

DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO: 25/00258/FUL

APPEAL REF. NO: APP/N1350/D/25/3371839

LOCATION: 21 Lanethorpe Road, Darlington, DL1 4SG

DESCRIPTION: Erection of front boundary wall up to 1.84m high and detached outbuilding/store within the front boundary, extension to the west elevation of the existing garden store and installation of an additional first floor window into existing side elevation of dwelling (part retrospective)

APPLICANT: Mr J Bertuccelli

PLANNING OFFICER: CHRISTINA MCALPINE

KEY POINTS TO NOTE:

1. Application was refused and subsequent appeal has also been dismissed due to character impacts.

BRIEF SUMMARY:

2. The application was submitted as a result of an enforcement enquiry, because the outbuilding had been partially constructed without obtaining planning permission. The application was submitted to regularise these outbuilding works and to seek consent for further works to this property (which had not been implemented).
3. This appeal follows the refusal of planning permission for the above works, which has been dismissed. The application was considered by the Planning Applications Committee at the request of Members. The case was reviewed and discussed, with Members concluding with the officer's report, that the application should be refused owing to a character impact. The application was refused for the following reason:

By virtue of the scale and forwards projection of the outbuilding, the development would result in a poor form of development to the detriment of the character and appearance of the property and street scene and fail to make a positive contribution to the local area. The proposed development would therefore be detrimental to the character and visual amenities of the area, contrary to guidance contained within the National Planning Policy Framework 2024 (paragraph 135) and Local Plan Policy DC1.

APPEAL DISMISSED:

4. The Inspector noted that Lanethorpe Road is mainly a residential area, with properties being set back from the highway with modest front gardens. They noted that these gardens are generally free from built form which helps to create a sense of openness

within the street scene. This is considered a 'clear and consistent pattern of development which helps create a pleasant character and appearance.'

5. The outbuilding was positioned forwards of the existing defined building line and given its scale, it was considered to result in a 'highly visible, incongruous structure', resulting in a harmful impact upon the character of the street scene.
6. Whilst the materials matched that of the existing property, the inspector did not consider this sufficient to outweigh the harm to the local area. The height would result in a 'bulky building', which would extend above the boundary wall. It would therefore be visually prominent within the street scene and appear out of character for this area, as well as eroding the existing open character of the front amenity areas of these properties. The matching materials were not considered sufficient to negate these impacts.
7. The appellant referenced an existing detached garage elsewhere within this estate, but the inspector gave this limited weight. They did know the full circumstances of that case, and they argued that such a building demonstrates that an impact upon local character can occur through inappropriately sized and sited outbuildings. This existing situation did not justify allowing this development, which was considered to have a harmful impact upon the character of the area.
8. The Inspector raised no objections to the proposed first floor window, extension to the garden building and boundary treatment. Had this been applied for separately to the outbuilding, they agreed with the Local Planning Authority in that they would not have objected to these works.
9. The Inspector gave limited weight to the personal needs of why the outbuilding was required. The appellant argued that the siting of the building to the front would allow outdoor space to the rear to be maintained for the children. But the inspector could only give limited weight to the personal benefits, which did not outweigh the impact upon the character of the area.
10. Overall, the Inspector dismissed the appeal because the outbuilding was found to be contrary to local policy and did not respond positively to the local context of this area, in terms of its scale, form, height and layout.