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## Appeal Decision

Site visit made on 14 January 2015

by **M Seaton BSc (Hons) DipTP MRTPI**

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

Decision date: 11 February 2015

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**Appeal Ref: APP/N1350/A/14/2228548**

**Land adjacent 63 Friars Pardon, Hurworth, Darlington, Durham, DL2 2EA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Karl Dryden against the decision of Darlington Borough Council.
  - The application Ref 14/00727/OUT, dated 21 July 2014, was refused by notice dated 25 September 2014.
  - The development proposed is the erection of a single storey dwelling on land adjacent to 63 Friars Pardon.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The proposal is for outline planning permission, with approval sought at this stage for access and scale only. Appearance, landscaping and layout are therefore reserved matters.

### Main Issue

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

### Reasons

4. The appeal site is located within an existing residential area, with the Council highlighting its location as being within the development limits as set out in Policy E2 of the Darlington Core Strategy 2011 (the Core Strategy). The site comprises a fenced area of land at the head of the cul-de-sac, and is an area of garden which it is indicated has been most recently used in conjunction with the occupation of No. 63 Friars Pardon, although would have previously formed part of the rear garden of a dwelling on The Wayside.
5. A clear variety in the type, appearance and age of existing dwellings is exhibited within the immediate area, with a mix of two-storey and single-storey development on Friars Pardon and The Wayside. In this respect, the single-storey scale of the proposed dwelling would not be at odds with the character of existing dwellings within the vicinity. However, the rear gardens of the dwellings on the south side of The Wayside provide an important degree of separation from the more recent built development of Friars Pardon. This makes a significant positive contribution to the spaciousness of the existing

area. Even allowing for the more limited single-storey scale of the proposed dwelling, the existing separation and openness provided by the existing band of garden land would be significantly eroded by the proposed development, resulting in an adverse impact on the spaciousness of the area.

6. The appellant has highlighted that the proposed development would result in the removal of the existing timber-boarded fence, which would have a positive impact on the open plan character of Friars Pardon. However, whilst I accept that there would be likely to be some positive impact on the street scene in this respect, the erection of a dwelling on the land behind the fence would have a more significant adverse impact on the open character of the head of the cul-de-sac, outweighing any benefit from the removal of the fence. I have also carefully considered the contention that the erection of ancillary buildings and structures on the existing gardens has already eroded the openness of that land. However, the scale and coverage of such domestic ancillary structures would have only a very limited impact on openness and would not be an unexpected form of development in the context of the rear gardens in the area.
7. The proposed development would represent an uncharacteristic form of development in this location, and would have an adverse effect on the character and appearance of the area. The proposal would not accord with Policies CS2 and CS14 of the Core Strategy, which seek to ensure that development achieves a high quality design, and respects the built characteristics which positively contribute to the local character and distinctiveness of the area.

### **Other Matters**

8. I have noted that the proposed development has not attracted any objections from the Council in respect of highway issues, the safeguarding of living conditions, or matters related to land contamination. Furthermore, no objections have been received from the Environment Agency, Northumbrian Water, or Northern Gas Network. However, the absence of objection does not convey any particular weight in support of the proposals in these respects. Nevertheless, the appellant has highlighted that the dwelling would be able to provide access for people with disabilities, which would provide some limited weight in support of the proposals. This would not be sufficient though to outweigh the harm which I have identified in respect of the main issue.
9. I have also had regard to the concerns of interested parties in respect of a series of other issues. These include the setting of a precedent for the loss of other green spaces, highway matters related to parking and the safe manoeuvring of traffic on Friars Pardon, the impact on living conditions having regard to a loss of privacy and noise and disturbance during the construction period, and the motivation behind the development. However, whilst I have noted that these issues have not been articulated in the reason for refusal, as I am dismissing the appeal for another reason, these are not matters upon which my decision has turned.
10. Representations have also been made to the effect that Mrs E Clark's rights under Articles 1 and 8 of the European Convention on Human Rights would be violated if the appeal were to be allowed. However, as I am dismissing the appeal, I do not need to deal with the question of whether the decision would result in a violation of her rights.

11. I have also noted that concerns over procedural aspects of the application as dealt with by the Council have been raised. However, these have not had any bearing on my determination of the appeal.

**Conclusion**

12. For the reasons given above, I conclude that the appeal should be dismissed.

*M Seaton*

INSPECTOR

