



## Appeal Decision

Site visit made on 13 November 2012



by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 4 December 2012

**Appeal Ref: APP/N1350/A/12/2179742**  
**53A Parkland Drive, Darlington, DL3 9DT**

- 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 Derek Coleman against the decision of Darlington Borough Council.
- The application Ref 12/00<sup>261</sup>621/FUL, dated 4 April 2012, was refused by notice dated 30 May 2012.
- The development proposed is erection of one bedroom house at site of former electricity sub-station.

### Decision

1. The appeal is allowed and planning permission is granted for the erection of a one bedroom house at site of former electricity sub-station at 53A Parkland Drive, Darlington, DL3 9DT in accordance with the terms of the application, Ref 12/00261/FUL, dated 4 April 2012, subject to the conditions set out in Annex A.

### Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

### Reasons

#### *Character and appearance*

3. The appeal site is a single storey brick former electricity sub-station located within a housing estate. The surrounding area is characterised by predominantly brick built two storey semi detached houses on the east side of Parkland Drive, with single storey bungalows on the west side, and has a typically suburban layout.
4. The principle of the re-use of the site for housing aligns with the core planning principle of the National Planning Policy Framework (the Framework) to encourage the effective use of land by reusing land that has been previously developed. It also accords with section (a) of Policy CS2 of the Darlington Local Development Framework Core Strategy which requires that development should make efficient use of land, existing buildings and resources. As such the principle of the development is acceptable. However both the Framework and the Core Strategy require high quality design.

11. I have also had regard to paragraph 60 of the Framework which warns against planning decisions stifling innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles, and do not consider that the proposal would undermine or adversely affect the local distinctiveness of the area.

*Other matters*

12. I viewed the site from No 55 and although the proposal would be visible from the garden, patio and dining area within the conservatory, the two storey element would be set back further away reducing its bulk and size, and the single storey element would be seen in the context of No 55's existing garage which is of a similar height. The proposal would infill the area adjacent to the No 55's garden, but views of the house would be oblique and I agree with the Council that it would not be unduly overbearing or have such a detrimental impact on the outlook from No 55 to warrant refusal on such grounds. As such I do not consider that there would be any undue harm to the living conditions of the occupiers of No 55.
13. Additionally I am aware of concerns raised by other nearby residents in terms of living conditions. In this respect I also viewed the site from the rear garden of No 53 Parkland Drive. Despite the close proximity to No 53 the proposal would not project any further rearwards and the impact on No 53 and the properties to the rear in Edgecombe Drive would be acceptable.
14. With regard to comments questioning the sustainability of the development and its marketability, I consider that the proposal sits comfortably within the Framework's clear aspiration for sustainable development and positive growth, and have not been presented with any evidence to suggest that it would not be attractive to potential buyers. Concerns raised about the effect of digging out the basement on adjoining buildings and access for the Fire Service would be considered through the Building Regulations.

**Conclusion**

15. For the reasons set out above, I conclude that the appeal should be allowed.

**Conditions**

16. The Council has suggested a number of conditions which it considers would be appropriate. I have considered these in the light of Circular 11/95 and have amended some of the Council's suggested wording for the sake of clarity.
17. For the avoidance of doubt a condition requiring that the development is carried out in accordance with the approved plans is appropriate. In the interests of the character and appearance of the surrounding area, a condition is required to control the external materials of the building. In the interests of the living conditions of neighbouring occupiers I consider the Council's suggested condition restricting the insertion of windows to be appropriate. Given the site's use as an electricity sub-station, a condition is needed to ensure the protection of the health of future occupiers of the dwelling from the possible effects of contaminated land.
18. In light of the concerns raised by the occupier of the neighbouring property, and in line with the Council's Environmental Health Officer's recommendation, I consider a condition restricting the hours of construction works to be

## **Annex A**

### **Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) Other than required by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans, drawing numbers: 1103-11-002 B, 1103-11-008 B, and 1103-11-011 C.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows shall be constructed on the south or east elevations.
- 5) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.
- 6) Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 14:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 7) No development shall take place until details of the parking space including its dimensions have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

