



Appeal Decision

Site visit made on 22 March 2016

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 14 April 2016

Appeal Ref: APP/N1350/W/15/3141224

Adjacent to 31 Pendower Street, Darlington, County Durham 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 Tim Wilks against the decision of Darlington Borough Council.
 - The application Ref 15/00740/FUL, dated 28 July 2015, was refused by notice dated 21 October 2015.
 - The development proposed is residential development comprising 2no dwellings with associated parking and bin stores.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development provided on the application form was amended during the course of the planning application. Whilst the proposed floor plans still refer to units 2 and 3, it is clear that the amendments made during the course of the application were to remove the proposed studio. I am satisfied therefore that the proposal determined by the Council was for two dwellings and that the Council determined the application on the basis of the revised proposal and description, as set out in the heading above. I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Northgate Conservation Area.

Reasons

4. The site is set on two levels at the side of 31 Pendower Street, towards the end of a short cul-de-sac in a predominantly residential area. The upper level onto Pendower Street comprises of two lock-up garages and the concrete bases and forecourt areas of other garages that have since been removed from the site. At the lower level, beyond the wall that retains these former garage bases, is an equally unkempt, but sylvan, bank to the Cocker Beck just beyond.
 5. To the west of the site on Pendower Street are two pairs of semi-detached properties. Although they differ from each other in their date of construction and design they are of a similar scale. Opposite the site is a terrace of modest two storey dwellings, albeit set well above street level with steps up to the
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ground floor such that they are of a similar overall scale to the larger semi-detached dwellings adjacent to the appeal site. To the north of the appeal site, and beyond the Cocker Beck, lie the larger semi-detached "villas" of Westbrook, set behind pleasant landscaped and verdant gardens.

6. The current proposal follows previous schemes for the development of five 1 bedroom flats and a studio¹ (the 2014 proposal), and seven apartments and one studio² (the 2010 proposal), both of which were dismissed at appeal in 2014 and 2010, respectively. The proposal currently before me however is for the erection of a semi-detached pair of 3 bedroom dwellings, the construction of which would follow the demolition and removal of the remaining garages within the site.
7. Due to the difference in ground levels between the front (Pendower Street) and rear (the Cocker Beck) of the site, the building would effectively be split level; two storey frontage to the former, three storey to the latter. Internally, the unit referred to as unit 3 would also be split-level to cater for the more gradual fall in levels along Pendower Street from west to east. Although the proposed building would present a single frontage block to Pendower Street, the somewhat irregular and tapering shape of the site would result in successively shallower elements at the rear, creating three distinct elements to the building, each with correspondingly lower roof ridges.
8. I note that the overall height of the proposal building has been reduced from the schemes considered by the previous Inspectors. I note too that the forward projecting (when viewed from Pendower Street) central block of the previous scheme has also been removed from the current scheme. However, other than that, it appears to me that the overall development footprint remains largely the same.
9. In longer views along Pendower Street the articulation noted previously in respect of the 2014 proposal would be lost. The result would be an awkwardly proportioned building, sharing neither the balanced proportions of the adjacent semi-detached dwellings, nor the more compact, narrow proportions of the terrace opposite. I accept that with the revisions to the overall height of the proposal, it would better relate to the scale of the adjacent pair of semi-detached houses to the west and to the elevated terrace opposite. However, I find that this is not sufficient to overcome the concerns of my colleague in respect of the 2014 proposal. The result would be a significant built incursion into, and in front of, the verdant backdrop of the Cocker Beck and its bank sides, behind. In this respect, I find that the scheme before me would introduce a substantial built form into a restricted and awkwardly shaped site.
10. The proposal would entail the removal of a number of trees located on the lower portion of the site, adjacent to the banks of the Cocker Beck. I accept that the trees are not the greatest of specimens. Further, as the trees are not located directly on the site frontage they tend to be seen as part of the wider tree cover along the Cocker Beck and within the gardens of Westbrook, on the opposite side of the beck.
11. The appellant helpfully refers to the Northgate Conservation Area Character Appraisal in the Heritage Statement which, I am advised, notes the special

¹ APP/N1350/A/13/2198978 – dated 23 January 2014 – the 2014 proposal

² APP/N1350/A/10/2133027 – dated 15 October 2010 – the 2010 proposal

character of Westbrook (Villas) in the "fine landscape setting" of the Cocker Beck. It goes on to describe it as a "secluded and leafy riverside setting" away from the "busy main route of Northgate".

12. This seems to me to be an accurate description of the area and one which I find still holds true, notwithstanding the condition of the trees and the generally unkempt nature of the appeal site. Although the appellant queries the apparent anomaly of the appeal site lying within the Northgate Conservation Area whilst the rest of Pendower Street lies beyond it, I find that the location, if not the current appearance, of the site in relation to the Cocker Beck and Westbrook contributes to the character and setting of the conservation area.
13. The trees within, and adjoining, the appeal site on the south bank of the Cocker Beck play an important role in the wider setting of Westbrook. They continue the verdant sylvan corridor along the Cocker Beck from the park that lies to the north to the point where the beck begins to cut back towards Westbrook. They add to the significant backdrop of trees on the opposite side of the beck which, whilst not be directly affected by the proposal, would be opened up by the loss of the trees from within the site.
14. The impact of the development would, I find, therefore be two-fold. On the one hand, when viewed from Pendower Street the proposed dwelling, through the removal of the trees within the site and by its physical presence within the street, would significantly alter the character and appearance of Pendower Street, and views into the conservation area. On the other hand, the removal of the trees would thin out the general tree cover and canopy when viewed from Westbrook, emphasising the scale and bulk of the proposed development that would arise, in large part, from the significant area of solid brickwork at the lower ground floor level. Together, these factors would, I conclude, significantly harm the setting and understanding of the Cocker Beck and its contribution to the setting of the larger villas beyond, as well as harming the character and appearance of Pendower Street itself.
15. In view of the above, the appeal scheme would not preserve or enhance the character or appearance of the Northgate Conservation Area. As such, it would not accord with the design and conservation aims of saved policy E12 of the Darlington Local Plan 1997 (the Local Plan), or policies CS2, CS14 and CS15 of the Darlington Core Strategy Development Plan Document 2011 (the DPD). Together, these policies seek amongst other matters to ensure high quality design in new development to reflect and / or enhance Darlington's distinctive natural, built and historic characteristics. In the terms of the National Planning Policy Framework (the Framework) the harm to the significance of the designated heritage asset would be less than substantial. Nevertheless, any harm still requires clear and convincing justification.
16. The proposal would redevelop a site that is currently unkempt and, in the process, would remove two apparently unused lock-up garages. The appellant has suggested that the proposed scheme is of a scale that better relates to that of the adjoining buildings on Pendower Street, and that the materials proposed would be complementary to the surrounding conservation area. The redevelopment of the site would also allow existing trees in poor condition or constrained by existing structures to be removed in the interests of safety and good woodland management. Notwithstanding the current condition of the

upper level of the appeal site, I conclude that the site as a whole makes a neutral contribution to the conservation area, whereas the impact that the proposal would make would be harmful for the reasons set out. The suggested public benefits of the scheme would not therefore outweigh the great weight that I am required to attach to the heritage asset's conservation.

Other Matters

17. It is noted that the site is not currently in use and that it is a previously developed brownfield site. I note too, the suggestion that the two dwellings would provide low cost family homes in a sustainable location. However, these matters are not sufficient to outweigh the harm to the character and appearance of the Northgate Conservation Area that I have identified above.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR