



Planning Services

COMMITTEE REPORT

APPEALS UPDATE REPORT

APPEAL DECISION

APPEAL REF: APP/X1355/A/11/2143423

LPA REF: 7/2010/0311/DM

APPEAL AGAINST THE REFUSAL OF PERMISSION FOR THE ERECTION OF 1NO. DWELLING ON LAND ADJACENT TO 12 EDEN TERRACE, KIRK MERRINGTON, SPENNYMOOR, CO DURHAM

This appeal relates to an application for the erection of 1no. dwelling on land adjacent to no.12 Eden Terrace, Kirk Merrington. The application was refused on 30 November 2010 under delegated powers for the following reasons:

- 1. In the opinion of the Local Planning Authority, the proposal constitutes unsustainable residential development in the open countryside, outside of any identified residential settlement boundary as defined under Sedgfield Borough local plan policy H8 (Residential frameworks for larger villages), and 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 the provisions of the RSS, PPS1 (Delivering sustainable development), PPS3 (Housing) and PPS7 (Sustainable development in rural areas) and adopted Sedgfield Borough local plan policy H8 (Residential frameworks for larger villages).*
- 2. In the opinion of the Local Planning Authority the proposal would result in the removal of an important landscaped buffer strip to the east of the C113 highway which provides a high amenity value on the main approach road into the Kirk Merrington Conservation Area, detracting from the visual qualities of this locality and adversely affect the character and setting of the area, contrary to the adopted Sedgfield Borough Local Plan Policy E15 (Safeguarding of Woodlands, Trees and Hedgerows).*

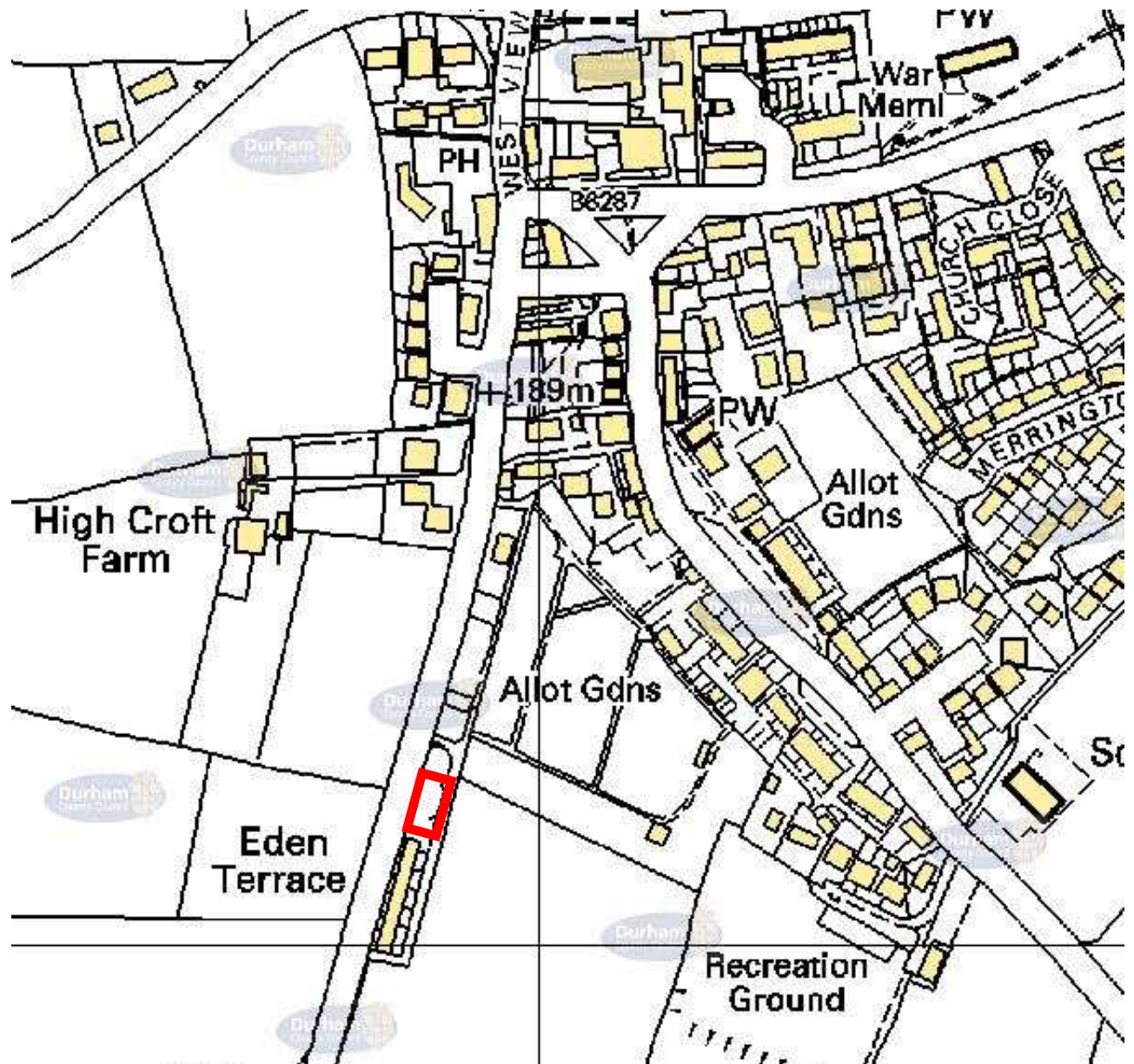
The Planning Inspector **dismissed** this appeal. In arriving at this decision, the Planning Inspector considered the following main issues:

- The location of the appeal site, falling outside of the residential framework for Kirk Merrington village;
- Conflict with established national government planning guidance and adopted local plan policies relating to sustainable development in rural areas;

- The lack of any evidence to suggest that this dwelling would be connected to rural activity;
- The setting of a potentially damaging precedent if approved;
- Perceived damage to an important landscape buffer which presently provides an attractive approach into the Kirk Merrington Conservation Area, contributing to the setting of the village; and,
- Development unlikely to contribute significantly to any shortfall in the availability of housing land.

The Inspector therefore agreed with both of the Local Planning Authority's reasons for refusal. No costs were awarded to either the appellant or the local authority. Copies of the Inspector's decision letter are available for inspection at the Spennymoor Area Office and can also be viewed online at The Planning Inspectorate's website.

Report prepared by Mark O'Sullivan, Planning Officer



| | |
|--------------------|---|
| APPLICATION NUMBER | 7/2010/0311/DM |
| LOCATION | 12 EDEN TERRACE, KIRK MERRINGTON, CO DURHAM |
| PROPOSAL | ERECTION OF DETACHED DWELLING |

APPEAL DECISION

APPEAL REF: APP/X1355/C/11/2146824

LPA REF: 7/2010/0301/DM

APPEAL AGAINST THE REFUSAL OF PERMISSION FOR THE ERECTION OF A SHED AT 3 VILLAGE CLOSE, WOODHAM, NEWTON AYCLIFFE (RETROSPECTIVE APPLICATION)

The application was refused on 22 December 2010 under delegated powers for the following reasons:

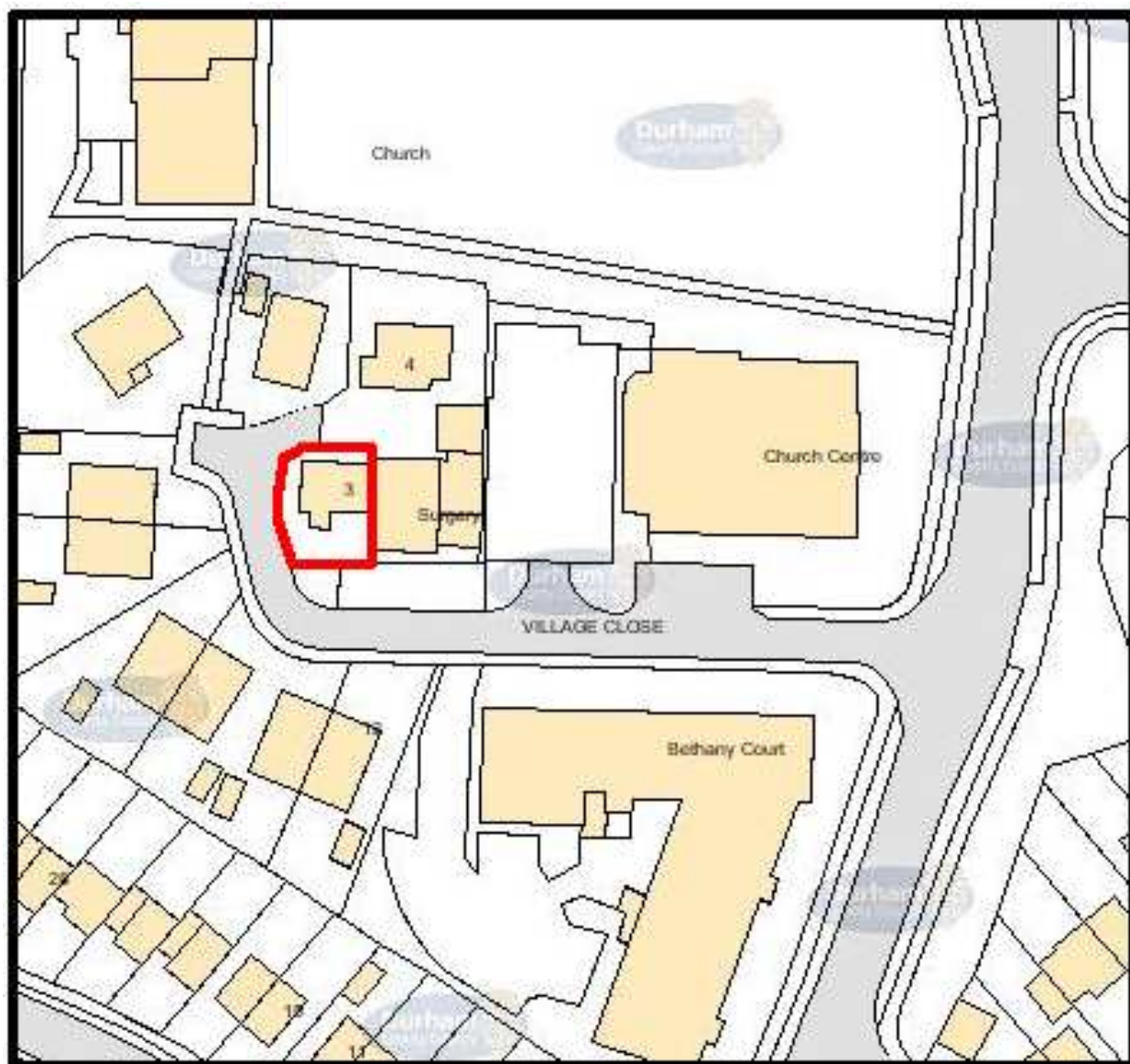
- 1. In the opinion of the Local Planning Authority, the impact of the retrospective shed will as a result of its size, siting and design, result in an incongruous and feature in the streetscene which would be detrimental to the appearance and character of the host property and Village Close. The proposed development would therefore be contrary to D1 (Design and Layout of new developments), the Residential Extensions Design Guide and PPS1 which seeks to promote good quality design in all new developments.*
- 2. In the opinion of the Local Planning Authority the proposal, if allowed, would set an undesirable precedent for further inappropriately designed buildings to host properties in this housing estate in particular and other estates elsewhere, to the detriment of the appearance of the host building and wider area contrary to D1 (Design and Layout of new developments), the Residential Extensions Design Guide and PPS1 which seeks to promote good quality design in all new developments.*

The Planning Inspector **dismissed** this appeal. In arriving at this decision, the Planning Inspector:

- Shared the Council's view that the development has an unacceptable visual impact in this residential street;
- The development is obtrusive and visually harmful;
- The size and design is not compatible with the host dwelling;
- The shed is not subservient to the host dwelling;
- The materials do not compliment the main dwelling; and,
- It is an oversized shed and completely out of place and in an inappropriate position in Village Close.

The Inspector therefore agreed with both of the Local Planning Authority's reasons for refusal. No costs were awarded to either the appellant or the local authority. Copies of the Inspector's decision letter are available for inspection at the Spennymoor Area Office and can also be viewed online at The Planning Inspectorate's website. Enforcement action will now be instigated to seek the removal of the unauthorised structure from the property.

Report prepared by David Gibson, Planning Officer



| | |
|---------------------------|---|
| APPLICATION NUMBER | 7/2010/0301/DM |
| LOCATION | 3 VILLAGE CLOSE WOODHAM NEWTON AYCLIFFE |
| PROPOSAL | ERECTION OF SHED (RETROSPECTIVE APPLICATION) |