



Appeal Decision

Site visit made on 30 January 2012

by **Peter D Biggers** BSc Hons MRTPI

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

Decision date: 9 March 2012

Appeal Ref: APP/N1350/A/11/2164821
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 11/00517/FUL, received 3 August 2011, was refused by notice dated 28 September 2011.
 - The development proposed is erection of one bedroom house at site of former electricity sub-station.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of Parkland Drive and on the living conditions of the occupiers of 53 and 55 Parkland Drive in terms of proximity and outlook.

Reasons

3. Mowden Park, where the appeal site is located, has a suburban character and is composed of detached and semi-detached brick, render and tile housing with side separation and front and rear gardens. Parkland Drive is typical of roads in the estate and, in the vicinity of the appeal site, is comprised of two-storey, mainly semi-detached housing on the east side of the road and single-storey bungalows on the west side.
4. Redeveloping this small brick-built substation site and its access in an established residential estate would enhance a derelict site and make use of an opportunity presented by previously developed land as encouraged in *Planning Policy Statement 3 – Housing (PPS3)*. As such it would be acceptable in principle. However the planning system promotes high quality development through good design and layout and it is the manner in which the development is proposed to be achieved that determines whether it would be acceptable and whether it would accord with policies of the development plan

Character and Appearance

5. Representations show that there is substantial concern about the potential for the development to create a terraced appearance contrary to the character and appearance of Parkland Drive. Over the years since it has been developed Parkland Drive has seen substantial change with many of the houses being extended by various means with side extensions over and wrapping around garages or porches. The effect has been to close up the original gaps between dwellings, decreasing the extent of side separation. However, staggered building lines, small retained gaps and lower or set-back roof lines on these side extensions have, for the most part, avoided a terraced appearance being created.
6. Whilst the proposal would clearly appear as a linear extension of the semi-detached dwellings at 51 and 53, I am not persuaded that the addition of the proposed dwelling would have an unacceptable impact purely in terms of appearance. Creating a design that has a subordinate relationship to No 53, as a result of the lower hipped roof, means that the new dwelling would appear not dissimilar to some of the side extensions in the estate. Viewing the site from the street to the south, west and north-west, I am satisfied that the appearance of the proposed dwelling would be acceptable.
7. Admittedly the size of the unit would be smaller and narrower than is typical for the estate. Also the absence of garden space and side separation is contrary to the advice for Building Zone 4 in *Distinctly Darlington – Design of New Development Supplementary Planning Document (SPD)*. However, I am not persuaded that these factors in themselves would erode the character of the estate to the extent that the appeal should be dismissed.

Living Conditions

8. In terms of the effect of the proposed dwelling on No 53, a combination of the lowered hipped roof, no rear facing windows and an oblique positioning relative to its rear garden means that the overall relationship between No 53 and the proposed No 53A would be acceptable. I am not therefore persuaded that there is a justifiable reason to dismiss the appeal in respect of impact on the living conditions of No 53. The same conclusion applies in respect of No 62 Edgcombe Drive whose occupier has raised similar objections.
9. With respect to the adjacent bungalow and its garden at No 55, however, the impact would be more direct. I accept that the design amendments introduced during the planning stage would improve the relationship as a result of the lowered hipped roof and the amended glazing to the proposed amenity area. However, the distances between the proposed dwelling and No 55 would be very small. The plans state this to be 8.44 metres but this appears to be the distance to the original north facing elevation of the bungalow not to the closest point of the conservatory attached on the north side of the bungalow. The distance between the proposal and the existing dwelling would therefore be significantly less.
10. I was invited by the owners to view the site from the garden and conservatory to No 55 which provides sitting and dining space for the bungalow. Although the appellant argues that the new dwelling would be viewed obliquely from the conservatory this is to suggest a lesser impact than would actually be the case.

The proximity of the new dwelling from this viewpoint would be overbearing to a degree that would have a significant and detrimental impact on the living conditions for the occupants.

11. Whilst the decision to omit any windows in the rear and side elevations of the new dwelling, (other than the glazed screen to the amenity area), would avoid potential problems of overlooking it would make the resulting unrelieved 2 storey walls appear more overbearing. I acknowledge that the design incorporates 2 panelled areas where windows might have been in the rear elevation but I am not persuaded that this would make any substantive difference. Noise and disturbance from the amenity area has been raised as an issue but I am satisfied that the potential for this would be no different than might occur over the garden fence between any neighbouring properties.
12. The Council have referred to Policy CS2 of the *Darlington Local Development Framework Core Strategy* and the *Distinctly Darlington SPD* as supporting the reasons for refusal but, in terms of the impact on living conditions, it is specifically the saved Policy H11 of the *Borough of Darlington Local Plan* that the proposal conflicts with.

Other Matters

13. Third parties have raised concerns regarding inadequate parking and potential highway safety problems. I am satisfied, however, given the size of the proposed dwelling and the absence of any evidence of on-street parking problems, that the parking provision proposed would be adequate. Whilst the access to the highway from the site is close to a bend in Parkland Drive south of the site, the access to the garage of No 55 is closer to the bend and there would therefore be no justification to dismiss the appeal on highway safety grounds. Indeed the Council as highway authority has raised no objection on this point.
14. The appellant argues that if not developed for housing the site would remain derelict and an increasing eyesore. I am not persuaded that this would be necessarily the case. In any event it is not a justification to allow a development that would be in conflict with development plan principles of good design.

Conclusion

15. For the reasons given above, whilst the impact of the proposal on the character and appearance of Parkland Dive would be acceptable, the impact on the living conditions of No 55 would be so adverse that the appeal should be dismissed.

P.D. Biggers

INSPECTOR

