



Appeal Decision

Site visit made on 1 February 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/N1350/W/21/3285235

213-217 Haughton Road, Darlington DL1 2LD

- 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 V. G. Developments (NE) Limited against the decision of Darlington Borough Council.
 - The application Ref 20/01181/FUL, dated 30 November 2020, was refused by notice dated 23 August 2021.
 - The development proposed is the erection of 1no. dormer bungalow.
-

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for the residential development of a former garage site for 6 terraced houses (19/00120/FUL) and a block of 12 residential apartments (19/01111/FUL). The current proposal seeks permission for a further bungalow on the site.
3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area; and
 - Whether the proposed development would provide acceptable living conditions for future occupiers with regard to privacy and outlook.

Reasons

Character and Appearance

4. The appeal site is located to the rear of a terrace of newly built two storey houses that front onto Haughton Road and is reached via the access to a block of recently completed four storey apartments which are set back from the road and been constructed at the former garage site.
5. Whilst there is a mix of property types, designs and sizes in the area, they are generally afforded a set back from their road frontage and proportionately sized gardens. This and the separation between individual buildings and blocks gives the area a spacious feel which contributes positively to its character and appearance.
6. The proposed development would be sited immediately to the rear of the recently completed terrace. It would be contextually very small, and effectively

shoehorned into a narrow gap at the foot of the gardens of the frontage development. The restricted size of its plot, the siting of its access, parking and garden and how it would abut surrounding land uses and buildings at such close quarters would give rise to an obvious cramped appearance, wholly against the prevailing sense of spaciousness. It would thus cause harm to the character and appearance of the area.

7. The proposed development would therefore be contrary to Saved Policy H13 of the Borough of Darlington Local Plan (DLP) (1997) which sets out the Council's approach to backland development and Policy CS2 of the Darlington Core Strategy (DCS) (2011) which both seek to ensure that all development is of a high quality.

Living Conditions

8. At approximately 7 metres, the bungalow would be sited more than marginally short of the 12.5 metre separation distance away from the closest other dwelling as set out in the Council's Revised Design of New Development Supplementary Planning Document (2011) (SPD). Whilst this is a recommended distance, it is useful in determining an acceptable separation to ensure satisfactory living conditions are provided.
9. In this context, the presence of the two-storey terrace so close to the proposed bungalow and along the whole length of its side elevation, would be dominant and oppressive. Consequently, it would have an overbearing effect on the outlook for users of the garden and from the windows in both front and rear elevations of the property. The unacceptably poor outlook from the proposed garden would be compounded by its very small size and close proximity enclosure by high sided fencing and buildings.
10. Furthermore, the first-floor windows of 207 and 209 Haughton Road would directly overlook the garden of the proposal having an unacceptable impact on the privacy of the occupants. I do not agree that this arrangement would be typical of houses in an urban setting to the extent that it makes this proposal acceptable.
11. In addition, I am not convinced by the illustration provided by the appellant to demonstrate that overlooking would be limited. A privet hedge on the boundary would take a considerable time to reach a useful height and its retention to a specified height could not be guaranteed or enforced. Therefore, is not considered acceptable mitigation for an otherwise unacceptable relationship between the existing houses and the proposal.
12. Consequently, the proposed development would harm the living conditions of future occupiers to an unacceptable extent with regard to both privacy and outlook. The proposal would therefore be contrary to saved DLP Policy H13, DCS Policy CS2 and the SPD. Together, amongst other things, these policies seek to ensure that new development is of high quality and provides a high standard of amenity for existing and future users.

Other Matters

13. I note that an alternative layout was submitted to the Council for the purposes of a previous outline planning permission for the site which may have resulted in the scheme having a different feel to that which has been implemented. I also note that this layout was indicative, and the Council contend that it did not

form part of the approved suite of plans. I also note that this permission was not implemented and 2 full applications for the terrace and flat development were pursued instead. This layout, therefore, carries very little weight and does not outweigh the harm that I have otherwise found.

14. The introduction of another unit in this location would not increase the density of development above that of the prevailing area, however neither this nor the proposed palette of materials and the use of a bay window would be sufficient to make the proposed development acceptable in the light of the harm I have found.
15. I have not been presented with any evidence that the provision of one additional unit in this location would address any identified local housing needs or is required to make the overall scheme viable, both of which, amongst other things, would be necessary to satisfy the requirements of paragraph 124 of the National Planning Policy Framework in securing the most efficient use of land.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR