



# Appeal Decision

Site visit made on 29 June 2010

by **R R Lyon MA CEng MICE MRTPI FCIHT**

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

The Planning Inspectorate  
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Decision date:  
2 July 2010

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## Appeal Ref: APP/N1350/D/10/2128895 School House, Denton, Darlington DL2 3TY

- 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 Andrew Peacock against the decision of Darlington Borough Council.
- The application Ref 10/00046/FUL, dated 28 January 2010, was refused by notice dated 12 March 2010.
- The development proposed is retention of balcony, removal of raised decking area and construction of rear entrance canopy.

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### Decision

1. I allow the appeal, and grant planning permission for retention of balcony, removal of raised decking area and construction of rear entrance canopy at School House, Denton, Darlington DL2 3TY in accordance with the terms of the application, Ref 10/00046/FUL, dated 28 January 2010, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 3) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans.

### Reasons

2. The original application referred to the removal of certain structures. Revised plans were submitted to the Council on 28 January 2010 and the description of the proposal was amended to that shown in the box above.
  3. Access to the balcony is from a first floor bedroom window. The proposed canopy would taper down from a single storey flat roof to just above head height. The proposal would be low key and the timber and slate construction would complement the host building. I judge that the proposal would not harmfully affect the character and appearance of the host building and would preserve the character and appearance of Denton Conservation Area.
  4. A fence some 1.5m high separates the gardens of School House and The Orchard, which contains a conservatory. Some screening above fence height is provided by an evergreen hedge, and an evergreen tree stands in line with the balcony on the boundary. A shrub occupies the narrow gap between the hedge and the tree, currently slightly below the height of the hedge. The balcony is
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some 6.5m from the fence. That distance in combination with the vegetation I describe and the relatively low height of the balcony leads me to conclude that any overlooking would be oblique and limited to the extent that I would not dismiss this appeal for that reason or for perceived loss of privacy.

5. I conclude that the proposal would preserve the character and appearance of the Conservation Area and would not materially harmfully affect the living conditions of neighbours by way of overlooking and loss of privacy. It would comply with saved policy H12 of the Borough of Darlington Local Plan.
6. Apart from the usual commencement condition, and notwithstanding the notes on the approved drawings, I consider that it is necessary to impose conditions requiring materials to match the existing and that the proposal should be carried out in accordance with the approved drawings, which I note are not numbered. The reason for the conditions is to secure a development that would be appropriate in the Conservation Area.

*RR Lyon*  
INSPECTOR