



# Appeal Decision

Site visit made on 2 March 2009

by **Martin Joyce** DipTP MRTPI

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

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**Decision date:**  
**13 March 2009**

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**Appeal Ref: APP/N1350/A/08/2092510**

**14 Trueman Grove, Darlington DL3 0YE**

- 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 P Cairns against the decision of the Darlington Borough Council.
- The application, Ref: 08/00782/FUL, dated 22 September 2008, was refused by notice dated 21 October 2008.
- The development proposed is a garage, first floor bedroom and bathroom extension.

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## Decision

1. I allow the appeal, and grant planning permission for a garage, first floor bedroom and bathroom extension at 14 Trueman Grove, Darlington DL3 0YE in accordance with the terms of the application, Ref: 08/00782/FUL, dated 21 October 2008, and the plans submitted with it, subject to the following condition:
  - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

## Main issue

2. The main issue in this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers at Nos 36 and 38 Washbrook Drive in terms of overshadowing and loss of light, and overbearing effect.

## Reasoning

3. The two-storey side extension would be sited on the western side of the appeal property and this orientation, coupled with the generally subordinate nature of its design, being set back from the front of the original dwelling, would result in very little overshadowing of the gardens of the neighbouring properties to the west. Moreover, such shading would only occur during the earliest part of the day and would mostly affect the section of the garden area of No 38 on which a shed has been built. There would, therefore, be no appreciable loss of light, including sunlight for neighbouring occupiers.
  4. As for overbearing effect, the extension would come closer to the rear elevations of the pair of semi-detached houses by about 2.5m, to a position on the joint boundary. This would be noticeable but the rear gardens of Nos 36 and 38 are about 12m in length and both properties have significant structures built within these areas. Each house has a conservatory projecting from the rear elevation, and a variety of sheds occupy the ground next to the fence, including a tall playhouse-type structure at No 36. The extension would be
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partially masked, at lower levels, by these outbuildings, thus would not be seen in isolation. Furthermore, one advantage of the scheme for occupiers of Nos 36 and 38 is that a landing window in the appeal property, from which overlooking of rear bedroom windows and garden areas could take place, would be removed.

5. I note that the Council currently has no adopted standard in relation to the distance between rear and side elevations of residential properties, but they have referred me to a draft Supplementary Planning Document (SPD) which is being prepared in conjunction with their Local Development Framework. Whilst this has been the subject of recent public consultation, due to finish on 18 February 2009, it only attracts limited weight in the context of this appeal because any responses to that exercise have not been formally considered. Moreover, I consider that the Council's reliance on the proposed numerical standards in that document is misplaced. These refer to overlooking potential, with 12.5m given as the minimum advised distance between habitable and non-habitable rooms. In this case, there would be no windows in the side elevation of the proposed extension, thus the slightly lesser distance between the appeal property and those to the west, of 12m, is of no relevance in the context of this draft SPD.
6. My conclusion on the main issue is that the proposed extension would not materially harm the living conditions of occupiers of 36 or 38 Washbrook Drive through either overshadowing and loss of light, or through overbearing effect and would not, thereby, conflict with Policy H12 of the Darlington Local Plan.
7. The Council has not suggested any planning conditions in the event of the appeal succeeding and planning permission being granted and I do not consider any to be necessary save for the standard time limit for commencement.
8. All other matters raised in the written representations have been taken into account, including the concern of neighbouring residents at Nos 36 and 38 about the possible physical effect of building works on the boundary between the properties. However, this is not a matter that can carry any weight in the context of this appeal, as it is a private matter covered by other legislation. This, and the other matters raised, does not, therefore, outweigh the conclusions reached on the main issue of this appeal.

*Martin Joyce*

INSPECTOR