



Appeal Decision

Site visit made on 1 November 2011

by **Philip Major BA(Hons) DipTP MRTPI**

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

Decision date: 8 November 2011

Appeal Ref: APP/N1350/A/11/2155868

54 Barmpton Lane, Darlington, County Durham 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 John Richardson against the decision of Darlington Borough Council.
 - The application Ref: 11/00150/FUL, dated 7 March 2011, was refused by notice dated 20 June 2011.
 - The development proposed is the creation of 2 new dwellings on the land to the rear of 54 Barmpton Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - (a) The effect of the proposed development on the living conditions of residents of the proposed dwellings and those nearby;
 - (b) The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living Conditions

3. The appeal site, which is part of a large domestic curtilage, lies within a residential area of Darlington. It is surrounded on all sides by residential property. The size of the site is capable, in principle, of accommodating the 2 dwellings proposed. However, surrounding properties constrain development potential because of the configuration of those properties in relation to the appeal site. This is evident in a number of ways.
4. First, the dwelling immediately to the east of proposed dwelling No 2 is very close to the common boundary. The first floor windows of that 2 storey dwelling would look directly into the rear garden and 2 bedroom windows of the proposed dwelling. Even though the spacing between dwellings may be adequate, the loss of privacy in the garden area, and the perception of being overlooked, would be significant.
5. Secondly, the dwelling to the south of proposed dwelling No 2 would also look directly into the rear garden. This too would lead to significant overlooking and

impairment of privacy. There would be some protection from the proposed garage, but overall the levels of privacy provided would be unsatisfactory.

6. Thirdly, the access drive to the dwellings would pass close to the side elevation of No 52 Barmpton Lane, in which there are 4 windows. Whilst not all those windows serve habitable rooms I am concerned that the traffic associated with two 4 bedroom dwellings would be likely to cause some disturbance within No 52. This disturbance would be exacerbated by the need for any traffic to and from the dwellings to pass alongside the boundary with the rear garden of No 52, and to manoeuvre in close proximity to that boundary. Although traffic from two extra dwellings (bearing in mind that the access is also used by No 54) would be unlikely to be particularly heavy, in this instance the relationship of properties means that unacceptable disturbance to the living conditions of the occupants of No 52 is likely to result.
7. On the first issue it is therefore my judgement that the number and configuration of dwellings proposed would lead to unacceptable harm to the living conditions of neighbouring occupants, and to the occupants of the proposed dwellings. This would be contrary to the objectives of saved Local Plan Policy H13 which, amongst other things, seeks to ensure that the privacy and quiet enjoyment of neighbouring dwellings and gardens is protected.

Character and Appearance

8. The area in general is characterised by a mix of development. Dwellings are generally 1 or 2 storeys in height, though there are examples of 1.5 storey buildings (dwellings with rooms in the roof) as proposed here. There is no particular architectural style or merit in the area.
9. Within this context it is my judgement that the proposed buildings would appear somewhat incongruous. It is not the height or form of the buildings which would appear out of place, but the details of the fenestration. In seeking to preclude overlooking of adjacent plots, and to keep the dwellings low, it has proved necessary to include rooflights high up on the roofslope. This is not successful in design terms. It introduces a feature which would appear contrived and out of place with the more 'traditional' design in the locality.
10. I therefore find, on this issue, that the proposed development would be harmful to the character and appearance of the surrounding area (and I bear in mind here that there are public views into the site from the north-east quadrant). The proposal would therefore conflict with the objective of Policy H13 which seeks to avoid conflict with the character of the surrounding development.

Other Matters

11. A number of other matters have been brought to my attention. Highway safety is not a matter which the Council has raised, and I note that subject to the imposition of conditions the highway authority is content. Having seen the site I have no reason to suppose that the additional traffic from this development would be materially harmful to highway safety.
12. There would be some impact on the open aspect as seen from surrounding properties. The loss of open aspect (which in this case amounts to the view from a property) is not a matter which can carry weight in land use terms. Whilst construction of dwellings might cause short term disturbance and the risk of dust being blown towards nearby houses, this in itself is not a matter

which is determinative in the appeal. I also have no substantive evidence that there would be any unacceptable impact on flooding or wildlife interests. I am therefore satisfied that none of these other matters, or any other consideration raised, is sufficient to alter my conclusions on the 2 main issues.

Conclusion

13. For the reasons given above in relation to the main issues I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

