
Appeal Decision

Site visit made on 24 June 2014

by **G M Garnham BA BPhil MRTPI**

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

Decision date: 27 June 2014

Appeal Ref: APP/N1350/D/14/2219263

10 Trinity Road, Darlington, County Durham, DL3 7AS

- 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 & Mrs LJ & C Rafferty against the decision of Darlington Borough Council.
 - The application Ref 14/00304/FUL was refused by notice dated 12 May 2014.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 10 Trinity Road, Darlington, County Durham, DL3 7AS in accordance with the terms of the application Ref 14/00304/FUL, dated 24 March 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) No development shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby approved have been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 scale site location plan, and drawings numbered 2124/01, /02, /03, /04 & /05.

Main issue

2. I consider that this is the effect of the proposal on the living conditions of the occupiers of no.12 Trinity Road.

Reasons

3. The appeal property is a mid-terrace Victorian house with two main floors of accommodation. The terrace is characterised by paired, two storey rear offshots. The adjoining back yards are relatively narrow between the sides of the offshots but are full width beyond and up to the back lane. The proposal is to fill the side yard at no.10 at ground floor level, raising the boundary wall to support the outer glazed roof slope. The roof adjoining the offshot would be

flat, with a short lean to section next to the main back wall to incorporate the top of the main rear window.

4. Policy H12 in the Darlington Borough Council Local Plan (1997 & 2001) contains two provisions of direct relevance to this appeal. Firstly, adequate daylight is to be able to enter the principal rooms next door. The top of the raised boundary wall would not reach the mid-height of the main back wall window to the dining/play room next door. A side window in the offshot to a dining area at the rear would be near the outer end of the extension, and less affected. The main effect would be in another side window near the kitchen sink, directly facing the proposal. I was able to view the appeal site from within these rooms. In my opinion, the level of daylight within them is largely a function of the north facing aspect and the height and proximity of the offshots. I consider that the proposal itself would have little effect on the overall level of daylight within the neighbouring house.
5. Secondly, Policy H12 also requires extensions not to be overbearing when viewed from neighbouring properties. The Council's Planning Guidance Note 7 [PGN], *Alterations and Extensions to Dwellings*, indicates that an extension that crosses the 45 degree line from a neighbour's window may be unacceptable, but notes that infringements can be hard to avoid in terraced properties. It is not clear how the rule is to be applied, as the PGN advice lacks a vertical dimension. The "mid-point" of the dining/playroom window would in fact be above the heightened boundary wall and nearest part of the roof. The effect of the proposal would be mitigated to some extent by the rise in ground level towards no.12, as evidenced by the main rear window at no.12 being 3 brick courses above that at no.10. The extension would be clearly visible in oblique views. However, the height of the boundary wall would be below standing viewpoints in this room, while the slope of the roof would be away from the boundary. Thus I consider that the overall effect on outlook would not be overbearing from this room. The main aspect, looking directly towards trees beyond the back lane, would be preserved.
6. Outlook from the kitchen window would be affected by the increase in boundary wall height, which I estimate would be from 1.7 metres to about 2.4 metres. The top of the roof of the extension would be seen to be at around the height of the first floor window sills on the offshot at no.10, depending on the line of sight of the observer. Outlook would continue to be dominated by the existing offshot. Although the proposed extension would be closer, I consider that it would not give rise to a physically overbearing effect. The dining area window at the end of the offshot would look towards the hipped end of the extension, beyond which the boundary wall would angle down to its existing height. I consider that the effect would not be unduly overbearing in the direct outlook, while the present aspect would be maintained beyond the end of the offshot.
7. The main effect on outlook out of doors would be in the side yard, from where much of the roof would be hidden behind the raised boundary wall. The wall would be raised by 7 brick courses near the house, and 9 courses further away. The raised wall would not be as high as the side yard is wide. The yard would have a more enclosed feel to it, but I consider that the effect would not be unduly overbearing. The main area of the yard, beyond the offshot, would retain its present outlook. I recognise that these properties have no front

garden to use for outdoor amenity purposes, but consider that the functionality of the rear curtilage of no.12 would be largely retained.

8. I have taken full account of the objections raised by the occupiers of no.12. My professional assessment is that the overall effect would not be unduly harmful or unusual within the context of a Victorian terrace with 2 storey rear offshots.
9. I have also had regard to the single storey rear extension at 12 Langholm Crescent, approved by the Borough Council and referred to me by the appellants. I was not able to see this from the back lane. However, from the approved plan, the relationship of the extension there to that at the appeal site appears similar with respect to the width of side yard and the height of the raised boundary wall.
10. Overall and on balance, I conclude that the proposal would not cause material harm to the living conditions of the occupiers of no.12 Trinity Road such that planning permission should be withheld. The quality of living conditions sought by Policy H12 and the PGN would be achieved, and a good standard of amenity retained for existing and future occupants.
11. In order to ensure a satisfactory appearance for the patent glazing, lead roof and brickwork, it is necessary that details of materials to be used are approved before work starts. In addition, otherwise than as set out in this decision and conditions, and for the avoidance of doubt and in the interests of proper planning, it is necessary that the development shall be carried out in accordance with the approved plans.
12. Finally, although it is not part of the reason for refusal, it is necessary to consider the effect of the proposal on a significant heritage asset. This is the West End Conservation Area, in which the appeal site is located. This is a large area comprising some of the town's earlier suburbs, and includes many Victorian terraces. Paired, two storey rear offshots are common features, but high back yard boundary walls obstructed views into properties from the back lanes along which I looked. It is not possible to gauge from such a visit how characteristic the infilling of side yards has become. The scheme the Council approved at Langholm Crescent is also in the conservation area. Only the top part of the roof of the appeal proposal would be seen from the back lane. The Council says the proposal would have a neutral impact on and maintain the significance of the conservation area. Notwithstanding representations to the contrary from the neighbours, I consider that the small scale and largely hidden nature of this proposal would preserve the character and appearance of the conservation area. This matter would not therefore weigh against the proposal.
13. Taking all matters into consideration I conclude overall and on balance that planning permission can be given, and I allow the appeal.

GG

INSPECTOR

