



Appeal Decision

Site visit made on 10 February 2012

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

Decision date: 22 February 2012

Appeal Ref: APP/X1355/A/11/2165111

13 Neville Street, Durham, DH1 4EY

- 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 Gary Harding against the decision of Durham County Council.
 - The application Ref 4/11/00342/FPA, dated 13 May 2011, was refused by notice dated 13 July 2011.
 - The development proposed is change of use of existing house in multiple occupation (use class C4) to 7 no bedroom house in multiple occupation (sui generis) involving the creation of additional upper storey extensions.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development indicated above (on which basis I have determined the appeal) is based on that on the Council's decision notice and on the appeal form but amended to reflect the fact that the upper storey extension would not just be at the rear of the property.

Main Issues

3. The main issues of the appeal are the effect of the proposal on the character and appearance of the Durham City Centre Conservation Area and on the living conditions of the occupants of 12 and 14 Neville Street, having particular regard to outlook.

Reasons

4. Although many streets in the Conservation Area feature properties of varying heights and a 'higgledy-piggledy' roofscape, this is not the case with the west side of Neville Street. Here, despite detailed differences, the height of buildings is broadly uniform and their roofs 'step up' in line with the steep slope of the street. The resulting street scene is very attractive which, together with its unusualness, means that the west side of Neville Street is an important element of the character and appearance of the Conservation Area.
5. Despite its sympathetic detailing, the additional storey of the appeal scheme would significantly disrupt the uniformity of the building heights on the west side of the street and the regularity of the stepped roofscape. The harm caused would be exacerbated by no 13's prominence in views up the slope of the street and from the busy shopping thoroughfare of North Road at its junction with Neville Street. I therefore conclude that the scheme would neither

preserve nor enhance the character or appearance of the Conservation Area. Of the policies referred to by the Council in relation to this issue I consider policy E22 of the adopted *City of Durham Local Plan* to be most relevant to the appeal and the scheme conflicts with its requirement that development should not detract from the character or appearance of conservation areas.

6. Reference is made to the similar, recently approved, scheme at no 23A on the opposite side of Neville Street. However, the east side of the street has a much greater variation in building height and roofscape than the west side and I am satisfied that, in permitting the scheme at no 23A but not at the appeal property, the Council has not arbitrarily treated one side of the street differently from the other.
7. The rear of the appeal property and its neighbours is somewhat 'congested' with a number of offshoots of varying heights and the dominating presence of the steeply rising land close by to the west. As a result I envisage that the outlook from the rear windows of 12 and 14 Neville Street is already very restricted and the additional height of no 13's offshoot, as is proposed, would be unlikely to significantly worsen the situation or cause material harm to the living conditions of the neighbouring residents. The fact that the occupants of neither no 12 nor no 14 have objected to the proposal has added weight to my conclusion on this issue and I find that the scheme thus has no conflict with the requirement of Local Plan policy H9 that the extension of multiple occupation properties does not adversely affect the amenities of neighbouring residents. Policy H9 is of greater relevance to this particular concern than policy Q9 referred to by the Council. However, notwithstanding my finding on the second main issue, I conclude that the scheme's harm to the character and appearance of the Conservation Area alone justifies the refusal of permission.
8. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Malcolm Rivett

INSPECTOR