

COMMITTEE REPORT

APPEAL UPDATE (DURHAM CITY AREA OFFICE)

APPEAL DECISIONS:

Appeals by Mr J Wallace

Site at land adjoining 1, Mavin Street, Durham, DH1 3AU

Appeals had been lodged by Mr J Wallace against the Council's decision to refuse planning permission and conservation area consent for the demolition of a section of boundary wall to accommodate an extension and a proposed detached dwelling.

The Inspector considered that the Council had refused permission for the proposals for a number of reasons; because of the limited separation between the proposed dwelling and surrounding buildings would impair the prospect of existing and intended residents; because the loss of space and design of the structure would not preserve the character or appearance of the Conservation Area; loss of informal parking and turning area and inaccuracy of plans.

The Inspector concluded to dismiss the appeals and in reaching his decision considered that the appeal turned on the three main issues above (the accuracy of the plans not needing to be addressed).

The first issue related to the proximity of the blank flank wall of the proposed dwelling and its relationship with neighbouring residential properties. Such a structure was considered to present a dismal outlook, obliterate a significant portion of the sky and much morning sun and confine outlook. These harmful effects would be accentuated by the close proximity and the rise of level.

With regard to the second issue, there is a statutory duty to preserve or enhance the Conservation Area. The space is typical of gaps left at the end of terraces and thus forms an integral part of the pattern of nineteenth century development. The proposal would obliterate it. The design of the dwelling would also include discordant features. Such features together with a narrow façade would combine to create an incongruous scheme apparently squeezed into an awkward space. The proposals would fail to preserve or enhance the character and appearance of the Conservation Area.

The Inspector accepted that it may not be necessary to provide off street parking spaces for a dwelling in the City centre, such as this, but considered the proposal would actually reduce effective parking provision and make it more difficult to turn vehicles within Mavin Street. Hence the proposal would exacerbate road hazards.

Given that the proposal would not represent an acceptable form of development, there would be no need to counterbalance the demolition of the rear wall and consent for demolition would also be contrary to policy.

Recommendation:

That the report be noted.

**Appeal by Mr Roebuck
Site at Dunholme, High Street South, Shincliffe, Durham**

An appeal was lodged by Mr Roebuck against the Council's decision to refuse planning permission for the erection of a two storey pitched roof extension to the rear of the existing dwelling, insertion of bay windows to the front elevation and the insertion of replacement windows to the front and rear elevations of the property.

The Inspector concluded to allow the appeal, subject to conditions, and in reaching her decision considered the main issues to be whether the proposal would preserve and enhance the character and appearance of the Shincliffe Conservation Area and the effect of the proposal on the living conditions of adjacent residential occupants in terms of daylight and outlook.

The appeal property is a mid terraced double fronted house overlooking the village green. The proposed bay windows and insertion of timber sliding sash windows was considered to improve the appearance of the front of the property and enhance the Conservation Area. The proposed rear extension was considered to be modest in size, carefully designed, and in visual terms preserve the character and appearance of the Conservation Area.

The proposed rear extension would be positioned within 3 to 4 metres of the side of a single storey extension at the neighbouring property, Nut Cottage. The proposed rear extension was considered to only minimally project in front of the kitchen window of this neighbouring house, overlapping by 0.2 metre. The Inspector considered the view along the rear of the terrace would be substantially retained. In the Inspectors assessment the two storey rear extension was not considered to dominant outlook from this room. Existing daylight to the kitchen was considered to be restricted by the existing sloping rear gardens and a large conifer in the neighbouring garden. As it would leave the window largely unobstructed, the Inspector was not convinced that the proposed extension would have a significantly adverse effect on daylight levels in the kitchen.

Recommendation:

That the report be noted.
