

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL FOR PLANNING PERMISSION

APPLICATION REF. NO:	22/01271/FUL
APPEAL REF. NO:	Appeal Ref: APP/N1350/W/23/3332091
LOCATION:	42 Durham Road, Coatham Mundeville, Darlington DL1 3LZ
DESCRIPTION:	Erection of 2 no. residential dwellings with associated access, hard standing and private amenity space (revised scheme) (Addendum to Noise Assessment received 19 December 2022; amended Planning Statement received 21 March 2023; Nutrient Calculator and Provisional Nutrient Certificate received 26th July 2023)
APPLICANT:	Mr Farrow

BRIEF SUMMARY:

1. The main issues were:
 - a) whether the appeal site provides a suitable location for the development proposed having particular regard to the development plan's spatial strategy and the effects of the development, which comprised two detached, two storey dwellings, upon the character and appearance of the area; and
 - b) the effects of the development upon the living conditions of the occupiers of 40 and 42 Durham Road with particular regard to privacy and noise

KEY POINTS TO NOTE:

2. The appeal site largely comprises of grassland and is located between Nos 40 and 42 Durham Road within Coatham Mundeville. Durham Road has a largely linear development pattern. There is a variety to the scale and design of buildings within the area, but most of those closest to the appeal site are bungalows or 1 ½ storey properties

REASONS FOR REFUSAL:

3. The planning application was refused for the following reasons:
 - a) *The application site lies outside of the limits of development defined by the Policies Map of the Darlington Local Plan 2016 - 2036. The redevelopment of the application site for residential purposes would have an adverse impact on the*

character and appearance of the countryside location and setting of the site and the proposed dwellings do not respond positively to the local context in terms of scale, form, height, materials, colouring, fenestration and architectural detailing further impacting upon the character and appearance of the local area. The proposed development would be contrary to policies; H3 (Development Limits); H7 (Residential Development in the Countryside); DC1 (Sustainable Design Principles and Climate Change) and ENV3 (Local Landscape Character) of the Darlington Local Plan 2016 - 2036.

b) The proposed development will have an adverse impact on the existing neighbouring dwellings in terms of loss of privacy and overlooking and noise and disturbance due to the position of first floor habitable windows in the North West elevation of Dwelling 1 and in the South East elevation of Dwelling 2 along with the raised balconies on the rear elevations of both properties. The development would be contrary to policy DC4 (Safeguarding Amenity) of the Darlington Local Plan 2016 - 2036

APPEAL DISMISSED:

4. The proposed development would be located outside of Development Limits and within the countryside and the dwellings do not constitute a form of exceptional housing development in the countryside which policies of the Local Plan permit and so in this location, the development proposed would not accord with the development plan's spatial strategy.
5. Whilst the houses were designed to work towards achieving the PHI Low Energy Build Standards and seek to incorporate certain Passivhaus criteria which is commendable and would achieve a design which, in these respects, is above the norm, the design of the proposed dwellings were not considered to be so innovative or ground-breaking to amount to being truly outstanding or exceptional. The Planning Inspector agreed that the development would result in an erosion of the open character of the site in this part of the countryside and when considered together with the design of the houses, the development would have a harmful effect upon the character and appearance of the area contrary to policy.
6. The proposal would conflict with policies SH1 and H7 of the Local Plan. It would also conflict with policy DC1 which amongst other matters requires that the design of development responds positively to local context and would complement and enhance the character of both the built and natural environment. The Planning Inspector was in support of refusal reason a)
7. The Planning Inspector considered that planning conditions to secure appropriate screening on the rear balconies and obscure glazing where necessary, could protect the amenities of neighbouring dwellings. The Planning Inspector did not support reason b).
8. Overall, the planning appeal was dismissed.