

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 18 November 2009

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APPLICATION REF. NO:	09/000484/FUL
STATUTORY DECISION DATE:	25 November 2009
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	23 Thorntree Gardens, Middleton St George
DESCRIPTION:	Erection of wooden smoking shelter in front garden (retrospective).
APPLICANT:	Mr J Robinson

APPLICATION AND SITE DESCRIPTION

The application site comprises a two storey semi detached dwelling situated at the head of a short cul-de-sac.

The application seeks the retention of a timber smoking shelter situated in the front garden of the property. The structure measures some 2.4m in depth, 5.2m in width and 1.8m in height, and is positioned approximately 1.3m from the front boundary. It is of a flat roof construction, closed on three sides with the open side facing the house

PLANNING HISTORY

07/642 – In August 2007 planning permission was granted for the erection of a new boundary wall with wrought iron infill and gates

PLANNING POLICY BACKGROUND

Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan is relevant.

RESULTS OF CONSULTATION AND PUBLICITY

One letter has been received from a local resident objecting to the development on the following grounds: -

- The structure is an eyesore .The quality of build is unprofessional.

- Due to its construction its strength and safety in inclement weather conditions could be questioned.
- The structure seems to be a ‘hang out’ for youths resulting in anti social behaviour such as shouting, swearing and littering the street with empty bottles.

The Council’s Environmental Health Officer has stated that as this is a private, residential property the smoking legislation does not apply. Similarly it would be difficult to impose noise conditions.

PLANNING ISSUES

The main issue to be considered in this application is whether the proposal has a detrimental impact on the appearance of the surrounding area.

The general character of the areas between the house fronts and the roadways on the Thorntree housing development is one of mainly enclosed gardens either achieved by fences or hedgerows with elements of planting. Some of the front garden areas are more open plan in nature with extensive hard standing areas but most noticeably is the absence of any buildings within these areas thereby creating a relatively uncluttered and relaxed appearance to the housing development.

The proposed building is screened to some degree by the boundary wall and its timber inset panels but the upper element is particularly visible from most public vantage points. More of the structure is visible when viewed from the roadway and adjoining public footway to the south. The building is box like in appearance and in view of its prominent location is considered to be visually intrusive detracting from the character and appearance of the area.

Issues raised by the objector concerning anti social behaviour are ones that need to be addressed by the police.

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 proposed building, positioned in front of the dwelling would be visually intrusive within the street scene to the detriment of the character and appearance of this housing development

RECOMMENDATION

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS:-

- 1) The proposed would be detrimental to the visual amenities of the street scene by reason of its design and prominent siting in front of the dwelling house and would thereby be contrary to Policy E29 of the Borough of Darlington Local Plan 1997.

- 2) The development would set a precedent for other developments of a similar nature, forward of dwellings, which would be detrimental to the character and appearance of the area and would thereby be contrary to Policy E29 of the Borough of Darlington Local Plan 1997.