



# Appeal Decision

Site visit made on 8 July 2008

by **Graham E Snowden** BA BPhil Dip  
Mgmt MRTPI

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

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Decision date:  
**10 July 2008**

**Appeal Ref: APP/N1350/A/08/2070342**

**Land adjacent to 16 Church Lane, Middleton St George, Darlington, County Durham DL2 1DF**

- 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 Mrs Hilda Jackson against the decision of Darlington Borough Council.
- The application Ref 07/00153/FUL, dated 13 February 2007, was refused by notice dated 26 September 2007.
- The development proposed is the erection of a single split-level private dwelling with vehicle access and garage.

## Decision

1. I dismiss the appeal.

## Main Issues

2. The main issues are the effect of the proposal on, firstly, the character and appearance of the Middleton One Row Conservation Area, and, secondly, the protected trees along the western boundary of the site.

## Reasons

### *The character and appearance of the Conservation Area*

3. The boundary of the Middleton One Row Conservation Area, in the vicinity of the appeal site, runs along the northern boundary of Church Lane. The land falls away steeply on the south side of Church Lane, which, at this point is characterised by large semi-detached and detached nineteenth century houses (e.g. 15 and 16, 17 and 18 and The White House), fronting the road, close to the carriageway, interspersed with modern dwellings, with single storey elevations to the road. An attractive feature of the surviving remnants of the nineteenth century development pattern is the presence of large rear gardens and extensive side gardens, which establishes the traditional spacing of properties and makes mature landscaping a significant feature of the street scene.
4. The creation of a new dwelling in the side garden of 16 Church Lane would disrupt this attractive arrangement and detract from the overall street scene at this point, as well as further eroding the traditional pattern of development in the area.

5. Whilst the significant modern development in the area is of varied style and character, I consider that the inherent design of the proposed dwelling would also be out-of-place. The somewhat suburban appearance of the front elevation, dominated by its large garage door would constitute a particularly jarring element and whilst the projecting bays on the rear elevation are a worthy attempt to add character to the overall composition, their rather squat proportions would contrast unfavourably with the authentic article on the adjacent properties.
6. Overall, therefore, I consider that the proposed development would have a detrimental effect on the character and appearance of the Middleton One Row Conservation Area, which would, therefore, be harmed, contrary to national and local planning policy relating to the protection of conservation areas.

*The protected trees along the western boundary of the site*

7. Two Ash trees along the western boundary of the site are now protected by a tree preservation order. In my view, these trees make a significant contribution to the mature landscaped setting of the site and the wider Conservation Area.
8. A pre-site development arboricultural report has been submitted on behalf of the appellant. This concludes that the layout and construction process has the potential to cause damage to the trees' roots system, which will ultimately affect the long-term health and condition of these trees. The report goes on to suggest suitable foundation design that minimises root disturbance and I note that the submitted plans indicate ground beam foundations, supported on small concrete piles. From the evidence before me, I am satisfied that this would satisfactorily reduce damage to the adjacent tree roots. This – and other mitigation measures to protect the trees during construction works – could be secured by the imposition of a condition on any permission granted.
9. The report also recommends crown lift to achieve the necessary clearance. I have some reservations about the implications of this on the visual appearance of the trees. I also consider that the closeness of the footprint of the proposed dwelling to the boundary and the presence of a kitchen window on the western elevation is likely to lead to further future pressure for cutback. Furthermore, I also have concerns regarding the effect on the trees of general changes in ground level resulting from the development as a whole.
10. I conclude, therefore, that the proposal could result in long-term damage to the protected trees along the western boundary of the site, contrary to Policy E12 in the Borough of Darlington Local Plan. Whilst this may not be a decisive objection to the proposal, it contributes to my conclusion that the proposal would be harmful to the character and appearance of the Middleton One Row Conservation Area.

*Other considerations*

11. I have had regard to the views of neighbouring objectors and the Parish Council. Many of the objections relate to the effect of the proposal on trees and the wider character of the Conservation Area, which are addressed above.

12. The level of traffic on Church Lane is, from my observations, low, and I am not convinced by the arguments that the creation of a new access at this point would constitute a traffic hazard. I also note that there has been no objection to the proposal from the highway authority.
13. I am also satisfied that the separation distances and the heavily vegetated boundary would prevent any undue loss of privacy from overlooking and I consider that any concerns relating to local drainage capacity could be dealt with by the imposition of a condition along the lines suggested by Northumbrian Water.
14. My conclusions on these matters, however, do not alter my overall conclusion that the proposal is unacceptable and that the appeal should be dismissed.

*G E Snowdon*

INSPECTOR