



# Appeal Decision

Site visit made on 10 June 2009

by **D R Cullingford BA MPhil MRTPI**

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

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**Decision date:**  
**7 July 2009**

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**Appeal Ref: APP/N1350/A/09/2100034**  
**84 Geneva Road, Darlington, DL1 4NJ**

- 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 by Mr B Hans for Videotech against the decision of the Darlington Borough Council.
  - The application (ref: 09/00058/FUL and dated 6 January 2009) was refused by notice dated 10 March 2009.
  - The development is described as the 'erection of 2 number semi-detached 2-storey dwellings to the rear of 84 Geneva Road, including parking and means of enclosure'.
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## Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

## Reasons

2. The appeal property is a convenience store at the corner of Geneva Road and Harris Street. The land to the rear (fronting Harris Street) is enclosed behind close boarded fencing and covered with concrete; a bus stop is positioned beside the access to that 'back yard'. The proposal is to remove a pre-fabricated garage and to erect a pair of modest semi-detached houses positioned nearly 14m from the rear of No.84, just 1m from the rear garden of the adjoining property at No.82 and about 6m from the side of the nearest semi-detached bungalow in Harris Street. Each of the proposed dwellings would accommodate 3 bedrooms with space for 1 car to park beside the flank elevations leaving a 'sliver of garden land' at most barely 6m wide. The Council have refused planning permission because they consider that the scheme would result in a cramped form of development that would be obtrusive and overbearing, so spoiling the street scene and the amenities of neighbouring residents contrary to 'saved' policies H11 and E29 of the Local Plan. Those are the issues on which this appeal turns.
  3. The careful assessment undertaken by the planning officer indicates that the proposal would be acceptable in principle and that the design of the dwellings would reflect features evident in the locality. I agree. However, the limited width of the rear yard would severely constrain the room for manoeuvre in siting the proposed dwellings within the context of the surrounding development. The structure would stand much closer to the pavement than the adjacent bungalows and, indeed, project beyond the apparent building line along this side of Harris Street. In such a position I think that a 2-storey building of the size and bulk proposed would intrude into the street scene.
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Moreover, the very limited space evident beside and behind each dwelling would impart an incongruously cramped appearance to the scheme, largely alien to the character this suburban estate. Hence, I consider that this scheme would spoil the street scene and fail to comply with policies H11 and E29.

4. In addition, the proposed dwellings would stand barely 1m from the rear garden of the adjoining property at No.82. Although suitable screening (foliage or fencing) might prevent overlooking from the proposed kitchen windows, an all-pervading surveillance at particularly close quarters from bedroom windows could only be prevented by installing unopenable obscure glazing. In my view, such a solution would not be appropriate in one of the main bedrooms of a suburban semi-detached dwelling. And, although much of the rear garden at No.82 appears to be occupied by a substantial brick-built pigeon loft, the looming presence of 2 semi-detached dwellings positioned so close to the boundary would still create an overbearing and oppressive ambience, in my view. As the proposed dwellings would stand to the south of the adjacent back garden, they would also overshadow the adjoining land. That might not greatly affect the use of the pigeon loft. But, there can be no guarantee that that structure would always remain and I think that the shadow cast by this pair of semi-detached dwellings would render any adjacent garden somewhat dank and dreary. For those reasons I think that this project would impair the prospect and privacy that nearby residents might reasonably expect to enjoy in a suburban area such as this. It would, therefore, conflict with the requirements of policy HO11.
5. I have considered all the other matters raised. I agree that policy HO13 would not appear to apply here as this scheme would not constitute 'back-land development'. And, although the structure would intrude into the apparent gap behind the development on Geneva Road, I am not sure that such an impact would be crucial, given the plethora of outbuildings evident in that space, the 'hard' edge created by the close boarded fencing and the large, albeit single storey, rear projection opposite. Nevertheless, I find neither those nor any other matter raised sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR