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## Appeal Decision

Site visit made on 20 December 2010

**by Malcolm Rivett BA (Hons) MSc MRTPI**

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

**Decision date: 27 January 2011**

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**Appeal Ref: APP/N1350/A/10/2138181**

**41 Conyers Avenue, Darlington, DL3 9DE**

- 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 Ms Amanda Baker against the decision of Darlington Borough Council.
  - The application Ref 10/00406/FUL, dated 11 June 2010, was refused by notice dated 6 August 2010.
  - The development proposed is described as erection of two storey dwelling (resubmission).
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### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. Like many of the corner properties in the Mowden Estate, no 41 has a large side garden which gives the area an attractive spacious feel. The proposed dwelling would occupy the vast majority of the side garden, undermining the spaciousness of the area. Whilst I consider that there is not a uniform building line along Barnes Road, the side elevation of the property would also be much closer to this road than most other dwellings in the vicinity, giving the development an overly dominant appearance in its prominent location. I conclude therefore that, despite its design details matching neighbouring properties, the scheme would harm the character and appearance of the area and thus conflicts with policy H11 of the adopted *Borough of Darlington Local Plan*. This indicates that the layout of new housing development should relate well to the surrounding area and respect its character.
4. I recognise that it can be argued that the proposal conflicts with some aspects of the Council's *Design of New Development Supplementary Planning Document (SPD)*. However, given that many dwellings in the area are less than 2m from their boundary with neighbours and that front car parking is a feature of nearly all properties in the vicinity, I consider that these particular matters do not justify the refusal of permission for the scheme. Similarly, I see no demonstrable harm arising from the side elevation of the dwelling facing Barnes Road, as this is already the situation with no 41. However, as indicated above, the proximity of the proposal to this road would harm the

character/appearance of the area and that the SPD does not set a minimum distance in this particular respect does not justify the proposal.

5. I appreciate that no 41's side garden is one of the largest in the area, although with the development in place the amount of side garden remaining would be substantially less than is characteristic of the corner plots in the vicinity. I recognise that in the wider area there are some dwellings which are as close to the road as the appeal proposal would be. However they are not defining of the area's character and thus do not justify this proposal given the harm I have found it would cause. I am not persuaded that the replacement of the existing side fence with a low hedge would outweigh the harm which would be caused by the scheme, particularly as the fence is currently substantially obscured by vegetation. It is argued that the proposal would help diversify the mix of housing in the area although as a three bedroomed detached house it appears to me that it would be very similar to many existing dwellings in Mowden.
6. For the above reasons, and whilst having regard to the site's accessibility to local services, the proposal's efficient use of land, its accordance with other elements of local and national planning policy and all other matters raised, I conclude that the appeal should be dismissed.

*Malcolm Rivett*

INSPECTOR