

COMMITTEE REPORT

APPEAL UPDATE

DECISIONS RECEIVED:

Appeal by Mr V Carling

Site at 26, Louvain Terrace, Crook, Durham DL15 9PB

Planning Reference 3/2011/0252

Proposal: Single storey rear extension and single detached garage

1. The appeal was lodged against the Council's decision to refuse planning permission because of the impact of the proposed garage on the living conditions of the neighbour.
2. The appeal was dismissed with the Inspector agreeing that the garage would have an unduly overbearing effect on the use of the garden and outlook from the rear ground floor windows of the neighbour at no. 25, as well as causing overshadowing of the neighbour's garden.

Appeal by Mr C Harper

Site at West of Whorlton Grange, Whorlton, Barnard Castle, DL12 8XA

Planning Reference 3/2011/0252

Proposal: erection of a two storey detached dwellinghouse

3. The appeal was lodged against the Council's decision to refuse planning permission on the grounds that the site was unsustainable being greenfield land outside the development limits of Whorlton and the dwelling would have a harmful impact upon the character of the conservation area.
4. The Inspector dismissed the appeal and considered that even though the site was part of the garden of Whorlton Grange and immediately adjacent to the development limits of Whorlton, it was within the open countryside and a new dwelling should not be permitted unless it was essential to the needs of agriculture or forestry, which it was not. The Inspector noted that even though the site was only a few moments' walk from the centre of the village and its services, the site was unsustainable because the facilities in the village were extremely limited: a pub, a church, a village hall and a limited bus route; and therefore the development would not accord with national guidance that housing should be well located in relation to key services.
5. In addition the Inspector also agreed with the Council that even though the site was surrounded by mature trees, a substantial dwelling would still be seen through the bare trees in winter and the vehicular access would draw attention to its presence. The proposal would neither preserve nor enhance the character or appearance of the conservation area, which conflicts with local and national planning policy.

Appeal by Mr D. A. Dalton

Site at Melon Isle, Burtree Ford, Cowshill, Bishop Auckland, DL13 1DB

Planning Reference 3/2010/0554

Proposal: Alterations and change of use to form live/ work unit

6. The appeal was lodged against the Council's decision to refuse planning permission on the grounds of unsustainable development. This was on the back of a recently dismissed appeal at the site for conversion of the building to a dwelling.
7. The appeal was dismissed with the Inspector agreeing that the in the light of the guidance in Planning Policy Guidance Note 13; *Transport* (PPG13) which identifies the objective of locating development so as to reduce the need to travel by car, Cowshill and Wearhead have relatively limited facilities and thus, despite the availability of grocery deliveries, most journeys would be likely to be made by car to access many day to day services. The Inspector took into account the appellant's claims that the work element would reduce travel to work journeys but because the proposal was speculative with no end work user there was no guarantee that this would be the case. There would also still be significant car journeys associated with the dwelling. The Inspector therefore found that the live/work unit was not a sustainable form of development in this location.
8. The Inspector also considered that the large area of parking proposed would detract from the rural character of this part of the Area of Outstanding Natural Beauty.

Appeal by Ferryhill Town Council

Site at footpath link between the Ferryhill Carrs Nature Reserve and Duncombe Cemetery, Ferryhill, County Durham

Planning reference 7/2011/0019/DM

Appeal reference: APP/X1355/A/11/2155590

Proposal: Appeal against imposition of condition requiring the erection of a fence alongside footpath

9. This appeal was lodged following a decision by the Planning Committee to add a condition requiring the erection of a 1.2 metre high timber post and rail fence along the entire length of a footpath that was granted retrospective planning permission.
10. In allowing the appeal and deleting the condition, the Inspector considered whether the condition is necessary in the interests of public safety. He concluded that the footpath is well surfaced, generally even and its route is clearly defined; it is separated from the edge of the embankment by a strip of rough grass and undergrowth; there is little risk of those exercising normal levels of care and attention inadvertently straying from the footpath and falling down the slope; risk is further reduced as the gate from the cemetery giving access to the footpath is locked during hours of darkness; the type of fence required is unlikely to prevent those determined to access the slope from doing so; the cemetery itself has substantial metal fencing along its boundaries and it is understood that this is for security purposes in addition to public safety.

RECOMMENDATION

11. That these decisions are noted.