

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 August 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00314/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>5 July 2010</b>
<b>WARD/PARISH:</b>	<b>BISHOPTON</b>
<b>LOCATION:</b>	<b>11-17 High Street Bishopton</b>
<b>DESCRIPTION:</b>	<b>Erection of part two storey, part single storey rear extensions, and formation of vehicular access and car parking spaces.</b>
<b>APPLICANT:</b>	<b>Mrs E. Owen</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated towards the southern end of Bishopton village on the eastern side of High Street and lies within the Bishopton conservation area. It comprises four two storey terrace houses and overgrown garden area containing a number of trees. The garden areas to the rear of the properties and side garden adjoining the end terrace house (No.17) rise sharply away from west to east. The site also rises from south to north. Consequently there are significant differences in ground levels with the adjoining properties to the north and south.

The application consists of the following elements: -

- The erection of two/single storey extensions to the rear of Nos.13 -17 High Street to provide additional bedroom space at first floor level and enlarged kitchen areas and garden rooms on the ground floor.
- The erection of a two storey extension to the rear of No.11 to provide a utility room on the ground floor with en-suite/dressing room above and the construction of a single storey garden room extension.
- Fenestration alterations to all of the properties.
- The construction of a parking area for five vehicles within the garden area at the southern end of the site adjacent to No17, and the provision of a new vehicular access from the adjoining highway across the village green.

The application is accompanied by the following documents:-

- Design and Access Statement
- Archaeological Desk-Based Assessment
- Arboricultural Report; and

- Environmental Search Report on contamination

## **PLANNING HISTORY**

None

## **PLANNING POLICY BACKGROUND**

The following policies in the Borough of Darlington Local Plan are relevant: -

- E11 - Conservation of Trees, Woodlands and Hedgerows
- E12 - Trees and Development
- E29 - The Setting of New Development
- E34 - Archaeological Sites of Local Importance
- H12 - Alterations and Extensions to Existing Dwellings
- T24 - Parking and Servicing Requirements for New Development

National Planning Policy Statement (PPS) 5 – Planning and the Historic Environment is also applicable.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Two letters of objection and a letter of representation have been received raising the following matters: -

- The proposed frontages are acceptable, appearing to maintain the existing cottage character of the high street.
- I am concerned about the proposed access for parking as it would mean crossing village green. The land does not belong to the owners of 11-17 High Street but the Parish. If allowed it would set a precedent for others to do the same.
- Potential parking problems. The scheme should provide for at least 8 cars (2 per dwelling). High Street narrows at this point and leads to parking on the pavement forcing pedestrians into the roadway.
- If development is to go ahead it must therefore allow access to parking at the rear of the dwellings even if it means permitting access across the village green. We understand the Parish Council's position on the village green however the proposed crossing point is at the extremity of the green and would not materially detract from any amenity. In visual terms a driveway across the green is less damaging than a line of eight cars parked partially on the pavement. A partial compromise could be to allow the planned vehicular access but compensate that by reinstating as village green the driveway in front of the retained garage at No.11.
- There is a huge height differential to the land in question and the road at the front as the land behind the front wall is at first floor level directly against my home which is the chapel at No.19 High Street. What impact would the removal of the earth have on the stability of my dwelling?
- It is clear from the plans, that the owners have deliberately shown the cottage gardens as being dramatically shorter than they really are and that they intend to retain the land now shown outside the garden areas for development of a new small housing estate, which

many believe is the sole reason that they are now trying to create a new access to all of the land.

- The development line for the village is tightly drawn up against the rear elevations of the existing cottages and as such should preclude any possible further development of the gardens. However, if the site is promptly sold to developers and if they have achieved access, the villagers will be put under severe pressure to defend the existing development boundary.

**Bishopton Parish Council** has objected to the application on the grounds that the proposed vehicular access would involve crossing the village green and as custodians of the village green they will not permit this work.

**Durham County Council Archaeology Section** has recommended that as significant alterations are to occur to the rear as a result of the proposed works, then a suitably worded condition should be applied to ensure that building recording is carried out prior to the commencement of development. Secondly it is advised that the erection of the extensions, access and parking area will impact on below ground archaeological remains and therefore a condition to ensure that archaeological mitigation occurs prior to all groundwork associated with the development should be secured.

**The Council's Public Protection Division** has requested the imposition of the standard condition on contamination to any approval.

**The Council's Highways Engineer** has made the following comments: -

*“The existing parking provision for the properties is on-street on High Street and 1 no garage space. The proposal includes for additional parking in a newly constructed car park adjacent to No 17 High Street. However, there may be difficulties constructing the access to the car park because of the requirement to cross a Village Green. This car park would be desirable and its creation should be encouraged, however given that the parking requirement for the properties will not change significantly with the refurbishment it would be difficult to require changes to the status quo. Parking on-street on the High Street is not desirable, however many of the existing properties in Bishopton rely on this facility and there are no parking restrictions in place. Therefore, if the applicant was unable to pursue construction of the car park I do not consider that this would be sufficient reason to recommend a refusal of the application.*

*I would therefore raise no highway objection to the proposal.”*

**The Council's Senior Arboricultural Officer** has advised that the trees likely to be affected by the development are not worthy of any formal protection.

## **PLANNING ISSUES**

The main issues to be considered are: -

- Character of the area and the visual amenities of the street scene
- Residential Amenity
- Effects on the Village Green
- Highway Matters
- Archaeology

- Trees
- Other Matters

### **Character of the Area and Visual Amenity**

The site is situated within the Bishopton conservation area and therefore national planning policy statement (PPS) 5 – Planning for the Historic Environment is of relevance.

The existing buildings have been unsympathetically altered over the years resulting in a loss of many of their traditional features. The proposed refurbishment of the buildings which includes the reinstatement of sash style windows and other alterations reflecting the local vernacular. These changes in themselves do not require planning permission but nevertheless will make a positive contribution to the character and appearance of the conservation area and are supported by the Council's conservation officer. The proposed extensions, situated to the rear of the buildings are unlikely to have any significant impact on the conservation area. However in terms of their design and appearance are considered to be sympathetic to their historic setting.

### **Residential Amenity**

The spatial relationship of the proposed extensions with the existing properties either side, and also between the dwellings in the application site, is such that there is unlikely to be any overbearing impacts or any significant loss of light. Similarly the disposition of windows within the proposed extensions would not result in any direct overlooking or loss of privacy in respect of neighbouring dwellings. In terms of the privacy aspect with the dwellings on the application site there is already a degree of overlooking between No11, the unit at the northern end of the site, and No9 but otherwise there would no adverse effects on the occupiers of the respective units.

### **Effects on the Village Green**

Modifications are proposed to the village green to provide a vehicular access to the parking provision included with the application. At present no access is provided. The area of village green that would be lost is relatively small and situated at the end of the green, consequently there is unlikely to be any significant visual impact. However Members should bear in mind that as well as the visual impact of the access consideration will need to be given as to whether the proposed access is acceptable in highway safety terms. This matter is discussed further in this report. It would then be a matter for the applicant to address alterations/rights of way across the village green with the Parish Council, who are the responsible body for such matters.

### **Highway Matters**

The parking provision made with the application is considered acceptable and would be welcomed but as mentioned previously a vehicular access would need to be constructed over the village green to the parking area. The Parish Council as custodians of the village green has indicated that such approval is unlikely to be forthcoming. Nevertheless as indicated earlier in this report the Council's Highway's Engineer would have no highway objections if the off street parking cannot be provided given that the development is for refurbishment and modest extension work to existing properties.

### **Archaeology**

The site is situated within the medieval village of Bishopton. Consequently there is the potential for archaeological finds from this date to be present on the site. The archaeological report submitted with the application has recommended that prior to any development commencing on site trial trenching to establish whether any archaeological finds are present should be

undertaken and a scheme put in place to record any finds. Durham County Council Archaeology Section

has been consulted on the application and request a condition to ensure that archaeological mitigation occurs prior to all ground works associated with the development work. In addition a condition is sought to ensure that building recording is carried out prior to any development commencing. This is to record the building and the earlier fabric noted in the desk- based assessment which may be covered up and /or destroyed by the proposed works. It would be appropriate to attach these requested conditions to any approval.

### **Trees**

Several young and semi mature trees are situated within the site that are to be removed as a result of the development, none of which are of any significant value. Nevertheless some replacement trees can be secured through a landscaping condition.

### **Other Matters**

The applicant has revised the scheme in order to address the issue raised by the objector at No.19 High Street regarding the stability of land adjacent to that property in connection with the construction of the proposed parking area. The revised plans indicate that a retaining wall of approximately 600mm in height is to be provided between the adjoining property and the parking area, which is shown to be set back from the common boundary by approximately 1m. Nonetheless any damage caused to the neighbouring dwelling during construction works is a civil issue and not one that can be resolved by planning legislation.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

The scale, design and appearance of the development is considered acceptable and will not harm the appearance or character of the Bishopton Conservation Area or the visual amenities of the locality generally. The development has no significant effects in terms of overbearing impact, loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with the Plans)

- 4) J2 Contamination
- 5) E1 Landscaping (Submission and Implementation)
- 6) E5 Boundary Treatment Submission
- 7) A) No development works shall take place until the applicant, or their agents successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The Scheme shall provide for:
  - i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area in accordance with a brief issued by the County Durham Archaeology Section; the evaluation is to be undertaken following the approval of planning permission,
  - ii) an assessment of the impact of the proposed development on any archaeological remains identified in the trial trench evaluation phase;
  - iii) proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the publishing of the findings, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible;
  - iv) sufficient notification and allowance of time to archaeological contractors nominated by the developer to ensure that archaeological fieldwork as proposed in pursuance of (i) and (iii) above is completed prior to the commencement of permitted development in the area of archaeological interest; and
  - v) notification in writing to the County Durham and Borough of Darlington County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works."
- B) The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.
- C) Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

REASON - To comply with policy E34 of the Borough of Darlington Local Plan and Policies HE7.7 and 12.1-12.3 of PPS5 as the site may potentially contain features of local archaeological and/or architectural interest.

- 8) A) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance with a written scheme of investigation, which is submitted to, and approved in writing by, the local planning authority as follows:
- i. Methodologies for a Level 2 EH-style building record prior to any conversion works or stripping out of fixtures and fittings.
  - ii. A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the approved strategy.
  - iii. Monitoring arrangements, including the notification in writing to the County Durham County Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
  - iv. A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.
- B) The archaeological mitigation strategies shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.
- C) Prior to the development being beneficially occupied, a copy of any analysis, reporting, publication or archiving required as part of the mitigation strategies shall be deposited at the County Durham Historic Environment Record within one year of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

REASON - To comply with policy E34 of Borough of Darlington Local Plan and Policies HE7.7 and 12.1-12.3 of PPS5 as the site may potentially contain features of local archaeological and/or architectural interest.

- 9) Notwithstanding anything shown on the submitted drawings precise details of the alterations to the boundary wall fronting onto High Street shall be submitted to, and approved by the Local Planning Authority, prior to work commencing on the vehicular access into the site.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of visual amenity.

## **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The scale, design and appearance of the development is considered acceptable and will not harm the appearance or character of the Sadberge Conservation Area or the visual amenities of the locality generally. The development has no significant effects in terms of overbearing impact, loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

### **Borough of Darlington Local Plan 1997**

- E11 - Conservation of Trees, Woodlands and Hedgerows
- E12 - Trees and Development
- E29 - The Setting of New Development
- E34 - Archaeological Sites of Local Importance
- H12 - Alterations and Extensions to Existing Dwellings
- T24 - Parking and Servicing Requirements for New Development

### **National Planning Policy**

- PPS5 – Planning for the Historic Environment