

# Item 13

## DEVELOPMENT CONTROL COMMITTEE

27<sup>th</sup> APRIL 2007

### Report of the Director of Neighbourhood Services

#### RECENT PLANNING APPEAL DECISION

The following planning appeal decision is reported for information purposes:

#### 19 NORTHSIDE BUILDINGS, TRIMDON GRANGE

#### APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse the erection of a two-storey extension to the front of number 19 Northside Buildings, Trimdon Grange (Application reference: 7/2006/0342/DM).

The reason for refusal were that:

In the opinion of the Local Planning Authority, this extension was considered to appear excessive in scale and massing, and would have resulted in an extension of uncharacteristic proportions to the front elevation of the application property. This extension was considered to create a detrimental impact upon the character and appearance of the surrounding street scene, being contrary to adopted Local Plan Policies H15 (Extensions to dwellings) and H16 (Extensions to the front of dwellings), and the February 2006 adopted 'Residential Extensions Supplementary Planning Document' (RESPD).

The appeal was made by the applicant on the following grounds:

- Sedgefield Borough Council insist on calling the back of this property the front,
- There is another house nearby which was granted permission for a double extension a few years ago

This appeal was heard by way of a written representation.

#### APPEAL DECISION

In the inspector's decision letter dated 21 March 2007 (a copy of which is attached to this report), the appeal was dismissed.

#### ANALYSIS OF THE APPEAL DECISION(S)

The inspector in dismissing this appeal considered that:

- As a result of the unconventional housing layout and changes made over time to the dwellings and their curtilages, there is room for debate over which are the front and which the rear elevations,
- What appears to originally have been intended as the rear elevation of this property has now become the 'public face', with a high level of visibility from the back lane which now evidently provides the main means of pedestrian access and sole means of vehicular access,

- Adopted Local Plan Policy H16 seeks to maintain the appearance of those parts of a housing area visible to the public, with Policy H16 therefore considered relevant alongside Policy H15,
- The proposed extension would be excessive, large and an over-dominant intrusion into the already closely confined street scene, thereby harming the character and appearance of the area in conflict with Local Plan Policies H15 and H16,
- Little weight could be attached to the Council's RESPD as no mention was made as to whether this document was prepared and adopted in accordance with the relevant statutory requirements and guidance contained within paragraphs 4.39 to 4.44 of Planning Policy Statement 12: *Local Development Frameworks*. Nonetheless, the advice it does contain did provide a useful guide to the principles which underlie saved Local Plan Policies.

## CONCLUSION

In conclusion, the inspector is considered to have rightly identified the harmful effect this extension would have on the character and appearance of this densely developed residential area. This decision is an important one in that it allows planning officers to use this decision as a reference for future household extensions of this nature.

With regard to the inspector's comments that little weight could be attached to the RESPD, efforts have been made to devise a standard paragraph which will be attached to all relevant appeal statements in the future. This paragraph will clearly explain how this adopted policy document was prepared and adopted in accordance with the relevant statutory requirements, and will strengthen future appeal representations made by the Local Planning Authority which concern the adopted RESPD.

The following planning appeal decision is reported for information purposes:

ELDON HOPE DRIFT, ELDON, CO DURHAM

**APPEAL DESCRIPTION**

The appeal was made against a planning decision to refuse outline permission for the erection of 2 no. dwellings on land at Eldon Hope Drift, Eldon, Co Durham (Application reference: 7/2006/0257/DM).

The reasons for refusal were that:

In the opinion of the Local Planning Authority, this proposal constituted unsustainable residential development in the open countryside contrary to adopted Local Plan Policies H11 (Development in ribbons and groups of houses in the countryside), H12 (Housing in the countryside for agriculture or forestry workers), PPS1 (Delivering sustainable development), PPG3 (Housing) and PPS7 (Sustainable development in rural areas). With no justification provided as to the need for two dwellings in this unsustainable location, outside of any defined settlement boundary, this proposal was considered unacceptable and contrary to national and local plan policy.

This appeal was heard by way of a written representation.

**APPEAL DECISION**

In the inspector's decision letter dated 30 March 2007 (a copy of which is attached to this report), the appeal was dismissed.

**ANALYSIS OF THE APPEAL DECISION(S)**

The inspector in dismissing this appeal considered that:

- The main issues are the effect of the proposal on sustainability and on the character and appearance of the countryside,
- Although the site and adjoining land clearly has a long history in industrial/commercial uses, and includes a small number of dwellings, this does not constitute any settlement. This site is therefore considered to fall within the open countryside and therefore conflicts with Policies H11 and H12 of the adopted Sedgefield Borough Local Plan,
- Situated some 2 miles along country roads from the nearest main service centre of Shildon, this site is considered poorly located for access to services. The nearest bus stop is around half a mile away and whilst Shildon is a reasonable cycling distance away, unlit country roads would not be conducive to the use of a pushbike as a main means of transport for residents of the proposal. It was therefore considered that future residents would be heavily reliant upon the private car, therefore failing to support the objective of sustainability with regard to locating new housing in close proximity to local facilities,
- Without substantial screening (which would take some years to grow), these dwellings would be highly visible and would fail to reflect the history of this site, instead urbanising this area of the road to the detriment of the character and appearance of the area,

- The site in question has not been identified as a rural exception site, with no clear evidence for the need for affordable housing in this specific location. It is agreed that if a need for affordable housing was identified in this area, these would be on more sustainable sites within or adjoining existing settlements and not in the open countryside. Furthermore, the appellant has provided no justification of an essential need for on-site residential accommodation in this particular location, with this proposal therefore contrary to Local Plan Policy H12,
- Whilst the site is previously developed, Brownfield land, with this proposal being considered to tidy up the appearance of an unkempt site, development here would urbanise and detrimentally affect the character and appearance of the area

## **CONCLUSION**

In conclusion, the inspector is considered to have rightly identified the unsustainable and harmful effects this proposal would have on the character and appearance of the area and the surrounding landscape. This decision is an important one in that it allows planning officers to use this decision as a reference for future residential development applications in the countryside, which are unsustainable in nature and outside of any recognised settlement.



## Appeal Decision

Site visit made on 28 February 2007

by **Dennis Johnson, BA DipTP MRTPI**

an Inspector appointed by the Secretary of State for  
Communities and Local Government

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Date: 21 March 2007

**Appeal Ref: APP/M1330/A/06/2028336**

**19 Northside Buildings, Trimdon Grange, County Durham TS29 6HW**

- 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 G Hilder against the decision of Sedgefield Borough Council.
- The application Ref 7/2006/0342/DM, dated 18 May 2006, was refused by notice dated 14 July 2006.
- The development proposed is a kitchen, bedroom and bathroom.

### Decision

1. I dismiss the appeal.

### Reasons

2. The proposed development comprises a two-storey extension to this terraced dwelling that would replace an existing single-storey offshot facing the back lane. As a result of the unconventional housing layout and changes made over time to the dwellings and their curtilages, there is room for debate over which are the front and which the rear elevations. However, the important point is that what appear originally to have been intended as the rear elevations have now become the 'public face' of the dwellings, with a high level of visibility from the back lane, which now evidently provides the main means of pedestrian, as well as the sole means of vehicular, access.
3. The reasoned justification for Policy H16 of the Sedgefield Borough Local Plan (1996), makes it clear that this policy is intended to maintain the appearance of those parts of a housing area that are visible to the public. Notwithstanding the terminology used in the policy wording, I therefore consider it appropriate to judge the proposed development against the objectives of this policy as well as against those of Policy H15.
4. The width of the proposed extension would be approximately half of that of the main wall to which it would be attached. It would project out to the highway boundary. Its monopitch roof would extend to just below the main roof ridge. The extension would present a virtually blank half-gable wall to the highway, relieved only by a small bathroom window. Its west elevation, rising to the apex of the roof, would be totally blank. In my opinion, the proposed extension would appear as an excessively large and overdominant intrusion into the already closely confined street scene, thereby harming the character and appearance of the area in conflict with Local Plan Policies H15 and H16.
5. I attach limited weight to the Council's *Residential Extensions Supplementary Planning Document*, as I have not been told whether it was prepared and adopted in accordance with the relevant statutory requirements and the guidance contained in paragraphs 4.39 to 4.44 of

Planning Policy Statement 12: *Local Development Frameworks*. Nonetheless, the advice it provides is a useful guide to the principles that underlie the saved local plan policies.

6. The appellant has not provided the address of the dwelling for which permission has previously been granted for what he refers to as a double extension. I saw that a large, two-storey extension has been added to 26 Northside Buildings at some time in the past, but the Council's delegated report indicates that this was permitted prior to the adoption of the local plan. In my opinion, this oppressive intrusion into the street scene illustrates well the harmful effect that such extensions can have on the character and appearance of this densely developed area. Nothing else I have read or seen alters my conclusion that this appeal should not succeed.

*D C Johnson*

INSPECTOR



# Appeal Decision

Site visit made on 19 March 2007

by **Malcolm Rivett** BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for  
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Date: 30 March 2007

**Appeal Ref: APP/M1330/A/06/2028135**

**Eldon Hope Drift, DL4 2QX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by James Cant against the decision of Sedgefield Borough Council.
- The application Ref 7/2006/0257/DM, dated 13 April 2006, was refused by notice dated 14 June 2006.
- The development proposed is Houses or Bungalows.

## Procedural Matters

1. The application, for 2 dwellings, was submitted in outline with all detailed matters reserved for future consideration. I have determined the appeal on this basis. Whilst not submitted with the appeal documentation, at the site visit the appellant provided the Council and me with a copy of a plan showing the site boundary.

## Decision

2. I dismiss the appeal.

## Main Issues

3. The main issues are the effect of the proposal on sustainability and on the character and appearance of the countryside.

## Reasons

4. The appeal site is situated approximately half a mile north of the small village of Old Eldon. The site, and the adjoining land, formerly a colliery, comprise a range of buildings, accommodating a haulier business, a builders yard and Eldon Hope Cottage, which I understand was previously the mine manager's bungalow. To the south of the site is a dog kennel business and beyond that, on the opposite side of the road, a short row of cottages. Woodland and agricultural fields surround this development.
5. Whilst the site and adjoining land clearly has a long history in industrial/commercial use and includes a small number of dwellings, given its size and uses, it does not, in my view, constitute a settlement. I therefore concur with the Council that the site lies in the open countryside. Consequently, I find that the proposal conflicts with policies H11 and H12 of the adopted Sedgefield Borough Local Plan (SBLP). These policies state that new housing in the countryside, including the extension, infilling or redevelopment of sporadic groups of

houses, will not be permitted unless required for essential occupancy by persons engaged solely or mainly in agriculture or forestry.

6. The main objectives of these policies are to direct housing to locations in close proximity to local facilities and to protect the character and appearance of the countryside. Situated some 2 miles, along country roads, from the nearest main service centre of Shildon, the site is, in my view, poorly located for access to shops, schools and other services. I understand that the nearest bus service is around half a mile away and whilst Shildon is within a reasonable cycling distance, I consider that the unlit country roads would not be conducive to the use of a push-bike as a main means of transport for residents of the proposal. In my judgement, therefore, the residents of the dwellings would be likely to be heavily reliant on the private car to access most day to day services. Consequently, I find that the proposal would not support the objective of sustainability with regard to locating new housing in close proximity to local facilities.
7. Without substantial screening, which would take some years to grow, it appears likely to me that the dwellings would be clearly visible from the road fronting the site. Whilst I recognise that the various existing commercial/industrial buildings on the site and adjoining land are visible from the road, these primarily reflect the history of the site as a colliery in the countryside. The addition of 2 dwellings would, in my view, urbanise this section of road, thus harming the character and appearance of the area.
8. Referring to Planning Policy Note 3: Housing (which has subsequently been replaced by Planning Policy Statement 3: Housing), the appellant states that the proposal has been submitted as a rural exception site and that he would be willing, through a unilateral undertaking, to ensure that the dwellings remain, in perpetuity, as affordable homes. However, I have been provided with no such undertaking. Furthermore, I understand that the SBLP does not identify the site as a rural exception site and I have seen no clear evidence of a need for affordable homes in this specific location. I agree with the Council that, if there is a need for more affordable homes in the rural areas of the borough, it is likely that these could be more sustainably located on sites within or adjoining existing settlements. The appellant also states that the dwellings could be occupied by people employed at the businesses adjacent to the site, although it has not been demonstrated that there is an essential need for on-site residential accommodation which would, in accordance with policy H12 of the SBLP, justify new dwellings in the open countryside.
9. I appreciate that the site is previously developed land and that the proposal could tidy-up the appearance of the currently somewhat unkempt site. However, in my view, this would be at the expense of the urbanisation of the area and, therefore, these are not good reasons to allow the appeal.
10. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Malcolm Rivett*

INSPECTOR