests of ensuring an appropriate appearance to the development a condition is necessary requiring approval of external facing materials and boundary treatments. To protect the countryside from encroachment and to safeguard the character and appearance of the area it is also necessary in this instance to remove certain permitted development rights. Finally, it is also necessary to ensure the scheme meets Code for Sustainable Homes targets in the interests of sustainable development and local policy.

Matthew Birkinshaw

INSPECTOR

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Location Plan, Drawing No. 1, 2, 3, 4, 5, 6 and 7.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting, or modifying that Order), the dwelling hereby permitted shall not be enlarged, amended, or extended under the provisions of Schedule 2, Part 1, Classes A – F inclusive of that Order.
- 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be carried out in accordance with the approved details and completed before the dwelling hereby permitted is occupied.
- 6) No development shall take place until the details of the methods to be used to ensure that the proposed dwelling meets Code for Sustainable Homes Level 3 have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

