

Item 10

DEVELOPMENT CONTROL COMMITTEE

9th November 2007

Report of the Director of Neighbourhood Services

PLANNING APPEAL DECISION

The following planning appeal decision is reported for information purposes:

16 Sharp Road, Newton Aycliffe

APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse the erection of an extension to the side/rear to provide a garage, utility, WC and sunroom at 16 Sharp Road, Newton Aycliffe.

The application was refused for the following reason:

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 due to its prominent location in the streetscene. 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 the February 2006 adopted 'Residential Extensions Supplementary Planning Document' (RESPD). It was also considered that the proposed development would have a detrimental impact on the tree to the rear of the site that is in Council Ownership. This would have been contrary to Policy E15 of the Adopted Local Plan.

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

- The applicant stated that the development would not have an overbearing impact on the streetscene and would replicate other houses in the area.
- The tree would not be damaged
- The development would be subservient to the original property due to its reduced ridge height and set back

The appeal was heard by way of a written representation.

APPEAL DECISION

In the inspector's decision letter dated 02 October 2007 (a copy of which is attached to this report), the appeal was dismissed.

ANALYSIS OF THE APPEAL DECISION(S)

The inspector in dismissing the appeal considered that:

- The appeal site is located in a prominent position in the streetscene and with its attached neighbour forms a distinctive feature. It was considered that they were distinctive due to its design, siting and appearance and the symmetry they form as a pair. It was considered that a large extension to the side would upset this symmetry of design and imbalance the pair of semi-detached properties.

- The dormer would have resulted in an uncharacteristic and prominent feature in the streetscene.
- The proposed extension would obscure the mature tress to the rear of the site and this proposal would result in a detrimental impact of the tree.

CONCLUSION

In conclusion, the inspector is considered to have rightly identified the harmful effect the extension would have on the character and appearance of this residential area due to its prominent location and the adverse impact on the surrounding vegetation. 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.



Appeal Decision

Site visit made on 25 September 2007

by **J D S Gillis BA(Hons) MRTPI**

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

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Decision date:
2 October 2007

Appeal Ref: APP/M1330/A/07/2044450 16 Sharp Road, Newton Aycliffe, DL5 5NX

- 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 Westgarth against the decision of Sedgefield Borough Council.
- The application Ref 7/2007/0023/DM, dated 13 January 2007, was refused by notice dated 15 March 2007.
- The development proposed is extension to the side/rear to provide garage, utility, wc, sunroom and garage [sic].

Decision

1. I dismiss the appeal.

Procedural matters

2. The application included an extension providing additional accommodation in the form of a garage and utility room to the side of the existing dwelling, but projecting beyond the rear elevation, with a bedroom above, together with a sunroom and wc to the rear of the existing house.

Reasoning

3. The appeal site is located in a prominent position in the street scene and with its attached neighbour forms a distinctive feature. The proposed extension would be sited between the existing building and the road. To the rear of the site is a mature tree that is significant in the street scene and such mature trees are essential elements in creating the attractive visual environment of the area. Consequently I consider that the main issue in this case is the effect of the proposed extension on the character and appearance of the existing building and the street scene.
4. The Sedgefield Borough Local Plan was adopted in 1996 and policy H15 requires that extensions to dwellings should be of a scale and design that respects the character of the area. Further guidance has been published by the Council in the Supplementary Planning Document *Residential Extensions*. In addition Local Plan policy E15 seeks to safeguard existing trees.
5. The existing house and its neighbour are distinctive due to their design, siting and appearance. They form a symmetrical pair and the proposed side extension would greatly disrupt this symmetry of design by creating an imbalance in the form and appearance of the building. This imbalance would be accentuated by the scale, style, form and design of the proposed extension which would relate poorly to the form and design of the existing building.

6. While the roof pitch would be similar to that of the existing building the difference in height would emphasise the discordance of scale. I recognise that the scale of the proposed extension is intended to make it subservient to the main building but the proposed roof structure, including the dormer window, would detract from the existing style and appearance. This would be apparent not only from the front but also the side, where the combination of the set back from the frontage and the form and style of the proposed roof would result in a disjointed appearance, especially where the ridge of the roof of the proposed extension would project beyond the rear of the existing building. The proposed dormer would also result in an uncharacteristic and prominent feature. I accept that there are many dormer windows on other houses in the area but these are part of the original design of those buildings and are different in form, style and design to that proposed.
7. In terms of the impact on the street scene, as I have indicated the existing building is prominent in the street scene – especially from the south where it is viewed across an open area not only from the highway but also a number of other dwellings. Its siting is an important element in the layout of the housing area and the proposed extension would be obtrusive in views, especially due to the discordance of appearance with the existing building.
8. The proposed extension would also obscure much of the mature tree to the rear of the appeal site and require fairly substantial lopping of branches to accommodate the proposed structure, thus detracting further from the street scene. In addition, the rear of the appeal site is at a higher level than the frontage and the preparation of foundations for the proposed extension could result in material damage to the root system of this tree, which already suffers from the hard surface area to the rear of the house that restricts moisture penetration. While hand-digging of foundations and the use of a raft structure could reduce potential damage to the root system I consider that there would still be harm to the well-being of this tree resulting from the difference in ground levels.
9. I conclude therefore that the proposed development would result in significant harm to the character and appearance of the existing building and the street scene. Thus the proposal conflicts with policy H15 of the adopted Local Plan and the published Supplementary Planning Document relating to residential extensions. The potential harm to the mature tree to the rear of the appeal site would conflict with the aims of policy E15.
10. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I consider that the proposed development is unacceptable and the appeal is dismissed.

JDS Gillis

Inspector

RECENT PLANNING APPEAL DECISION

The following planning appeal decision is reported for information purposes:

2a High Green, Newton Aycliffe

APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse the erection of a boundary wall at 2a High Green, Newton Aycliffe.

The application was refused for the following reason:

In the opinion of the Local Planning Authority the proposed boundary treatment if approved would become an incongruous feature within the section of the streetscene in which the application property is positioned, which is characterised by its open plan frontage. The proposal would therefore be contrary to Policy D1 (General Principles for the Layout and Design of New Developments) of the adopted Sedgefield Borough Local Plan and the adopted Sedgefield Borough Residential Extensions Supplementary Planning Document (February 2006)

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

- Other walls of similar sizes and styles exist in the surrounding area.
- The wall will not have a detrimental impact on the property or the surrounding area

The appeal was heard by way of a written representation.

APPEAL DECISION

In the inspector's decision letter dated 28 September 2007 (a copy of which is attached to this report), the appeal was dismissed.

ANALYSIS OF THE APPEAL DECISION(S)

The Inspector in dismissing the appeal considered that:

- Only one property on High Green (1 High Green) has a boundary enclosure and this includes a very low wall along the frontage that is inconspicuous because of its height. The remaining properties up to and including the appeal site have open frontages that allow for mature landscaping and help to create a sense of place.
- Due to its prominent location the proposed boundary treatment would be obtrusive and represent a highly discordant element in the streetscene, it would thus conflict with policy D1 and the Council's Supplementary Planning Document on Residential Extensions and result in very significant harm to the character and appearance of the streetscene.

CONCLUSION

In conclusion, the Inspector is considered to have rightly identified the harmful effect the wall would have on the character and appearance of the surrounding open plan residential area due to its height, its style and design. This decision is an important one in that it allows planning officers to use this decision as a reference for future applications of this nature.



Appeal Decision

Site visit made on 24 September 2007

by **J D S Gillis BA(Hons) MRTPI**

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

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Decision date:
28 September 2007

Appeal Ref: APP/M1330/A/07/2047450

2a High Green, Newton Aycliffe, County Durham, DL5 4RZ

- 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 and Mrs Bage against the decision of Sedgefield Borough Council.
- The application Ref 7/2006/0695/DM, dated 14 October 2006, was refused by notice dated 22 December 2006.
- The development proposed is a boundary wall.

Decision

The appeal is dismissed.

Reasoning

1. The proposal includes a low boundary wall together with wrought iron fencing and gates rising to a maximum height of some 1.5 metres along the frontage of the appeal site. The site is located in a maturing residential area with dwellings that vary in form, style and siting with generally open frontages that provide an important unifying theme to the street scene. While some properties have boundary enclosures along their frontages these are by far the minority, and even fewer have fencing and gates in addition.
2. I consider that the main issue in this case is the effect of the proposed boundary treatment on the character and appearance of the street scene. I note that policy D1 of the adopted Sedgefield Borough Local Plan includes the requirement that development, including boundary treatment, should help to create a sense of place. In addition, the Council has produced a Supplementary Planning Document giving guidance on residential extensions and includes specific reference to walls and fences. This states that gates, walls and fences should not be permitted on open plan estates, and where allowed should relate to the existing style of boundary treatment in the area.
3. The appeal property is located close to the entrance to High Green and occupies a fairly prominent position in the street scene. From the entrance to the street only No.1 has a boundary enclosure and this includes a very low wall along the frontage which is inconspicuous due to its low height. The remaining properties up to and including the appeal site, on both sides of the street, have open frontages that allow the maturing landscape setting to be seen to full advantage and creating the "sense of place" sought by policy D1. This is of increased importance due to the informal siting of the dwellings and their variation in forms and styles.

4. In this prominent location I consider that the proposed boundary treatment would be obtrusive and represent a highly discordant element in the street scene. It would thus conflict with policy D1 and the Council's Supplementary Planning Document on residential extensions and result in very significant harm to the character and appearance of the street scene.
5. I recognise that there are some boundary enclosures in High Green and neighbouring streets. As I have indicated, those in High Green are generally not as high or as prominent as that proposed at the appeal site. I do not consider that other streets present the same characteristics as High Green, and so are not comparable. I note that the Appellants have indicated that they would be prepared to alter the design of the enclosure and would welcome suggestions. However, I am only empowered to consider the proposal as submitted to the local planning authority.
6. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I consider that the proposed boundary enclosure is unacceptable in this location.

Formal Decision

7. I dismiss the appeal.

JDS Gillis

Inspector

RECENT PLANNING APPEAL DECISION

The following planning appeal decision is reported for information purposes:

LAND TO THE REAR OF BARCLAYS BANK WEST PARK LANE SEDGEFIELD

APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse the erection of 1 no. detached dwelling.

The application was refused for the following reason:

The Burgage plots and Garth areas of open space located to the rear of frontage dwellings are an important element within the fabric of the village which determines its character. The loss of historic spaces would have a clear detriment effect on the overall character and appearance of the village. It is the opinion of the Local Planning Authority that the proposed development, by reason of its location, would result in the further loss of an area of open space which is considered to be a main characteristic feature of the Sedgefield Village Conservation Area and, as such, would be contrary to Policy E18 of the Sedgefield Borough Local Plan and advice given in Supplementary Planning Guidance No. 1 (Conservation Areas) which seek to protect and enhance the character and appearance of the Sedgefield Village Conservation Area.

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

The main grounds of appeal relate the applicant's opinion that the proposal would respect the former historic layout of the Conservation Area and will positively enhance the area. The applicant stated that the proposal would not have a detrimental impact on the character of the conservation area and that the precedent has already been set by similar proposals in the immediate vicinity of the appeal site.

The appeal was heard by way of an informal hearing.

APPEAL DECISION

In the inspector's decision letter dated 10 October 2007 (a copy of which is attached to this report), the appeal was dismissed.

ANALYSIS OF THE APPEAL DECISION(S)

The inspector in dismissing the appeal considered that:

- Recent development has occurred within some of the garths in Sedgefield however a number of the garths remain undeveloped and provide historic features within the Conservation Area.
- No substantial development has been allowed since the Article 4 Direction was brought into effect.
- The development has similar issues to the previous refusal at 17 North End in that both sites represent areas of open space formed by the garths that are important to the character and appearance of the Conservation Area.
- With the previous loss of similar plots, the preservation of the plots that remain is even more significant.

CONCLUSION

In conclusion, the inspector is considered to have rightly identified the harmful effect the proposed dwelling would have on the character and appearance of the Sedgefield Conservation Area due to its prominent location and the harmful effects that would occur due to the loss of the Burgage plot to the rear of Barclays Bank. This decision is an important one in that it allows planning officers to use this decision as a reference for future developments of this nature within the Sedgefield Conservation Area.



Appeal Decision

Hearing held on 25 September 2007

Site visit made on 25 September 2007

by **J D S Gillis BA(Hons) MRTPI**

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

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Decision date:
10 October 2007

Appeal Ref: APP/M1330/A/06/2033305

Land to the rear of Barclays Bank, West Park Lane, Sedgefield, TS21 2BX

- 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 Peter Sullivan against the decision of Sedgefield Borough Council.
- The application Ref 7/2006/0403/DM, dated 19 June 2006, was refused by notice dated 4 October 2006.
- The development proposed is the erection of a house.

Summary of Decision: The appeal is dismissed

Procedural matters

1. The appeal site is located within the designated Sedgefield Conservation Area where the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special consideration be given to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Further national policy guidance on this matter is given in Planning Policy Guidance 15, *Planning and the Historic Environment*.

Main issue

2. From the representations received in writing and at the Hearing, and my inspections of the site and surrounding area, I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the Conservation Area.

Reasoning

3. The Sedgefield Borough Local Plan, adopted in 1996, includes policy E18 relating to the preservation and enhancement of Conservation Areas, stating that development that detracts from such features will not be permitted. This essentially follows the national policy guidance and legislation referred to above. The Council has also produced Supplementary Planning Guidance Note 1, *Conservation Areas* [SPG1] which provides more detailed advice for acceptable development within such Areas, together with a description of the essential characteristics of the Sedgefield Conservation Area.
 4. Other Local Plan policies referred to include D1 *Design Principles*, D3 *Access*, D5 *Layout of New Housing Development*, H8 *Housing Development in Villages* and H17 *Housing Development on Backland and Infill Sites*. Supplementary Planning Guidance Note 3 *The Layout of New Housing* has also been referred to [SPG3].
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5. Relevant national policy advice is contained in Planning Policy Statement 1, *Delivering Sustainable Development* [PPS1] and PPS3, *Housing*. Both of these emphasise the importance of good design as a fundamental element in good planning and good housing, together with priority to the development of previously developed land, especially in urban areas, close to a good range of local services and facilities. PPG15 has already been referred to as providing additional advice in relation to development within Conservation Areas.
6. The site is currently vacant and overgrown and constitutes previously developed land. It is close to the fairly wide range of local services and facilities in Sedgefield, including public transport to larger centres. It was agreed at the Hearing that the proposal complied with policies H8 and H17 and that the Council had no significant objections to the design of the proposed house.
7. The Sedgefield Conservation Area is described in SPG1 as typified by 2 and 3 storey terraces fronting on to the main roads, with long rear gardens [referred to as garths] which contrast with the dense urban nature of the frontages. Some more recent development has occurred in some of these garths, and indeed in some instances the traditional boundaries have been eroded and the former open areas have been reduced by the insertion of buildings along or close to the West Park Lane frontage. However, a number of these garths remain undeveloped – such as the appeal site – and provide historic features within the Conservation Area. Their openness is a specified element in the character and appearance of the Area, and I consider that the description in SPG1 remains appropriate.
8. In addition, the appeal site is bounded on three sides by a high wall, apart from a gap on the West Park Lane frontage where a gate provides access to the site. This latter wall forms a continuation of that immediately to the north and sections remain elsewhere along West Park Lane. The SPG1 description of the essential characteristics of the Conservation Area states that the Sedgefield Town Walls are a significant feature being “*almost complete along the northern boundary of the Conservation Area ... and on the western side of the village*”. From my inspection of the Town Wall along the northern boundary of the Conservation Area I consider that it has many similarities with the wall fronting on to West Park Lane. While I have no compelling evidence on this matter, it may be that this wall forms part of the Town Walls.
9. The proposed development would insert a detached house of 2 storeys, plus living accommodation in the roof space, occupying almost the whole width of the site. The overall ridge height is shown on the submitted plans as being over 8.5 metres and the dwelling was described as having a vertical emphasis. The frontage wall would be reduced in height over much of its length and while the existing gateway would be used for access it may require widening, and the wall reduced further in height, in order to provide acceptable sight lines for vehicular traffic.
10. It has been argued that the more recent developments along West Park Lane, within the Conservation Area, have established the precedent for development of the garths. Indeed it is submitted that the proposed development has greater regard to the character and appearance of the Conservation Area than such recent developments. In response the Council states that all the

developments referred to were permitted prior to the adoption of the current Local Plan, and that the remaining garths are of heightened importance and should be protected from built development. In this regard an Appeal Decision [APP/M1330/A/04/1168161] of June 2005, relating to land at West Park Lane to the rear of 17 North End, is quoted as supporting the Council's position.

11. Conversely it is claimed that Conservation Area policy has been essentially unchanged since at least the 1990 Act referred to above and even since designation in 1971. Furthermore it is asserted that the site and the development proposed to the rear of 17 North End were significantly different and hence that Appeal Decision is not relevant to the current appeal. Furthermore, the Council disposed of the land immediately to the south of the appeal site and granted planning permission for the two dwellings that are considered by the Appellant to be contrary to the character and appearance of the Conservation Area.
12. I do have any information relating to the conservation area policies contained in the previous development plan but I would be surprised if they were substantially different to those now in force. I accept that some of the development that has taken place does not appear to preserve or enhance the specified character and appearance of the Area. However, I note that an Article 4 Direction was applied to the Area in the mid-1990s and it is significant that no further substantial development has been permitted since that time. This may be indicative of a greater awareness and concern on behalf of the Council.
13. While the site, and proposed development, at the rear of 17 North End were larger than those in the current appeal I consider that my colleague Inspector's decision is relevant. Both sites represent areas of open space formed by the garths that are important to the character and appearance of the Conservation Area. Indeed, with the loss of some similar areas those that remain are of increased significance. I agree with my colleague's opinion that the remaining open areas should be preserved.
14. My colleague also made reference to the importance of the high walls to the West Park Lane frontage in relation to the character and appearance of the Area. Again I agree with his view, and I consider that the proposed reduction in height and extent of this wall would be harmful to the character and appearance of the Conservation Area. In addition, if this wall does relate to the Sedgfield Town Walls it is of significant historical importance, and the proposed alterations would detract further from the character of the Area.
15. In relation to the effect of the development that has been permitted in the Area, I accept that some of it may not be typical of the character and appearance of the original buildings in the Area. However, it was indicated at the Hearing by some local residents that the site of the two dwellings immediately to the south of the current appeal site had previously been occupied by an open car park and a Council storage building. Hence it would seem that any original garth boundaries may have already disappeared by that time and that the dwellings permitted would be seen to improve the visual qualities of the area.

16. It has been suggested that the proposed development would similarly enhance the area by bringing an untidy and unused site into beneficial use. However, I consider that a distinction can be drawn between replacing an existing functional use with development that, notwithstanding any views on its architectural merit, brings visual improvement, as opposed to justifying the development of a site that has been allowed to degenerate. It is not acceptable for land to be neglected in order to promote development on the basis of improvement to the environment.
17. It has also been argued that, as the appeal site is surrounded by high boundary enclosures, it makes no contribution to the character or appearance of the Area, and that the proposal would provide a greater degree of visual openness. However, openness does not only relate to visibility at ground level – a sense of openness is achieved by the absence of significant built development. As I have already observed, the proposal before me would result in a substantial dwelling that would be of significantly greater height than those immediately adjacent along the West Park Lane frontage. I consider that, notwithstanding the boundary enclosures, the site forms part of the more open character to the rear of the buildings that front on to the main street in the centre of Sedgefield. The proposed development would substantially reduce such open character.
18. I note the concerns of neighbours in relation to security, trespass, vermin and the unsightly nature of the site. However, these matters can be addressed without the need for the development proposed – and if necessary powers are available to the Council to require appropriate action, or indeed to carry out such action and reclaim costs from the landowner.
19. I have had regard to all other matters raised but none of them is sufficient to outweigh those that have led to my decision. I consider that the undeveloped nature of the appeal site is important to the character and appearance of the Sedgefield Conservation Area, and the proposed development would not only fail to preserve or enhance such features but would result in harm. The lack of compelling evidence in relation to the historic significance of the wall fronting West Park Lane prevents the proposed alterations from being, in themselves, reasons for the refusal of planning permission. Nevertheless, such alterations would add to the harm to the character of the Conservation Area.
20. Accordingly I conclude that the proposal would be contrary to policy E18 of the adopted Sedgefield Local Plan and fail to comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance included in PPG15. The proposal is, therefore, unacceptable.

Formal Decision

21. I dismiss the appeal.

J D S Gillis

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Hesmondhalgh, BA(Hons) MRTPI	DKS Architects, The Design Studio, Ellerbeck Court, Stokesley Business Park, Stokesley, Middlesbrough, TS9 5PT
Mr P Sullivan	Airedale House, Thornley Road, Trimdon Station, County Durham, TS29 6DA

FOR THE LOCAL PLANNING AUTHORITY:

Mr D Gibson	Sedgefield Borough Council Planning Division
Mr D Walker	Sedgefield Borough Council Planning Division

INTERESTED PERSONS:

Reverend J Caden	The Presbytery, West Park Lane, Sedgefield, TS21 2BX
Ms J Holton	Barclays Bank, 1 Church View, Sedgefield
Mr D R Brown	3 West End, Sedgefield

DOCUMENTS

1 Letters of notification of the Appeal and Hearing and list of persons notified

PLANS

Plan A1-A5 The application plans

RECENT PLANNING APPEAL DECISION

The following planning appeal decision is reported for information purposes:

11 BRIDGE HOUSE ESTATE, FERRYHILL

APPEAL DESCRIPTION

The appeal was made against a planning decision to refuse consent for a two-storey extension to the side of this detached dwelling house in place of an existing single-storey attached garage (*Planning reference 7/2007/0141/DM*).

During an initial site visit to this property, it was noted that this dwelling currently comprises a large, well designed and symmetrical property located in a prominent location adjacent to the A167 highway through Ferryhill (see photograph).



Concerns were immediately raised as to the scale and design of this proposed extension, and in particular its impact upon the character and appearance of the host dwelling and the surrounding street scene. This concern was supported by the Borough Conservation and Design Officer who considered that this extension would severely detract from the character of the existing dwelling and unbalance its prominent appearance when viewed from the main street scene. The applicant was made aware of the LPA's concerns from an early stage, with it suggested that a well designed extension to the rear in what was noted as a large private rear garden space would be a better design solution. The applicant however, was not prepared to amend the scheme and the application was refused for the following reasons:

"In the opinion of the Local Planning Authority, the proposed two storey side extension would appear excessive in scale and massing in relation to the host building, and inappropriate in design. The proposed extension would fail to appear subservient to the host dwelling, resulting in an overbearing form of development which detracts from the distinct character and appearance of the original dwelling, and to the detriment of the appearance of the wider street scene. The proposal would therefore, be contrary to adopted Local Plan Policy H15 (Extensions

to dwellings), and the adopted Supplementary Planning Document for Residential Extensions (February 2006), which seek to ensure that extensions are appropriate in scale and design in relation to their host, and that there are no unfavourable impacts upon the surrounding street scene”.

APPEAL DECISION

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

ANALYSIS OF THE APPEAL DECISION

The inspector in allowing this appeal considered that:

- The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the wider street scene,
- The appeal property is part of a ribbon suburban development on the west side of the A167 to the south of the centre of Ferryhill. This development comprises a mix of semi-detached and detached inter-war dwellings and bungalows of similar design, but with no uniformity in detail or form,
- The appeal property is detached and of symmetrical design around the main entrance on the main road front, with an attached garage on the southern side. Although the proposed extension would give the frontage a sense of imbalance, the attached garage already results in a degree of imbalance and the various other property designs in this row offer no uniform rhythm in the street scene,
- Whilst any side extension would result in the unbalancing of this façade, it is considered unreasonable and unsustainable to resist any form of side extension, with the unbalancing of this façade not considered as a critical objection to this proposal,
- Much weight is attached to the February 2006 adopted Residential Extensions Supplementary Planning Document (RESPD). However, although this proposal does not fully comply with the criteria set out within this document, this cannot be considered as a critical objection to this proposal, with this SPD merely guidance to be taken into account,
- Further lowering of the extension from the side gables would give a contrived and clumsy appearance, and the setting back of the ground and first floors would merely serve to emphasise any sense of visual imbalance. The approach adopted by the architect on this occasion is therefore considered far more successful,
- The existing lowered ridgeline and setback from the side boundary, combined with the varied design of the dwellings in the street would prevent any ‘terracing effect’ from occurring,
- In view of the foregoing, the proposed extension would not have a detrimental effect on the character and appearance of the host dwelling and the wider street scene,
- It would consequently satisfy criterion B of Policy H15 (Extensions to dwellings) of the Sedgefield Borough Local Plan, with no detrimental impact upon the living conditions of neighboring occupiers or highway safety,

CONCLUSION

In conclusion, the Inspector has decided to allow an extension to this dwelling (subject to standard time limit and materials conditions) as he considered that it would not have a detrimental impact upon the character and appearance of the host dwelling and the wider street scene. The Inspector also perceived that there were no detrimental impacts upon the living conditions of nearby residents or highway safety, and subsequently considered this proposal to be in full accordance with the requirements of adopted, saved Local Plan Policy H15 (*Extensions to dwellings*).

Whilst the Inspector gave "*great weight*" to the content of the Authority's adopted RESPD in arriving at this decision, he has however arrived at the contrary conclusion that this is "*merely guidance to be taken into account*", with any conflict with its content considered to be no significant reason to justify a refusal on this occasion.

Although the Planning Inspector has decided in favour of the applicant, this decision remains an important one in that it highlights the importance of assessing and justifying future planning decisions of this nature from a wider point of view, with less consideration given to the impact of development on the host property alone. This decision highlights the Planning Inspectors opinion that uniform street scenes (in terms of design and appearance) may bear greater protection when it comes to determining applications which will affect the character and appearance of dwellings and their locality, over street scenes where at a wider level there exists little or no uniformity.

On this occasion it is also considered that the presence of the existing single storey garage had a significant role in the Planning Inspectors final decision, with it considered that should this garage structure have not been present, greater weight may have been applied to the impact of this extension on the existing dwelling.



Appeal Decision

Site visit made on 15 October 2007

by **Graham E Snowdon** BA BPhil Dip
Mgmt MRTPI

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

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Decision date:
30 October 2007

Appeal Ref: APP/M1330/A/07/2050089

11 Bridge House Estate, Ferryhill, County Durham DL17 8EY

- 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 Joe Ward against the decision of Sedgfield Borough Council.
- The application Ref 7/2007/0141/DM, dated 4 March 2007, was refused by notice dated 30 April 2007.
- The development proposed is a 2 storey study/utility/w.c./bedroom/bathroom extension to side of dwelling house.

Decision

1. I allow the appeal, and grant planning permission for a 2 storey study/utility/w.c./bedroom/bathroom extension to side of dwelling house at 11 Bridge House Estate, Ferryhill, County Durham DL17 8EY in accordance with the terms of the application, Ref 7/2007/0141/DM, dated 4 March 2007, and the plans submitted therewith, subject to the following conditions:
 - (i) The development hereby approved shall be begun before the expiration of three years from the date of this decision.
 - (ii) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the host dwelling and the wider street scene.

Reasons

3. The appeal property is part of a ribbon of suburban development on the west side of the A167 to the south of the centre of Ferryhill. This development comprises of a mix of semi-detached and detached inter-war dwellings and bungalows of a similar design, but with no uniformity in detail or form. The appeal property is detached and is of a symmetrical design around the entrance on the main road front, with an attached garage on the southern side. The central hipped roof is flanked by side gables with lower ridge lines.

4. The proposal is to extend the southernmost of these gables to form a hipped roof over a two storey extension, with subordinate hips to the front and rear, the latter extending beyond the existing rear building line. The front elevation would accommodate a double height bay window designed as an exact match of those either side of the main entrance. This will give the frontage a sense of imbalance and I can understand the Council's concern over this. However, the attached garage already results in a degree of imbalance and the various property designs in the row of dwellings means that there is a lack of uniform rhythm in the street scene. In addition, any side extension would result in an unbalancing of the façade and this is acknowledged by the Council. I do not consider that resisting any form of side extension is a reasonable or sustainable position to take and, in the circumstances, I do not accept that the "unbalancing" of the façade represents a critical objection to the proposal.
5. The Council has recently (February 2006) adopted a supplementary planning document (SPD) on "Residential Extensions" and I attach great weight to this. Paragraph 6.4 advises that side extensions should maintain a minimum 1 metre distance to the side boundary and suggests that ground floors should be set back from the frontage by 200mm and first floors by 1 metre along with a lowered ridgeline. The proposal would only meet the first of these. However, again, I do not consider this to be a critical objection in the particular circumstances of this case and note, from paragraph 3.1 that the SPD is merely guidance to be taken into account.
6. Given the existing lowered ridgelines of the side gables, further lowering would, in my view, appear contrived and clumsy. The continuation of the lowered ridge and the small hipped gablet over the front elevation would secure an appropriate degree of visual subordination but the setting back of ground and first floors would merely serve to emphasise any sense of visual imbalance. The approach adopted by the architect is, in my opinion, far more successful.
7. One of the intentions behind the advice given in the SPD is to prevent the creation of a "terracing" effect. The existing lowered ridge and the setback from the side boundary, combined with the varied design of the dwellings in street and their stepping down the slope, would prevent this from happening.
8. Overall, therefore, I conclude that the proposed extension would not have a detrimental effect on the character and appearance of the host dwelling and the wider street scene. It would consequently satisfy criterion (B) of Policy H15, which is a Policy saved from the Sedgfield Borough Local Plan.
9. No detriment to the living conditions of neighbouring occupiers or to highway safety is suggested and I am, therefore, satisfied that the other criteria under Policy H15 would also be satisfied. For all these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted subject to the conditions suggested by the Council.

G E Snowdon

INSPECTOR

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