



Appeal Decision

Site visit made on 26 January 2021

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/N1350/W/20/3261175

Land Adjacent 39 Stockton Road, Haughton, Darlington DL1 2RX

- 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 Darren Cresser against the decision of Darlington Borough Council.
 - The application Ref 20/00690/FUL, dated 2 August 2020, was refused by notice dated 30 September 2020.
 - The development proposed is erection of a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the development on the public footpath link between Stockton Road and Welbeck Avenue with particular regard to pedestrian safety; and, (ii) whether the proposal would preserve or enhance the character or appearance of Haughton-Le-Skerne Conservation Area.

Reasons

Pedestrian safety

3. The public footpath connects Stockton Road to Welbeck Avenue. The evidence confirms that the footpath is well used, and I observed this during my site visit. I also observed that the footpath provides a route to extensive residential development to the north of the village, a route to bus stops adjacent to the appeal site and to services and facilities on Stockton Road and Haughton Green.
4. The footpath is wider where it is accessed from Welbeck Avenue. Adjacent to the rear boundary of the appeal site, the footpath narrows and bends to a new alignment as far as Stockton Road. This section of the footpath is enclosed by the side gable of No 39 and close boarded fencing.
5. The appellant refers to the publication Secured by Design Homes 2019 (2 March 2019). This advises that where a segregated footpath is unavoidable it should be straight, wide, well lit, devoid of potential hiding places, overlooked by surrounding buildings and maintained to enable natural surveillance along its length. I saw at my site visit that the footpath is already below this standard.

6. The side gable wall of the proposed dwelling would be located on the joint boundary with the footpath. Its location would further enclose the narrow footpath link and reduce natural light into the space at a point in the footpath that is already mostly enclosed by the side gable to No 39. As a consequence, the quality of the pedestrian environment would be reduced. This would discourage the use of the footpath link, particularly at night and diminish the contribution of the footpath to pedestrian accessibility within the area.
7. The appellant indicates that a two-storey extension to the side of No 41 would have a similar effect on the footpath link. However, no details of such a scheme is before me and without such information a full and detailed comparison with the proposal cannot be made. Additionally, there is no evidence that such a proposal is a greater than theoretical possibility or that if the appeal is dismissed such a proposal would be pursued. As a consequence, I find the suggested side extension is not a determining factor of the appeal.
8. Overall, I conclude that the proposal would have a detrimental effect on the public footpath link between Stockton Road and Welbeck Avenue with particular regard to pedestrian safety. The proposal would conflict with Policy CS2 of the Darlington Local Development Framework Core Strategy (Core Strategy) where it seeks high quality, safe, sustainable and inclusive design.

Character and appearance

9. The appeal site is within the Haughton-Le-Skerne Conservation Area (CA). The Haughton-Le-Skerne Conservation Area Character Appraisal and Management Plan December 2014 (CA appraisal) states that the appeal site was included in the boundary of the CA as part of an extension to it in 1978. The boundary was extended to include houses that dated from the 1890's primarily on the northern side of Stockton Road which was formerly part of Haughton Green.
10. The CA appraisal identifies that the significance of the Conservation Area derives, in part, from the contrast between the tightly packed smaller terraced properties on the eastern side of the village and the larger more spacious properties on the western side. Development is primarily close grain with development along the village green having largely uninterrupted frontages. The map within the CA appraisal identifies Stockton Road as one of the key gateways into the CA.
11. Within the CA, beyond the row of terraced dwellings closer to Haughton Green, there are two pairs of semi-detached houses that front Stockton Road. No 37 and No 39 are marginally set back from the road frontage in line with it. No 41 and No 43 are angled towards the frontage. The two properties beyond No 43 are larger properties of different design but sited close together. The appeal site provides a break in the run of development along the street frontage that is not characteristic of the CA.
12. The CA appraisal is supportive of infill development that respects the established rhythm of building frontages, the historical street line in the immediate streetscape, provides defensible space in the form of front gardens with a boundary treatment and avoids gaps between buildings. Infill development, the CA appraisal states, should be built up to party walls.
13. The proposed dwelling would be sited at an angle to the road extending the building line of No 41. Although this would be at odds with the wider CA where

development largely follows alignment of the road, it would be consistent with the adjacent properties and would not appear incongruous in the street scene. The dwelling would be modest in scale, constructed in a similar style and materials and would, subject to appropriate conditions relating to materials and design details, integrate into its surroundings. It would not be a conspicuous feature, nor would it detract from the key gateway entrance into the village.

14. Consequently, I conclude that even when considering the duty under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the need to give great weight to the conservation of heritage assets as set out in the National Planning Policy Framework (the Framework), the development would preserve the character and appearance of the CA. In this respect the development would accord with Policy CS14 of the Core Strategy which promotes local character and distinctiveness. It would also accord with the Framework where it seeks to conserve and enhance the historic environment and ensure development is sympathetic to local character and history.

Other Matters

15. Local residents have also expressed a range of concerns including the loss of privacy to the adjacent dwellings and the adequacy of parking and access arrangements. However, I note that these matters were considered by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns of local residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.

Conclusion

16. I am satisfied that the development would preserve the character and appearance of the CA, however, I conclude that the development would have a detrimental effect on the public footpath link between Stockton Road and Welbeck Avenue with particular regard to pedestrian safety. In this regard the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR