



Appeal Decision

Site visit made on 29 January 2013

by **P J Asquith MA(Hons) MA MRTPI**

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

Decision date: 18 February 2013

Appeal Ref: APP/N1350/A/12/2180903
54 Barmpton Lane, Darlington, DL1 3HE

- 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 J Richardson against the decision of Darlington Borough Council.
 - The application Ref. 12/00271/FUL, dated 12 April 2012, was refused by notice dated 19 June 2012.
 - The development proposed is the creation of one single-storey dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of one single-storey dwelling at 54 Barmpton Lane, Darlington, DL1 3HE in accordance with the terms of the application, Ref. 12/00271/FUL, dated 12 April 2012, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue in this case is the impact of the proposal on the living conditions of the residents of the proposed dwelling and those nearby.

Reasons

3. The present scheme represents a revised proposal following the dismissal of an appeal¹ in 2011 relating to the erection of two detached dwellings on the site, part of a large domestic curtilage surrounded on all sides by residential development. The proposal seeks to overcome the concerns of my colleague Inspector in his decision and the Council does not object to the principle of residential development on the site. No issue is raised as to the design of what would be a principally hipped-roof, single-storey bungalow. Although its footprint would be larger than much of the immediately surrounding residential development, the bungalow would be largely hidden from public view, particularly from Barmpton Lane because of its backland position. I have no reason to conclude otherwise than it would be compatible with the eclectic mix of residential development in this part of Darlington.
4. One of the modern houses to the immediate east, No. 41 Rivergarth, is close to the common boundary but windows there at first-floor level would only look onto the largely blank elevation of the proposed dwelling and a narrow area of garden. Similarly, the dwelling to the south, No. 7 Rivermead Avenue, would

¹ Ref. APP/N1350/A/11/2155858

only look onto this area of side garden from which it would be separated by an area of land to the rear of the retained garage building of No. 54. Like the Council, I do not find the relationship of the proposed bungalow in respect of these two existing properties would result in unacceptable levels of privacy for its occupiers.

5. What would be the principal area of garden space for the proposed dwelling would lie to its north. This would be partially overlooked from first floor windows within No. 43 Rivergarth. However, this house is orientated obliquely towards the appeal site and there would be significant areas of garden that would not be appreciably overlooked by either this property or that to the immediate north. Furthermore, garden planting and screen fencing would allow the proposal's occupants to create further areas of private space free from overlooking within what would be its sizeable garden. As such, I am satisfied that the scheme would provide acceptable levels of privacy and amenity for its occupants without undue overlooking, or perception of overlooking, from surrounding dwellings.
6. Access to the proposed dwelling would be down the existing driveway passing alongside the side elevation of No. 52 Barmpton Lane where there are four windows. There would be little impact on privacy for the occupiers of this property because of the presence of tall close-boarded fencing. However, the Inspector in his 2011 appeal considered that the traffic that would have been associated with the then proposal for two four-bedroomed dwellings, and bearing in mind that the access would also continue to be used by No. 54, would be likely to cause some disturbance within No. 52.
7. The evidence in the present case suggests that with the provision of only a single three-bedroomed dwelling the level of traffic generation past No. 52 would be much less than that likely to have arisen from the previous proposal. TRICS data suggest the average two-way vehicular trip rate for this form of property would be about six per day compared with some 14 two-way trips that would have been likely to have been associated with the previous scheme. Furthermore, because of the location of the proposed garage and driveway for the dwelling, vehicle manoeuvring connected with it would be further removed from the rear garden of No. 52, beyond the retained large garage related to No. 54. In this regard, the proposal is materially different to that the subject of the previous appeal.
8. I have noted comments that the type of property proposed would be likely to be attractive to more elderly occupiers with resultant lower levels of vehicular activity than might be associated with other occupiers. However, there could be no guarantee of this. Nonetheless, I consider the reduced level of activity compared with the previous scheme, whilst resulting in a change from the present situation, would not result in such a degree of disturbance for the occupiers of No. 52 that this would be materially harmful to the living conditions they could reasonably expect to enjoy. There would also be sufficient distance and physical separation between the garaging and manoeuvring space and No. 41 Rivergarth to the east to ensure no undue disturbance for occupiers there.
9. As a consequence of the above, there would be no conflict with saved Policy H13 of the Borough of Darlington Plan, Policy CS2 of the Darlington Local Development Framework Core Strategy or the Council's Supplementary Planning Document *Design of New Development*. Amongst other matters,

these seek to protect privacy and quiet enjoyment of neighbouring dwellings and gardens and to achieve high quality, safe, sustainable and inclusive design in new developments.

Other Matters

10. The Council has not referred to highway safety as an issue and the highway authority is content with the scheme subject to the imposition of a condition to ensure off-street parking for No. 54. I have no reason to come to a contrary view to that of the previous Inspector that additional traffic from the proposal would not be materially harmful to highway safety; this is the more so with the lesser amount of vehicular activity the current scheme would be likely to generate.
11. I have taken account of all other matters raised but there is nothing to alter my overall conclusion that, subject to appropriate conditions, the scheme is acceptable.

Conditions

12. A condition is necessary specifying the plan to which the permission relates, for the avoidance of doubt and in the interests of proper planning. To ensure a satisfactory appearance I shall impose conditions requiring the agreement of external materials and means of enclosure. To protect the living conditions of nearby occupiers, conditions are necessary relating to various aspects of construction. To ensure the retention of a tree adjacent to the site a condition is required to ensure its protection during construction. As noted above, a condition is also necessary to ensure parking provision for No. 54.

P J Asquith

INSPECTOR

Schedule of 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 plan: 1001-04 Rev E, dated 12 April 2012.
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling 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) No development shall take place until details of any walls, fencing or other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be erected prior to the first occupation of the dwelling hereby permitted and thereafter retained.
- 5) No development shall take place on the site until protective fencing in accordance with BS5837:2012 has been erected around the semi-mature Whitebeam adjacent to the site and the means of protection approved by the Local Planning Authority. The approved protective fencing shall be

retained for the duration of the construction of the dwelling hereby approved.

- 6) No development shall take place until a Dust Action Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved Plan.
- 7) No development shall take place until a scheme for the piling of foundations (if applicable) has been submitted to and approved in writing by the Local Planning Authority. This should include: a) an assessment of the likely vibration levels and details of any necessary mitigation measures; b) details for the monitoring of vibration levels and details of any necessary mitigation measures; c) if necessary, a risk assessment for the protection of groundwater from any contamination which may be present on the site. Development shall be implemented in accordance with the approved scheme.
- 8) Construction works shall not take place outside the hours of 08.00 to 18.00 Mondays to Fridays, 08.00 to 14.00 on Saturdays and not at all on Sundays, Bank or Public Holidays.
- 9) No development shall take place until details of the provision of off-street parking for two vehicles for No. 54 Barmpton Lane have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.