



Appeal Decision

Site visit made on 13 October 2008

by **J S Deakin FRICS**

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

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Decision date:
20 October 2008

Appeal Ref: APP/N1350/A/08/2073246
26 Abbey Road, Darlington DL3 8LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Frank Maguire against the decision of Darlington Borough Council.
- The application Ref 07/01012/OUT, dated 8 October 2007, was refused by notice dated 20 November 2007.
- The development proposed is the erection of 6no. Townhouses.

Decision

1. I dismiss the appeal.

Main issues

2. I consider that the main issues are: (i) the effect upon trees within the site; and (ii) the impact of the development on the character and appearance of the surrounding area.

Preliminary Matters

3. This is an outline application: means of access is to be considered at this stage whilst all other matters are reserved for subsequent approval.

Reasons

Trees

4. The mature trees within the site are important features which contribute to the attractive character and appearance of the locality. A number of the trees are subject to a Tree Preservation Order. A Tree Report has been prepared on behalf of the appellant by Batson Environment and Leisure Ltd. The Report concludes that trees considered worthy of retention should be protected and incorporated into the proposed development scheme. Details are given of advised root protection areas and of protective fencing and barriers, in accordance with BS5837:2005.
5. Dwellings at each end of the proposed terrace would be built within the Root Protection Areas (RPA) of some of the protected trees. However, the amount of overlap would appear to be small and the appellant's agent says that the Council's Tree Officer indicated that, as the dwellings would not occupy more than 15% of the RPAs, the tree root systems would 'Morph'. This is said to

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mean that the development would not affect the trees' future growth or life expectancy. The Council has not challenged this statement by the appellant's agent. Measures could be taken to protect root systems by using no-dig construction methods when laying the access road beneath the tree canopy and when erecting the garages, and by hand digging service trenches.

6. Subject to the imposition of a condition requiring approval of a detailed scheme for protection of the root systems and trees during construction work, I conclude that the development would not cause undue harm to trees and would comply with Policies E12 and E13 of the adopted Darlington Local Plan.

Impact on the character and appearance of the surrounding area

7. This part of Abbey Road is characterised by large Edwardian houses standing in extensive wooded grounds. Dwellings are set back at least 30 metres from the road frontage and are well screened by the mature trees and front boundary walls. Although some of the plots have been sub-divided with new dwellings built in the gardens, the area has retained much of its original spacious character.
8. Indicative layout plans and elevations show a terrace of six 3-storey houses. The suggested design of the dwellings, with high pitched roofs, gables and dormers would be in keeping with the design and character of nearby dwellings. The terrace would be partly on the footprint of the original house and would conform to the established building line, being set back at least 30 metres from the road frontage.
9. The indicative plans show that the terrace would be approximately 35 metres wide compared with the original house which measured about 21 metres. Consequently, the bulk and mass of the 3-storey terrace would be considerably greater than that of the former house or of nearby houses. Although the separation distances at each side would comply with the Council's standards, the gaps would generally be less than those for other neighbouring dwellings.
10. A substantial part of the existing front garden would be used for the widened access, turning and parking spaces, and for the two garage blocks. The existing drive is narrow and curves slightly so that there are only very limited views into the site from Abbey Road. However, the proposed access would be widened and straightened, so that views of the interior of the site would be opened up. At the time of my site visit, the frontage trees were in full leaf but many are deciduous varieties and, in winter time, they would provide less screening.
11. In my opinion, the large terrace of houses together with the hard surfaced areas and garages would be visible from Abbey Road and would detract from the character and appearance of the locality. Intensification of the built form would represent significant overdevelopment. The development would not relate well to the surrounding area or respect the predominant character and density, contrary to Policy H11.
12. The large scale development by Charles Church on the former college site to the north is to a high density. However, it does not form part of the Abbey Road frontage; it has no access from that road; and has virtually no visual

impact upon it. I do not regard that development as being a material consideration of any significant weight in favour of allowing the appeal.

J S Deakin

INSPECTOR

