
Appeal Decision

Site visit made on 3 August 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2020

Appeal Ref: APP/N1350/W/20/3248267

Land adjacent to 31 Pendower Street, Darlington DL3 6ND

- 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 Tim Wilks against the decision of Darlington Borough Council.
 - The application Ref 19/00695/FUL, dated 22 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is described as "Residential development comprising 2 No dwellings and 1 No studio on the lower ground level and associated parking and communal storage area."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the whether the proposal would preserve or enhance the character or appearance of the Northgate Conservation Area; and the effect of the proposal on trees.

Reasons

Conservation Area

3. The appeal site is described as a derelict brownfield site located on Pendower Street, adjacent to Cocker Beck and sits within the Northgate Conservation Area (NCA).
4. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
5. The NCA, within the locality of the appeal site, is characterised by the mature trees around Cocker Beck providing a secluded and leafy riverside setting for the Beck and surrounding properties. In my view the significance of the NCA in this location derives from the fine landscape setting of the Cocker Beck within a wider more varied urban context.

6. The proposal, whilst reflective in design, style and materials of nearby properties, would be a prominent structure that would dominate the existing landscaping that surrounds the Cocker Beck. The appellant has indicated that there are no trees on the appeal site, however there are large mature trees within close proximity to the site and the proposal. Given the proposals size and location, it would significantly detract from the existing landscape setting and be harmful to the character of the area.
7. The site is described as a derelict eyesore with remnants of demolished buildings, including garages and concrete bases. The existing urban elements on the site are small scale whereas the proposal would be large and a significant intrusion into the natural landscape environment.
8. The proposed development would not preserve or enhance the character and appearance of the NCA. The proposal would be contrary to Policies CS2 and CS14 of the Darlington Local Development Framework Core Strategy 2011 and the Framework which seeks development to achieve high quality, sustainable design and protect buildings, their settings and features of local importance in Conservation Areas.

Trees

9. There are no trees within the appeal site however, there are mature trees which are in close proximity to the site with some of these trees being in the NCA and some covered by Tree Preservation Orders.
10. The Council's Senior Arboricultural Officer has raised concerns that the trees have the potential to reduce natural daylight into the proposed buildings which would lead to pressure from future occupants to remove or prune the trees.
11. The windows in the rear of the properties which are into habitable rooms would be in close proximity to the trees. Given the orientation of the proposal and the location of the proposed windows in relation to the trees, the rooms with north facing windows would have reduced levels of natural light.
12. There is an absence of convincing evidence that the proposed dwellings can be constructed within close proximity to the trees, there is considerable doubt in my mind as to whether the development can be adequately constructed without the potential of harming the trees.
13. On the evidence that is before me, I am not convinced that the proposed development could be constructed without leading to harm to the trees. The proposed development would be contrary to Policy E12 of the Darlington Local Plan 1997 and Policy CS14 of the Darlington Local Development Framework Core Strategy 2011 which seeks development to take account of trees and promote local character.
14. Cocker Beck and existing retaining walls on the site are likely to act as a barrier and deterrent in terms of the root growth of the trees. The appellant has indicated that the tree canopy skyline would not be affected, that any future request to prune trees would be controlled by the Local Planning Authority and also that a previous appeal decision¹ only referred to trees within the site. Nevertheless, these matters do not outweigh the harm I have identified above.

¹ Planning Inspectorate Reference Number: APP/N1350/W/15/3141224

Other matters

15. The proposal would be an efficient use of previously developed land by introducing family accommodation that would contribute to existing housing stock and be close to social and community facilities and services. The appellant has indicated that the proposal would remove anti-social behaviour from the site. These benefits however, would not outweigh the harm I have identified in the main issues.

Conclusion

16. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR