

Item 8

DEVELOPMENT CONTROL COMMITTEE

15th August 2008

Report of the Director of Neighbourhood Services

The following planning appeal decision is reported for information purposes:

LAND TO THE NORTH (REAR GARDEN) OF WOODHAM HOUSE, RUSHYFORD.

APPEAL DESCRIPTION

Erection of detached dwelling with associated access and erection of double garage (outline application).

The application was refused for the following reasons:

The application site forms part of an area of land identified as a Green Wedge where, by virtue of Policy E4 (Designation and safeguarding of green wedges) of the Sedgefield Borough Local Plan, there is a presumption against built development unless it is essential that it is located within a Green Wedge. The applicants have failed to demonstrate that it is essential for the dwelling to be sited within a Green Wedge and in the absence of a proven need, the development proposed would represent an unsustainable and undesirable physical and visual intrusion beyond the physically defined boundaries of Newton Aycliffe to the detriment of the appearance of the area. Furthermore, if approved, the development proposed would undermine the value of the 'Green Wedge' as a means of maintaining the distinction between the built up area of Newton Aycliffe and the Countryside beyond contrary to Policy E4 (Designation and safeguarding of green wedges) of the Sedgefield Borough Local Plan.

In the opinion of the Local Planning Authority the proposal constitutes unsustainable residential development in the open countryside contrary to the established policy of resisting new residential development within the countryside to that which is required by persons solely or mainly in agriculture or forestry for whom it is essential to live in close proximity to their place of employment in order to perform their duties. No such justification for the dwelling has been provided or proven in this case. The proposal is therefore contrary to Sedgefield Borough Local Plan H12 (Housing in the countryside for agriculture or forestry workers) and the more current guidance of PPS1 (Delivering sustainable development), PPG3 (Housing) and PPS7 (Sustainable development in rural areas).

The applicant contended that the value of the green wedge has already been compromised by the existing dwellings already located on site, that the proposed dwelling would not detrimentally affect the character or appearance of the area and that any detriment arising would be out weighed by the improvement to the access and parking for Nos. 1 and 2 Woodham Cottages.

The appeal was heard by way of an informal hearing.

APPEAL DECISION

The appeal was DISMISSED

ANALYSIS OF THE APPEAL DECISION

The Inspector in dismissing the appeal in favour of the Council considered that:

- the existing housing to the west of the appeal site formed a clear edge to the built up area of Newton Aycliffe and that there is a clear presumption against built development on this site which is located in the green wedge.
- The appeal site has an open character and appearance, which helps to provide an important buffer between the built up area and the A167 and the wider countryside, and that this helps to provide a rural setting for the town. The Inspector agreed with the Local Planning Authority's view that the construction of an additional dwelling at this location would significantly and detrimentally alter the character of this area and would undermine the contribution that this makes to the green wedge and the built up area.
- Although the existing access and parking arrangements for Nos. 1 and 2 Woodham Cottages are unsatisfactory and would be improved, were the proposed scheme to be implemented, he noted that these could be achieved without the construction of the new dwelling.

CONCLUSION

In conclusion, the Inspector agreed with the Local Planning Authority's view that the resultant highway safety improvements arising from this application were not sufficient to outweigh the significant harm that would be caused to the character and appearance of the area by the construction of a new dwelling in a green wedge out with the built up area of Newton Aycliffe.

V. Walker (Chief Planning Officer)



Appeal Decision

Hearing held on 5 February 2008
Site visit made on 5 February 2008

by **Kevin Ward BA (Hons) MRTPI**

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

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Decision date: 6th
March, 2008.

Appeal Ref: APP/M1330/A/07/2044202

Land to the north (garden area) of Woodham House, Rushyford, County Durham DL17 0NN

- 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 Dr and Mrs H J Stafford against the decision of Sedgefield Borough Council.
- The application Ref 7/2006/0487/DM, dated 25 July 2006, was refused by notice dated 1 November 2006.
- The development proposed is the construction of a dwelling house with modified access to the A167 and the construction of garages to serve 1 and 2 Woodham Cottages.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The appeal concerns an application for outline planning permission including details of the siting of buildings and means of access. The design and external appearance of buildings and the landscaping of the site are reserved for later consideration.
3. Policies H1 and H12 of the Sedgefield Borough Local Plan (1996) and Policies 4 and 9 of the County Durham Structure Plan (1999) have not been saved under the terms of directions made under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004. As a result they no longer form part of the development plan.

Main Issues

4. The main issues are:
 - a) whether the proposed dwelling would be appropriately located in relation to the built up area and the green wedge designation and the potential effect on the character and appearance of the area;
 - b) the potential effect of the proposed development on protected trees on the site; and,
 - c) the weight to be given to the benefits of providing access and parking for 1 and 2 Woodham Cottages.

DEVELOPMENT CONTROL
07 MAR 2008

Reasons

The location of the proposed dwelling and the potential effect on the character and appearance of the area

5. The site lies within an area of land designated as a green wedge under the terms of Policy E4 of the Local Plan. The designation of green wedges has been an important part of the planning and development of Newton Aycliffe for many years. The reasoned justification for Policy E4 defines the green wedges as open areas around towns and villages and between parts of settlements which maintain the distinction between the countryside and built up areas, prevent the coalescence of adjacent places and provide a rural setting to development. Policy E4 provides a clear presumption against built development in the green wedge.
6. The site is relatively close to a wide range of services and facilities within Newton Aycliffe and has good access to public transport. The dwelling would be within the curtilage of Woodham House and would therefore make more efficient use of previously developed land. Built development exists adjacent to the appeal site in the form of Woodham House itself and 1 and 2 Woodham Cottages. These dwellings pre date the development of Newton Aycliffe as a new town and the designation of the green wedge. They are also set within the substantial area of garden attached to Woodham House and this part of the green wedge retains an essentially open character. The recent development on the adjacent site, which was allocated for housing in the Local Plan, forms a clear edge to the built up area.
7. Therefore, whilst there is some existing built development on two sides and the site is contained within the boundary of the A167, it lies outside of the built up area. Although the appeal site is a private garden and this particular part of the green wedge is relatively narrow, it has an open character and appearance. It helps to provide a buffer between the built up area and the A167 and the wider countryside. It also helps to provide a rural setting for the town.
8. Whilst green wedges can provide additional benefits in terms of opportunities for public recreation and wildlife habitats, this is not an essential characteristic in their designation. I consider that the site performs the key functions of a green wedge and that the designation remains appropriate. In any case, the review of such designations is more appropriately a matter for the Local Development Framework and although the Local Plan was adopted in 1996, Policy E4 is one of the policies recently saved beyond 27 September 2007.
9. The site slopes down from the A167 to the stream which runs through it before rising again towards the adjacent new housing development. The dwelling would be set down from the A167 and it would be screened by Woodham House and 1 and 2 Woodham Cottages when approaching along the A167 from the south and by fencing and vegetation when approaching from the north. There is also a hedgerow along the boundary of the site with the A167. However, this provides limited screening during winter months and the dwelling would be visible from the A167 when passing the site in either direction. It would be particularly visible from the elevated section of public footpath on the opposite side of the A167. The dwelling would significantly alter the currently

open character and appearance of the site and undermine the contribution it makes to the green wedge and the setting of the built up area.

10. Permitted development rights would allow the erection of buildings and other structures incidental to the enjoyment of the dwellinghouse within the curtilage of Woodham House, although there would be limitations in terms of their scale and siting. Whilst such buildings and structures may affect the character and appearance of the area and the openness of the green wedge, this is not likely to be to the same extent as the large dormer bungalow proposed. In any case, the harm that may be caused through permitted development rights does not justify that which would result from the proposed dwelling.
11. The proposed dwelling would not be appropriately located in relation to the built up area, it would be within the green wedge where Policy E4 sets out a presumption against built development. It would significantly harm the character and appearance of the area.

The potential effect on protected trees

12. There are two protected trees on the site, a Sycamore along the road frontage adjacent to 1 Woodham Cottages and a Wellingtonia towards the rear of the site adjacent to the stream. Both of these trees make a positive contribution to the character and appearance of the site and the area generally. The Council had raised concerns over the close proximity of the proposed access drive to the Sycamore and to a lesser extent the position of the proposed dwelling in relation to the Wellingtonia. It accepted however, that subject to an arboricultural implications assessment and the use of special engineering measures, the trees would not be significantly harmed by the proposed development. I agree with this view and consider that suitable conditions could be attached to a planning permission.

The benefits of providing access and parking

13. There is currently no dedicated vehicular access or off street parking provision for 1 and 2 Woodham Cottages. This results in parking on the highway verge and in the bus lay by adjacent to the appeal site and precarious vehicle movements on and off the busy A167. The Highway Authority would normally object to an additional residential access along the A167, however, in this case they welcomed the proposal due to the benefits of providing access and off street parking for the existing cottages.
14. I consider that the existing arrangements for access and parking for the cottages are unsatisfactory and are likely to prejudice highway safety. The proposed access and parking provision for the cottages would clearly improve the situation. Using the existing access to the south of Woodham House for parking for the cottages, as suggested by the Council, would remove vehicles from the highway verge. However, it would result in this access becoming congested and reduce visibility and there would be no significant benefit to overall highway safety.
15. Although the land in question is not in the ownership of the occupiers of the cottages and there would inevitably be reasonably significant financial costs involved, the proposed access and parking provision for the cottages are not physically dependent on the construction of the new dwelling. The existing

highway safety concerns could therefore be addressed without the new dwelling, subject to appropriate ownership and financial arrangements.

16. I have also taken into account the additional vehicle movements on and off the A167 that would be generated by the new dwelling itself and the fact that there has never been a dedicated access and parking area for the cottages. In addition, no definite evidence was provided in terms of accident statistics to quantify the scale of the existing highway safety concerns. Whilst there would be clear benefits in terms of highway safety, these are not sufficient to outweigh the significant harm that would be caused by the new dwelling due to its location outside of the built up area, within the green wedge, and its effect on the character and appearance of the area.
17. For the above reasons and taking into account other matters raised I conclude that the proposed development would be contrary to Policy E4 of the Local Plan and that appeal should be dismissed.

Kevin Ward

INSPECTOR

DEVELOPMENT CONTROL COMMITTEE

15th August 2008

Report of the Director of Neighbourhood Services

The following planning appeal decision is reported for information purposes:

2a HIGH GREEN NEWTON AYCLIFFE COUNTY DURHAM DL5 4RZ

APPEAL DESCRIPTION

Erection of boundary wall.

The application was refused for the following reasons:

In the opinion of the Local Planning Authority the proposed boundary treatment is considered to be 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 Sedgfield Borough Local Plan and the adopted Sedgfield Borough Residential Extensions Supplementary Planning Document (February 2006)

APPEAL DECISION

The appeal was DISMISSED

ANALYSIS OF THE APPEAL DECISION

The Inspector in dismissing the appeal in favour of the Council considered that:

- The main issue in this case is the effect of the proposed boundary treatment on the character and appearance of the street scene. The inspector noted that policy D1 of the adopted Sedgfield Borough Local Plan includes the requirement that development, including boundary treatment, should help to create a sense of place. In addition, he noted that the Council had 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.
- The inspector considered that owing to its prominent location 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.

CONCLUSION

On this occasion the inspector, in arriving at his decision, gave significant weight to the Local Plan and the Council's Supplementary Planning Document.



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

DEVELOPMENT CONTROL COMMITTEE

15th August 2008

Report of the Director of Neighbourhood Services

The following planning appeal decision is reported for information purposes:

11 BRIDGE HOUSE ESTATE FERRYHILL CO DURHAM DL17 8EY

APPEAL DESCRIPTION

Erection of two storey side extension - study/utility/WC//bedroom/bathroom to dwelling.

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 balanced 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

The appeal was UPHELD.

ANALYSIS OF THE APPEAL DECISION

The inspector in upholding the appeal in favour of the appellant considered that:

- The main issue was the effect of the proposed extension on the character and appearance of the host dwelling and the wider street scene.
- Resisting any form of side extension was not a reasonable or sustainable position to take and, in the circumstances, the “unbalancing” of the façade did not represent a critical objection to the proposal.
- Great weight needed to be attached to the adopted supplementary planning document (SPD) on “Residential Extensions” 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. Again the inspector did not consider this to be a critical objection in the particular circumstances of

this case and noted, from paragraph 3.1 that the SPD is merely guidance to be taken into account.

- Overall the proposed extension would not have a detrimental effect on the character and appearance of the host dwelling and the wider street scene.

CONCLUSION

Whilst the inspector initially gave 'great weight' to the Council's residential extensions SPD the fact that it is guidance only appears to have diminished the weight that the inspector eventually gave to the SPD. The decision is a particularly disappointing one in so much as the original dwelling was an attractive symmetrical property and was capable of being extended in a more sympathetic manner.



Appeal Decision

Site visit made on 15 October 2007

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

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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

DEVELOPMENT CONTROL COMMITTEE

15th August 2008

**Report of the Director of Neighbourhood
Services**

The following planning appeal decision is reported for information purposes:

1 ASSOCIATION COURT SHILDON CO DURHAM DL4 1EL

APPEAL DESCRIPTION

Erection of dormer bungalow (Outline)

APPEAL DECISION

The appeal was WITHDRAWN by the applicant.

DEVELOPMENT CONTROL COMMITTEE

15th August 2008

Report of the Director of Neighbourhood Services

The following planning appeal decision is reported for information purposes:

29 LISLE ROAD NEWTON AYCLIFFE CO DURHAM DL5 7QX

APPEAL DESCRIPTION

Forward ground floor level extension and first floor extension over garage.

The application was refused for the following reasons:

As a result of the extension extending up to the side boundary with the neighbouring property it is the opinion of the Local Planning Authority that the proposed two-storey side extension would result in the potential for the creation of a terracing effect should 27 Lisle Road extend to the side of the property. This would be to the detriment of the appearance of the wider street scene. The proposal is not subservient to the original dwelling and would therefore, be contrary to adopted Local Plan Policy H15 (B) Extensions to Dwellings, and the adopted Supplementary Planning Document for Residential Extensions (February 2006).

The proposed development, which incorporates a forward extension, would be out of keeping with the elevational treatment of the existing property and would amount to an incongruous feature which would detract from the appearance of the property. The proposal, if approved, could lead to the approval of extensions of a similar nature, to the detriment of the visual amenity of the area. As such the proposal would be contrary to Local Plan Policy H16 and the adopted Supplementary Planning Document for Residential Extensions (February 2006) which seek to ensure household extensions are of a scale and design which is compatible with the application property, the host property and do not adversely affect the general character of the street scene and the relationship between dwellings.

APPEAL DECISION

The appeal was DISMISSED

ANALYSIS OF THE APPEAL DECISION

The inspector in dismissing the appeal in favour of the Council considered that:

- The determining issue is the effect of the proposed extension upon the appearance and character of the existing property and the street scene in general.
- Considerable weight should be attached to the Council's Residential Extensions Supplementary Planning Document (SPD). Since there would be no set down in roof

level, no set back of the front wall of the side extension and no set in from the side boundary, the proposals would be contrary in all these respects with the SPD guidelines.

- In addition, the respective elements of the building mass that comprise the semi-detached pair would become out of proportion, the insubordinate and dominating scale of the extensions unbalancing the composition and significantly reducing the open gap between the appeal property and neighbouring No 27. This would create the potential for a terraced effect in the street scene.
- The scale, mass and design of the proposed scheme would harm the appearance and character of the host dwelling and the pair of dwellings of which it forms part and prove detrimental to the street scene in general. This would be contrary to the provisions of saved Policy H15 of the Sedgefield Borough Local Plan which seeks extensions of a scale and design compatible with the existing dwelling and the character of the area and contrary to the SPD.

CONCLUSION

On this occasion the inspector gave significant weight to the SPD despite acknowledging that it was guidance only. The inspector also considered that the 'unbalancing' effect of the extension was a significant material planning consideration unlike the previous case where the inspector dismissed this particular argument.



Appeal Decision

Site visit made on 1 May 2008

by Christopher John Checkley
BA(Hons) MRTPI

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for Communities and Local Government**

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Decision date:
28 May 2008

Appeal Ref: APP/M1330/A/08/2066760

29 Lisle Road, Newton Aycliffe, Co Durham, DL5 7QX

- 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 Mrs Nina Bell against the decision of Sedgefield Borough Council.
- The application (Ref 7/2007/0443/DM) dated 10 July 2007 was refused by notice dated 28 September 2007.
- The development proposed is a forward extension and extension over garage.

Decision

1. I dismiss the appeal.

Main issue

2. The determining issue is the effect of the proposed extension upon the appearance and character of the existing property and the street scene in general.

Reasons

3. The semi-detached house on the appeal site is part of an asymmetrical pair (Nos 29/31) that presents an appearance akin to a single large detached house with a pitched roof and a forward-projecting gable. Taken as a whole, the elements of the combined building mass are currently in proportion. There are single storey attached garages to either flank that extend to the side boundaries of the pair leaving significant open gaps, especially at first floor level, between them and the neighbouring properties. The proportionate nature of the overall building and the open gaps contribute positively to the street scene on this residential estate road that includes a variety of dwelling types.
4. I attach considerable weight to the Council's Residential Extensions Supplementary Planning Document (SPD), which has been recently adopted in 2006 following a period of public consultation. The SPD seeks to ensure that extensions are of a scale and design that are compatible with the parent property and do not adversely affect the street scene including the relationship between dwellings. The SPD guidelines indicate that 2-storey side extensions should have flanks set in 1m from the side boundary and front walls set back 1m at first floor level from the main front elevation and ground floor elements similarly set back at least 200mm. The roof line of the side extension should

also be lower than the main ridge. The objective is to avoid a terracing effect with the neighbouring property, reduce the visual bulk of a new extension and make it appear subordinate to the host dwelling.

5. However, the proposals would result in a 2-storey pitched-roof extension to the side of the property up to the boundary and a projection of the ground floor of the extended house forward into line with the porch, its monopitch roof embracing the full width of the front elevation. The extended roof would be flush with that of the main house. Since there would be no set down in roof level, no set back of the front wall of the side extension and no set in from the side boundary, the proposals would be contrary in all these respects with the SPD guidelines.
6. At the same time the respective elements of the building mass that comprise the semi-detached pair would become out of proportion, the insubordinate and dominating scale of the extensions unbalancing the composition and significantly reducing the open gap between the appeal property and neighbouring No 27. This would create the potential for a terraced effect in the street scene if No 27 were similarly to seek a flank extension up to the shared boundary.
7. I conclude that the scale, mass and design of the proposed scheme now before me would harm the appearance and character of the host dwelling and the pair of dwellings of which it forms part and prove detrimental to the street scene in general. This would be contrary to the provisions of saved Policy H15 of the Sedgefield Borough Local Plan which seeks extensions of a scale and design compatible with the existing dwelling and the character of the area and contrary to the SPD. Therefore, this appeal must fail.

C J Checkley

INSPECTOR

DEVELOPMENT CONTROL COMMITTEE

15th August 2008

Report of the Director of Neighbourhood Services

The following planning appeal decision is reported for information purposes:

THE LARCHES THORPE LARCHES SEDGEFIELD CO DURHAM TS21 3HH

APPEAL DESCRIPTION

Erection of single dwellinghouse

The application was refused for the following reasons:

In the opinion of the Local Planning Authority the proposal constitutes unsustainable residential development in the open countryside contrary to Policy H11 of the Sedgefield Borough Local Plan (The extension, infilling or redevelopment of ribbons or of sporadic groups of houses outside main Towns and villages).

In the opinion of the Local Planning Authority the proposal constitutes unsustainable residential development in the open countryside contrary to the established policy of restricting new residential development within the open countryside to that which is required by persons solely or mainly in agriculture or forestry for whom it is essential to live in close proximity to their place of employment in order to perform their duties. No such justification for the dwelling has been provided or proven in this case. The proposal is therefore contrary to guidance of National Planning Policy Statement 3 (Housing) and Planning Policy Statement 7 (Sustainable development in rural areas)

APPEAL DECISION

The appeal was DISMISSED

ANALYSIS OF THE APPEAL DECISION

The inspector in dismissing the appeal in favour of the Council considered that:

- The main issue was whether the site is a sustainable location for new residential development.
- A strategic policy objective of Planning Policy Statement 3: *Housing* (PPS3) is to create sustainable, inclusive, mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. This objective is also reflected in Policy H10 of the local plan. The appeal site is in a location which offers no community facilities. There would be little realistic opportunity of walking to access local services. Cycling would not be an attractive option as the only access is onto a busy main road. Most journeys would need to be made by car or by public transport.

- Land that is or has been occupied by agricultural buildings is excluded from the definition of previously developed land in PPS3. I appreciate that the proposed development would have the advantage of tidying up the site. However, it does not have any special priority for development.
- PPS7 encourages limited development in, or next to, rural settlements in order to meet local business and community needs. However, the proposed development would offer very little, if any, benefits in this respect. Nor would a single house help in any significant way to maintain the vitality of the local community or enhance local distinctiveness in this backland location.
- Any adverse effects, particularly in terms of additional vehicular traffic, would be limited. Nevertheless, I conclude that this is not a sustainable location for new residential development. It would therefore conflict with the objectives of PPS3, PPS7 and Policy H10 in the local plan.

CONCLUSION

The inspector, whilst mindful of the fact that the proposal only entailed a single dwelling, considered that the site was not a sustainable location for new residential development. It is also worth noting that the inspector also considered the benefits that limited development could have within rural communities but concluded that the development involving a single dwelling would not help to maintain the vitality of the local community or enhance local distinctiveness.



Appeal Decision

Site visit made on 9 June 2008

by **Christopher Millns**

BSc (Hons) MSc CEng FICE FIHT

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

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Decision date:
4 July 2008

Appeal Ref: APP/M1330/A/08/2069690

The Larches, Thorpe Larches, Sedgfield, County Durham TS21 3HH

- 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 Mr M Mehra against the decision of Sedgfield Borough Council.
- The application Ref 7/2007/0605/DM, dated 18 September 2007, was refused by notice dated 14 December 2007.
- The development proposed is a dwelling house.

Decision

1. I dismiss the appeal.

Procedural Matter

2. The application was made in outline, with details of layout, scale, appearance, access and landscaping reserved for later determination. An indicative layout has however been submitted showing a possible location of the proposed house, garage and access road.

Main issue

3. The main issue is whether this is a sustainable location for new residential development.

Reasons

4. Thorpe Larches consists of a group of houses and other buildings along the A177 Stockton-on-Tees to Durham road. The settlement is not defined as a village in the Sedgfield Borough Local Plan (local plan).
5. A strategic policy objective of Planning Policy Statement 3: *Housing* (PPS3) is to create sustainable, inclusive, mixed communities in all areas both urban and rural. Housing should be in locations which offer a range of community facilities with good access to jobs, key services and infrastructure. This objective is also reflected in Policy H10 of the local plan. The appeal site is in a location which offers no community facilities. There would be little realistic opportunity of walking to access local services. Cycling would not be an attractive option as the only access is onto a busy main road. Most journeys would need to be made by car or by public transport.
6. Access by car would be directly onto the A177 with the option of going north towards Sedgfield or south to Stockton-on-Tees for the nearest such facilities. Whilst the distances and journey times are not substantial, I consider

- prospective occupiers would be largely dependent on the private car, which would increase carbon emissions.
7. Public transport services run through Thorpe Larches although there is a difference in view between the Council and the appellant as to their frequency. As the Council gave no detailed information on these services I have no reason to doubt the appellant's claim that they run on an hourly basis to Stockton and twice hourly to Sedgefield. Given the site's rural location, this is a reasonably good level of public transport accessibility.
 8. There are a number of agricultural buildings on the site, some of which are no longer in use. For the most part they are in a dilapidated condition. The appellant considers that the site should therefore be regarded as previously developed land and, in accordance with PPS3, given priority for development. However, land that is or has been occupied by agricultural buildings is excluded from the definition of previously developed land in PPS3. I appreciate that the proposed development would have the advantage of tidying up the site. However, it does not have any special priority for development.
 9. Planning Policy Statement 7: *Sustainable Development in Rural Areas* (PPS7) also recognises that most new development should be in or near local service centres. Thorpe Larches is not such a centre and, as already noted, would require travel by car or public transport to access services. PPS7 encourages limited development in, or next to, rural settlements in order to meet local business and community needs. However, the proposed development would offer very little, if any, benefits in this respect. Nor am I persuaded that a single house would help in any significant way to maintain the vitality of the local community or enhance local distinctiveness in this backland location.
 10. I acknowledge that this development is only for one new house and that any adverse effects, particularly in terms of additional vehicular traffic, would be limited. Nevertheless, I conclude that this is not a sustainable location for new residential development. It would therefore conflict with the objectives of PPS3, PPS7 and Policy H10 in the local plan.
 11. A new house in this location would have no effect on the separation of settlements or any significant impact on the amenity of neighbouring residents due to the screening effect of vegetation along the site's boundary. Nor would the proposed house be prominent in the landscape or have any significant adverse effect on the open countryside. However, I consider that these supporting factors are not so exceptional as to justify a new dwelling outside recognised town or village boundaries.
 12. Reference was made by both the Council and the appellant to the emerging Local Development Framework (LDF) which directs most housing development to larger towns and villages. However, I have given little weight to this evidence as the LDF is still at a very early stage.
 13. For the reasons given above and having regard to all other matters raised, I consider that the appeal should be dismissed.

Christopher Millns

INSPECTOR

RECOMMENDATION

That the information be noted.