



Appeal Decision

Site visit made on 17 December 2012

by **Matthew Birkinshaw BA(Hons) MSc MRTPI**

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

Decision date: 21 January 2013

Appeal Ref: APP/N1350/A/12/2179095

**Former Garden of 2 Castle Close, Middleton St George, Darlington,
DL2 1DE**

- 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 Jack Havakin against the decision of Darlington Borough Council.
 - The application Ref 12/00248/FUL, dated 2 April 2012, was refused by notice dated 30 May 2012.
 - The development proposed is described as a 2 bedroomed bungalow on vacant land between 2 Castle Close and 25 Church Lane.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the living conditions of the occupiers of numbers 4 and 2 Castle Close, with regard to visual impact; and
 - The effect of the proposal on the character and appearance of the area.

Procedural Matter

3. For consistency I have taken the appeal site address as; 'former garden of 2 Castle Close' from the Council's formal decision notice and the appeal form, rather than '2 Church Lane' indicated on the planning application forms.

Reasons

Living Conditions – 4 and 2 Castle Close

4. Although once forming part of the rear garden of neighbouring 2 Castle Close the appeal site is now clearly separated and benefits from its own access onto Church Lane to the south in between several large, mature trees. The remaining garden serving 2 Castle Close bounds the appeal site to the east, with the rear garden of number 4 Castle Close to the north.
 5. In the case of number 4 Castle Close the main rear elevation of the proposed dwelling would be sited within roughly 3m of its boundary. With number 4 Castle Close also set back in its plot this would result in the new dwelling being positioned at close quarters to the rear elevation and private garden area of this existing property.
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6. Although a bungalow is proposed, the dwelling would still extend to a height of approximately 5.1m to its ridge. As a result, given its size, siting, and proximity to the rear garden of 4 Castle Close the proposal would have an overbearing and dominating effect for neighbouring residents, resulting in a visually intrusive form of development.
7. For the same reasons the proposal would also have an unacceptable relationship with 2 Castle Close; sited directly on the rear boundary with no separation provided to the side of the new property. Given the orientation of 2 Castle Close the new dwelling would only be approximately 11.4m from the rear elevation. The siting and position of the proposed bungalow in relation to the rear garden and rear elevation of this existing property would also have an overbearing and dominating effect.
8. I note the appellant's comments that the proposal meets criteria contained in *Darlington Local Plan Policy H11 - Design and Layout of New Housing Development*. However, this has been superseded by the *Darlington Local Development Framework Core Strategy* and so I cannot give this any weight in my overall assessment of this appeal proposal.
9. The visual impact of the proposal, by virtue of its size, scale and siting would have a detrimental impact on the living conditions of the occupiers of both 4 and 2 Castle Close. Although the Council have referred to Core Strategy Policy CS2, this does not specifically refer to living conditions. Nonetheless, the proposal would conflict with the Core Planning Principles (paragraph 17) of the National Planning Policy Framework ('the Framework') which explicitly requires development to achieve a good standard of amenity for existing occupants of land and buildings.

Character and Appearance

10. The surrounding area is characterised by large residential properties set in generous, well-landscaped plots. The majority of properties also benefit from large gardens partially screened by mature trees which add to the low density, landscaped appearance of the area.
11. On visiting the site I noted that a vehicular access has been installed onto Church Lane. Combined with the boundary treatments to the former host property at 2 Castle Close and neighbouring public footpath which bounds the site to the west this creates a clearly demarcated plot.
12. Although the proposal would result in a new dwelling on an otherwise undeveloped parcel of land, it would not significantly affect the character or appearance of Castle Close where views would be limited. By utilising the existing access, set back behind the line of mature trees the proposal would also be consistent with other properties fronting onto Church Lane. The set back and single-storey nature of the proposal ensures the prevailing spacious, landscaped character along this part of Church Lane would be maintained.
13. The proposal would therefore not adversely affect the character or appearance of the immediate surrounding area. In this regard there is no conflict with Core Strategy Policy CS2 which requires development to reflect characteristics that positively contribute towards the character of an area. There is also no conflict with the Core Planning Principles of the Framework (Paragraph 17) which recognises the character of different areas.

Other Matters

14. I have noted the appellant's arguments that other properties on Castle Close have been extended in proximity to the appeal site, that the site is subject to fly-tipping, and the presumption in favour of sustainable development set out in the Framework.
15. However, these factors do not justify the proposal given the harm I have identified to the living conditions of neighbouring residents. By failing to provide a good standard of amenity for existing residents the proposal does not satisfy the requirements of sustainable development defined by the Framework.

Conclusion

16. Whilst I have found the effect of the proposal on the character and appearance of the area to be acceptable, I conclude that the appeal proposal would have an adverse impact on the living conditions of neighbouring residents. For this reason, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR

