
Appeal Decision

Site visit made on 3 October 2016

by **Andy Harwood CMS MSc MRTPI**

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

Decision date: 04 November 2016

Appeal Ref: APP/N1350/W/16/3154416

Land to the rear of Langholm Crescent, Darlington, Co Durham DL3 7ST

- 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 Denise Vassilounis against the decision of Darlington Borough Council.
 - The application Ref 15/01216/FUL, dated 18 December 2015, was refused by notice dated 10 May 2016.
 - The development proposed is demolition of existing garages and erection of new detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The plans submitted with the appeal were revisions to those originally lodged with the planning application. However it is clear that they are those considered by the Council in making its decision.

Main Issue

3. The main issue is whether the proposed dwelling would preserve or enhance the character or appearance of the Darlington West End Conservation Area (CA).

Reasons

4. The appeal site currently includes garages and domestic garden land which is within a quadrant area surrounded by a narrow cobbled service lane. The quadrant is bounded by other garages and walls constructed of red brick, a material that unifies the CA. There are other undeveloped spaces within the quadrant behind the buildings. Garages and courtyard walls of the dwellings within Langholm Crescent, Fife Road, Uplands Road and Cleveland Avenue also back onto the opposite side of the lane.
 5. The character appraisal for the CA explains that this part of the area was developed as a result of demands for middle class housing from the 1860s into the early 20th century. Under the regulation of the Cleveland Estate high quality building was required. This is an attractive residential area and the long lines of mainly terraced dwellings dominate the streets around the appeal site laid out in a non-uniform grid pattern. The appellant's evidence shows that
-

the dwellings surrounding the site were largely in place by 1912.

6. Some of the existing garages look as if they have been recently constructed and there are some modern features including up and over doors. The appellant suggests that the quadrant is a 'space left over after planning'. Even if it was not planned originally with the surrounding dwellings, there is a pleasant traditional, organic and informal feel to it. The lack of uniformity in building forms in the area does not harm that character. Neither does the lack of maintenance of some properties. The single storey garage buildings and brick walls along with the buildings around the quadrant are functionally and physically subservient to the higher dwellings. The quadrant is a secluded haven away from the busy town centre and surrounding streets.
7. I did see some other traditional lanes behind similar rows of dwellings nearby such as Fife Cove but not a complete quadrant such as this. This type of layout is not commonplace. However the existing quadrant including the low buildings, cobbled lane and garden spaces collectively contribute positively to the character and appearance of this part of the CA. The contribution to the CA as a whole is less significant given the large area covered by the CA and due to the area being secluded from main public views.
8. The proposal would involve the replacement of the block of 3 garages that are currently alongside the southern side of the quadrant with a single garage. From that point, the proposed dwelling would step up in the middle of the site to a narrow 2 storey element. Finally, alongside the northern side of the quadrant, the existing single garage would be demolished and replaced with a 2 storey dwelling taking up a large proportion of the width of the site.
9. A small garden space would be retained within the centre of the site and two parking spaces would sit alongside the single garage. However, the footprint of the buildings would take up a lot of the existing space within the site. The height of the buildings progressing up to the highest main part of the dwelling would be in contrast to the lower existing buildings within the quadrant. This would bring a substantial additional degree of dominating enclosure of the northern part of the cobbled lane in particular. This increased amount of development would also substantially reduce the space in the centre of the site. The existing subservience of the quadrant would be substantially lost in terms of the scale of buildings and also by the additional activity of a new dwelling.
10. The other dwellings referred to such as at Fife Road, Elton Parade and Linden Avenue are set within a very different context. Those buildings do not change the merits of this proposal and do not alter the overall qualities of the CA or the contribution made to the CA by this site at the moment. Those examples do not create a precedent for me to follow in this case.
11. In relation to the main issue, the proposed dwelling would not preserve or enhance the character or appearance of the CA. This would not protect the distinctive character of the historic townscape of the urban area not therefore complying with Policy CS14 of the Core Strategy¹ (CS). The proposal being for a detached dwelling would not comply with the Supplementary Planning Guidance².

¹ Darlington Local Development Framework, Core Strategy – adopted May 2011

² Design and New Development, Supplementary Planning Document 2011

The planning balances

12. The proposed redevelopment would lead to less than substantial harm. However I give considerable importance and weight to this harmful impact on the CA. As paragraph 132 of the National Planning Policy Framework (the Framework) confirms, such harm requires clear and convincing justification. The less than substantial harm needs to be weighed up with the public benefits as set out in paragraph 134 of the Framework.
13. The Council accept that they cannot demonstrate a 5 year supply of deliverable housing sites. I am not given a clear indication of the level of under supply or how critical a single dwelling would be to meeting the need. I can however give a moderate degree of positive weight to the proposal which is in an urban location accessible to a wide range of services. The lack of harm with respects to neighbouring living conditions and highway safety are neutral factors. Based upon the submitted evidence the less than substantial harm is not outweighed by the public benefits of the proposal.
14. Paragraph 14 of the Framework states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. However, this is qualified by the last sentence of the paragraph. That excludes where specific policies in the Framework indicate that development should be restricted and footnote 9 gives a non-exhaustive list of examples of such restrictive policies (including those relating to designated heritage assets).
15. Even though there is a lack of a 5 year supply of deliverable housing sites, the test that the proposal has failed in relation to paragraph 134 the Framework means that the development should be restricted. The proposal would not therefore represent sustainable development taking account in particular of paragraph 14 of the Framework.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

Andy Harwood

INSPECTOR