



# Appeal Decision

Site visit made on 27 September 2010

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:**  
**15 October 2010**

**Appeal Ref: APP/N1350/A/10/2133027**

**Land adjoining 31 Pendower Street, Darlington, DL3 6ND**

- 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 T Wilks against the decision of the Darlington Borough Council.
- The application (ref: 10/00015/FUL and dated 13 January 2010) was refused by notice dated 13 May 2010.
- The development is described as 'proposed housing development providing 7 no. 1 bedroom flats and 1 no. studio over 4 no. floors'.

## Decision

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

## Reasons

### *The site*

2. The site once accommodated a block of lock-up garages. Most of those unprepossessing structures (save for one or two) have now been demolished, though bits of concrete and hard surfacing remain and a retaining wall supports part of the site. Yet, in spite of such flotsam and jetsam, the site appears as part of a sylvan bank beside Cocker Beck. To the north are the gardens and the imposing dwellings in Westbrook; those dwellings, the Beck and the adjacent swathe of verdant space lie within the Northgate Conservation Area, which just encompasses the appeal site. Immediately to the west and south are more ordinary dwellings. Two pairs of semi-detached properties, different in date and design, stand between the site and the smaller terraces that line the rest of Pendower Street. Opposite there is a terrace of modest 'villas' built above gardens that slope down to the street with a recently built block of apartments (The Deanery) to the south east

### *The proposal*

3. The scheme would involve the demolition of the 2 garages beside 31 Pendower Street and the erection of a 4-storey block of 8 flats, including a studio apartment on the lower ground floor. The proposal would utilise the sloping ground so that the roadside façade would appear much like a flat-roofed 3-storey structure, albeit above a plinth-like semi-basement, while the northern façade (overlooking the open areas beside the Beck) would be a 4-storey building; the studio apartment on the lower ground floor would have a single aspect to the north. The structure would reflect a 'contemporary' style using

brick, render and timber cladding; different roof heights, string courses and variations in the façades would accentuate the articulation of the building. Parking spaces for 4 cars are shown within the site; all other vehicles would be parked on the street. There would be storage provision for 4 cycles.

*Planning policy and the main issues*

4. The Council are concerned that the scale, height and design of the scheme would result in an 'over-development' of the site that would be out of keeping with the surroundings (including the Northgate Conservation Area) and add to the parking problems on Pendower Street, contrary to 'saved' policy H11 and the advice set out in PPS5. Those are the issues on which this appeal turns.
5. The Council also assert that this project would lead to a further intensification of flats and apartments in this part of Darlington; the flats would not be needed, would exacerbate imbalances in the housing mix identified in the Tees Valley SHMA 2009 and the scheme would fail to reflect the advice in PPS3. I have some sympathy for those concerns because it is clear that, with the flats at The Deanery and the houses in multiple-occupation nearby, the addition of more 1 bedroom apartments would increase the number of small dwellings here and make no contribution to redressing the relative lack of larger homes identified in the SHMA. However, this is a modest scheme and the concentration of flats identified relates to the whole of the 'central' area. In any case, current policies seek to prevent the subdivision of existing dwellings rather than the erection of new flats and support the redevelopment of previously developed land (in this case a block of garages) within the urban area of Darlington. Moreover, even though the site is designated as part of the 'open land network', the protection afforded prevents adverse impacts on the 'network' as a whole, which the redevelopment of garages could not affect. Hence, I agree with the planning officer that this scheme need not seriously conflict with the requirements of 'saved' policies E2, E3, H3, H17 and H18. I turn, therefore, to consider the issues identified above.

*Design*

6. The appeal site lies within the Northgate Conservation Area where there is a statutory duty to carefully consider the desirability of preserving or enhancing the character or appearance of the place (under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990). It is clear from the carefully prepared Northgate Conservation Area Appraisal that the distinctive character of this particular 'sub-area' (Westbrook Villas) is derived from the fine mid-Victorian villas commanding views across Cocker Beck towards the more modest dwellings beyond. The villas vary in alignment, in scale (from 2 to 4 storeys in height) and in detail (some are quite plain while others are ostentatiously gothic). But I think that the special character of this place is derived from the commanding position of the villas, the sylvan landscape beside Cocker Beck and the surprising seclusion of this segment of townscape just behind the bustle and traffic on Northgate itself.
7. After very careful consideration, I find that the scale and design of this scheme would fail to preserve or enhance that special character. In its own right, I think that the clean lines, the contemporary style and the palette of materials would result in a well designed and attractive structure. But the bulk and height of the building would be damaging here. So, although it is right that

buildings of a similar scale and massing exist in the Northgate Conservation Area, they are not evident here. On the contrary, they stand on the other side of the Beck amidst sylvan surroundings. The scale and massing of this block would challenge the dominance of those villas and intrude into the surprising seclusion of this sylvan backwater. It would, thereby, undermine the very qualities that contribute to the special character of this place and thus impair, rather than preserve or enhance, the character and appearance of this part of the Conservation Area.

8. I think that there are aspects of this proposal that would accentuate those harmful effects. I do not agree that the ultimate height of the building would only be a little over the height of those in the immediate vicinity or that the difference would be within a reasonable degree of tolerance. As drawn, the highest part of the apartment block would be at least 2m above the ridge of the adjacent semi-detached dwelling and, due to the sloping ground, reach 10m rather than 7.5m in height. Such a difference (of some 25-33%, depending on the chosen comparator) would be noticeable and substantial. Moreover, that misplaced dominance would be rendered all the more overbearing by the width of the largely blank section in the street-side (southern) façade and the impersonal blankness of the plinth-like semi-basement (positioned immediately beside the back of the pavement) above which the rest of the block would loom. The contrasting design and materials would thus be rendered more conspicuous and, with the 2 pairs of semi-detached properties nearby, add to the discordant cacophony of buildings in this corner of Pendower Street.
9. In addition, I note that the separation distance between the proposed apartment block and the villas on the opposite side of Pendower Street would be well below the 27m normally sought between principal elevations involving buildings of 3 storeys or more, as advised in the relevant SPD. The claim is that the relationship would be no worse than that evident elsewhere in the street. I disagree. Some of the windows in what would really be the second and third floors of the apartment building would serve kitchens and living rooms from where prospective occupants would be able to peer down into the bedrooms and living rooms opposite at relatively close quarters. That relationship is not replicated elsewhere in the street: such an arrangement would impinge on the privacy that nearby residents might reasonably expect to enjoy in a street like this one.
10. For all those reasons, I find that the scale, height and design of this scheme would impair the character of this part of the Northgate Conservation Area, the street scene and the privacy of those nearby.

*Parking*

11. The scheme would include off-street parking spaces for 4 cars, though their use would entail vehicles reversing directly across the pavement at the head of this cul-de-sac. Provision for other vehicles would be in Pendower Street. The claim is that there would be on-street parking provision for approximately 5 vehicles to the east and west of the intended off-street parking area. However, although I think that 3 vehicles might be squeezed into the roadside space in front of the apartment block itself, I rather doubt that more than one vehicle could be accommodated to the east, given the retention of an existing garage

building there. Moreover, any parking at the head of the cul-de-sac would restrict the space to accommodate necessary turning manoeuvres, thereby exacerbating the inconvenience experienced by all concerned. Although I appreciate that these flats would only be one-bedroom dwellings and be close to good public transport facilities at High Northgate, I think that the effective parking provision would be even further below the normally prevailing standard than initially envisaged and necessitate on-street parking not just beside the proposed block but also elsewhere within the street. As the photographs submitted by the Council clearly show, on-street parking spaces in Pendower Street can be at something of a premium during evening hours. The limited off-street parking provision envisaged would increase the competition for on-street spaces and, all too easily, interfere with the turning manoeuvres at the head of this cul-de-sac.

*Conclusion*

12. I have considered all the other matters raised. However, I can find nothing sufficiently compelling to alter my conclusion that the scale and design of this scheme would fail to preserve or enhance the character and appearance of the Northgate Conservation Area, would spoil the street scene and impair the privacy of those nearby; it would also add to the parking problems on Pendower Street. For those reasons I consider that this proposal would be contrary to 'saved' policy H11 and that the appeal should be dismissed.



INSPECTOR