

# COMMITTEE REPORT

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## **AGENDA ITEM 5 b – APPEALS UPDATE**

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### APPEALS DETERMINED

1. **Appeal against approval of reserved matters (appearance, landscaping, layout and scale) relating to planning permission DM/16/00871/OUT for a single dwelling at Plot 14 (No.15) The Pastures, Lanchester, Durham, DH7 0BT (Ref: DM/21/02516/RM).**

2. Planning permission was refused by the Area Planning Committee (North) on 29<sup>th</sup> September 2021 on the following grounds: -

*The proposed dwelling would have an adverse effect on the area's character in terms of design, layout and appearance, exhibiting an inappropriate scale and density, and would also have an unacceptable impact on the amenity and privacy of the occupants of the adjacent dwelling at 8 The Paddock, contrary to Policies 29 (a. and e.) and 31 of the Durham County Plan 2020 and Policy LNP2 (a., b., c. and e.) of the Lanchester Neighbourhood Plan 2021.*

3. The appeal was dealt with by way of written representations and an unaccompanied site visit.
4. The Inspector considered the main issue to be (i) the character and appearance of the area with particular regard to scale and density and (ii) the living conditions of the occupiers of No 8 The Paddock in respect of outlook, light and privacy.

#### **(i) Character and Appearance of the area**

5. The Inspector noted that planning approval had been granted previously for multi-storey development on the wider site and that the overall character and appearance of the immediate locality has changed. They also noted that while covenants may exist to the properties of The Paddock with respect to not increasing the height of those bungalows, there was not evidence of any planning restrictions in place relating to the height of those properties.
6. The Inspector did not consider that Plot 14 (No.15) The Pastures could only reasonably accommodate a single storey dwelling. Noting in this case that while it could not be said that the proposed dwelling would be small, or indeed low in height, its overall scale and massing would be acceptable in the context of other nearby consented development on the wider appeal site. They considered therefore that the proposal would accord with policy LNP2 of the Lanchester Neighbourhood Plan 2019-2034 (NP) in so far that it would take its reference from other nearby consented development, and its scale and density would not depart significantly from approved development in close proximity to the appeal site.
7. Furthermore, the Inspector considered that the proposed dwelling, set in from side boundaries and with proportionate amount of outside garden/amenity space would be in

accordance with the Council's required standards. The Inspector was satisfied that the resultant dwelling would not appear squeezed within its plot or be seen as a significant wide mass of development. There would be consistency of design across the wider site, particularly in use of materials.

8. Density of development was noted by the Inspector as being at the higher end of the scale compared to other approved development, however this would not be dissimilar to plot 12 and the Inspector had powers open to them to remove specified permitted development rights from the new dwelling by condition. Subject to this condition, the Inspector did not share the Council's view that the proposed new dwelling would be unacceptable from a density point of view. In reaching this view, the Inspector had due regard to representations from Interested parties who commented that when outline planning permission was approved it was on the basis that the footprint of each dwelling would not exceed more than 25% of the plot. However, no such restriction was imposed in respect of the outline planning permission and the previous Inspector did not raise this matter in their decision.
9. In conclusion, the Inspector considered that the dwelling would assimilate well into the immediate residential environment and would not look out of place or incongruous in the context of the recently approved and built development. Other properties on the development would not be identical in terms of scale, design and massing, however that in itself would not be harmful. The scheme was found to be in accordance with design, character and appearance requirements of policy 29 of the County Durham Plan 2020, policy LNP2 of the Lanchester Neighbourhood Plan and Chapter 12 of the NPPF.

## **(ii) Living Conditions – 8 The Paddock**

10. The Inspector reviewed the impact of the proposed dwelling upon the nearest existing residential property, 8 The Paddock. In doing so they noted the level differences between the two sites at ground floor level in that the proposed dwelling would sit about 2 meters below that of the neighbouring bungalow. The Inspector noted that the multi-storey element of the rear of the appeal dwelling would be positioned just over about 9.0 metres from the shared boundary with 8 The Paddock. Taking these matters into account, coupled with the softening impact afforded by the existing boundary vegetation, and the angled orientation of the bungalow, the Inspector did not find that the proposal would have a dominating or enclosing impact when viewed from No 8 The Paddock. It was accepted that the appeal property would be visible from No 8 The Paddock, but that does not automatically mean that it would lead to unacceptable outlook.
11. The Inspector continued noting that the first floor rear windows in the appeal property would be approximately 30.5 metres from the rear windows of No 8 The Paddock, and the nearest single storey part of the dwelling would be about 27.7 metres from the neighbouring bungalow. The separation distances exceed the minimum 21 metre separation distance standard in the Council's Residential Amenity Standards SPD 2020. They recognised that No 8 The Paddock is not currently overlooked at all. However, taking into account the aforementioned separation distances, the Inspector was satisfied that the extent of any overlooking would not be significantly adverse or give rise to a material loss of privacy.
12. Furthermore, the distance of the proposed dwelling from the shared boundary, the reduction in light penetration already experienced by No 8 The Paddock as a result of the existing boundary trees, the Inspector considered the proposals would not lead to material loss of light to the garden area or windows of No 8 The Paddock. As a result, the Inspector deemed the proposals to accord with the amenity requirements of policies 29 and 31 of the County Durham Plan and paragraph 130(f) of the NPPF.

13. In meeting the Council's Residential Amenity Standards SPD 2020 to the nearest property, the Inspector was also satisfied that the dwelling would not cause material harm to the living conditions of the occupiers of any other existing property in respect of light, outlook or privacy.
14. Other matters of impacts upon the protected trees, impacts upon Human Rights, drainage, off-street parking were considered by the Inspector and the proposed development was not found to cause material in regard to these matters.
15. The appeal was allowed, subject to conditions. No costs against the Council were sought by the appellant.

Report prepared by Graham Blakey (Principal Planning Officer).