



# Appeal Decision

Site visit made on 17 May 2022

**by Mr M Brooker DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 May 2022**

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**Appeal Ref: APP/N1350/W/21/3287887**

**1 Hall View Grove, Darlington DL3 9DN**

- 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 Paul Furness against the decision of Darlington Borough Council.
  - The application Ref 21/00789/FUL, dated 5 August 2021, was refused by notice dated 1 November 2021.
  - The development proposed is two storey side extension.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I saw at the site visit that construction work had already commenced at the site. Nonetheless, I have determined the appeal on its planning merits based on the evidence before me.
3. I note that the appellant has signed certificate B on the application form and indicated on the site location plan that they are not the owner of part of the appeal site. An appellant does not have to own a site to seek planning permission and the granting of planning permission does not grant or suggest ownership of the land.
4. Since the determination of the planning application from which this appeal results, the Darlington Local Plan was adopted on 17 February 2022, replacing the 'saved' policies of the Borough of Darlington Local Plan 1997 (updated 2001) and the Darlington Core Strategy (2011). The Council's decision notice did not refer to a specific policy and the appellant has not made detailed references to specific policies. I am satisfied that no party would be prejudiced if I determined the appeal on the basis of the evidence before me.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

## Reasons

6. The appeal site consists of 1 Hall View Grove, a detached property typical of the area. To the side of the property a narrow pedestrian walkway provides access to the reasonably sized rear garden. The site is bound to the side and rear by open space.

7. The appeal scheme consists of the enclosure of some of the open space to the side of the property into the residential curtilage by way of the erection of a fence, a two-storey side extension and the creation of additional car parking to the front of the property.
8. The open space to the side and rear of the appeal site accommodates a public footpath that provides a car free, if short route, through this part of the housing estate. The open space includes a number of trees protected by tree preservation orders. The open space and trees are a prominent and positive feature in the area, contributing to the intrinsically verdant and suburban character and appearance of the area.
9. The submitted plans show that the size of the land proposed to be enclosed is modest. Nonetheless, the loss of part of this valuable open space would erode the value of the open space, without mitigation or public benefit this loss would harm the character and appearance of the area.
10. Furthermore, I saw at the site visit that the materials used in the partly constructed side extension appeared to be a very poor match to the appeal dwelling, such that the extension would appear as a prominent and incongruous addition, harming the character and appearance of the area.
11. Turning to the matter of precedent, while each planning proposal is determined on its own merits, I saw at the site visit that there were a number of other properties with boundaries, either side or rear, to the open space that may seek to progress a similar proposal if approval were to be granted in this instance. If this were to occur, the cumulative effect of these developments would result in notable loss of open space resulting in significant harm to the character and appearance of the area. This is a material consideration which I give some weight to.
12. The appellant has referred to the approval of the change of use of land in March 2017. I have not been provided with any substantive details of this permission, the land it refers to or the circumstances and policies that applied at the time that permission was granted. I therefore afford this material consideration very limited weight and it does not outweigh the harm I have identified previously.
13. As such, I find that the appeal scheme would harm the character and appearance of the area contrary to policy DC1 of the Darlington Local Plan that, amongst other matters, seeks to ensure that new development complements and enhances the character of the local area, including the natural and built environment.

## **Conclusion**

14. For the reasons given above I conclude that the appeal should be dismissed.

*Mr M Brooker*

INSPECTOR