

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 February 2011

Page

APPLICATION REF. NO:	10/00780/FUL
STATUTORY DECISION DATE:	10 January 2011
WARD/PARISH:	PARK WEST
LOCATION:	51 Blackwell, Darlington
DESCRIPTION:	Demolition of existing dwelling and erection of replacement dwelling and retrospective slope stabilisation works (revised application) (Revised Protected Species Report, Flood Risk Assessment and Site Plan received 16 December 2010; revised plans and Design and Access Statement received 22 December 2010)
APPLICANT:	Mr John Lees

APPLICATION AND SITE DESCRIPTION

The existing dwelling is a detached dormer style bungalow with an attached garage and car port to the side. The rear garden area is a sloping embankment, which leads to the bank of the River Tees to the west of the application site.

To the north of the site, there is a proposal to develop a site for the erection of five dwellings and the two respective applications also form part of this Agenda.

The proposal involves the demolition of the existing dwelling and the erection of a replacement dwelling, which is of a contemporary design. The application also includes a retrospective element relating to some slope stabilisation works. These works consist of a gabion basket type retaining wall which runs to the rear along the western boundary adjacent to the River Tees extending from Nos 49 – 59 Blackwell. This application is seeking retrospective consent for the section of the wall behind Nos 51 and 49 Blackwell only

PLANNING HISTORY

08/00363/FUL In June 2008 planning permission was GRANTED for erection of two storey extension to front and single storey extension to side

09/00907/FUL In March 2010 a planning application for the demolition of existing dwelling and erection of replacement dwelling and retrospective slope stabilisation works was WITHDRAWN

PLANNING POLICY BACKGROUND

The relevant policies are:

National Policy

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Guidance Note 14 – Development on Unstable Land

Planning Policy Statement 25 – Development and Flood Risk

Borough of Darlington Local Plan 1997

E2 – Development Limits

E7 – Landscape Conservation

E8 – Area of High Landscape Value

E10 – Protection of Key Townscapes and Landscape Features

E11 – Conservation of Trees, Woodlands and Hedgerows

E12 – Trees and Development

E14 – Landscaping of Development

E16 – Appearance from Main Travel Routes

E17 – Landscape Improvement

E23 – Nature and Development

E24 – Conservation of Land and Other Resources

E25 – Energy Conservation

E27 – Flooding and Development

E28 – Surface Water and Development

E29 – The Setting of New Development

E46 – Safety and Security

E47 – Contaminated and Unstable Land and Development

H3 – Locations for New Housing Development

H11 – Design and Layout of New Housing Development

T8 – Access to Main Roads

T12 – New Development Road – Road Capacity

T13 – New Development – Standards

T24 – Parking and Servicing Requirements for New Development

T39 – Conditions for Pedestrians

Supporting Documents

Supplementary Policy Document – Design for New Development

Manual for Streets

Darlington Borough Council Design Guide and Specification

RESULTS OF CONSULTATION AND PUBLICITY

Following the Council's consultation exercise on the originally submitted plans four individual letters of objection were submitted. The concerns raised in these initial letters can be summarised as follows

- *The flood wall will lead to flooding of the North Yorkshire side of the River Tees*
- *Our house and garden are located down stream on the opposite bank and gardens are located down stream on the opposite bank and they have been flooded on previous occasions since the building of the flood wall*
- *The design submitted for approval does not comply with Darlington Borough Council's New Development SPD*
- *The Design and Access Statement contains inaccuracies*
- *There has been an attempt at redesigning the development, which has occurred at the adjacent development sites*
- *There is no indication as to how the change in levels between Nos 49 and 51 will be managed. It would appear that piling works would be required but there is nothing in the drawings nor the PPG14 certificate which addresses these issues*
- *There are discrepancies within the submitted plans*
- *There are claims that investigations for the Solmek Report, which is one of the documents listed on the Geotechnical Certificate, did not include No 51 Blackwell and that the later site investigations, did not include this property either. The Certificate is based on investigations used for the adjacent development site only and not for No 51 Blackwell*
- *A proper review of the foundations has not been carried out given the issues of the difference in levels between Nos 49 and 51 Blackwell*
- *The new dwelling would directly overlook No 49 Blackwell from their windows and balconies which will impact upon privacy*
- *The dwelling will overshadow No 49 Blackwell*

A detailed objection letter with nine signatories has been submitted, which outlines a view on the background of the adjacent development sites and how that proposal was determined by the Council but it continues to comment on the design of the proposed dwelling. The signatories considered that the building will ultimately be discordant with the area

A detailed letter of support has been submitted enclosing a letter from a geotechnical engineer which supports the land stability information submitted with the application. A further detailed letter has been submitted from the same person commenting upon the objections that have been raised from other parties.

Following the submission of the revised plans one further letter of objection was received raising the following concerns:

- *The buildings are distasteful and offensive factory looking buildings which by no means fits with our current buildings in Blackwell.*
- *Our home is directly opposite the property and it would anger me every day to be forced to look at an obscene building of such style. This proposed building is ugly and insulting*
- *A further issue is the bending of the street which makes the manoeuvring of vehicles difficult and unsafe*

Consultee Responses

Following the submission of a revised Ecology Report, **Natural England** has no objections to the proposed development subject to the imposition of conditions to conserve and protect species and their habitat

Following the submission of further information, the **Environment Agency** have withdrawn their original objection and requested the imposition of planning conditions relating to surface

water drainage and the creation and management of a buffer zone between the slope stabilisation works and River Tees

Northern Gas Networks have no objections to the proposed development

CE Electric UK has no objections to the proposed development

Northumbrian Water has not objected to the application but requested the imposition of planning conditions relating to protection measures and unrestricted access for their apparatus

The **Council's Highways Engineer** has no objections to the planning application subject to the imposition of a planning condition requiring the whole of the highway verge on the site frontage being reinstated to an acceptable condition. Following the submission of a revised Site Plan, the Council's Highways Engineer confirmed that the development accords with the requirements for visibility splays contained within Manual for Streets and the Darlington Borough Council Design Guide and Specification

The **Council's Environmental Health Officer** has no objections to the proposed development subject to the imposition of a planning condition relating to the submission of a contaminated land report

The **Council's Senior Arboricultural Officer** has requested that the trees on the site should be retained if possible

PLANNING ISSUES

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

Planning Policy

Land Stability

Design and Impact upon the Visual Appearance of the Surrounding Area

Residential Amenity

Highway Matters

Flood Risk

Protected Species

Trees and Landscaping

Contaminated Land

Planning Policy

At a national level, PPS1 - Delivering Sustainable Development sets out the overarching planning policies on the delivery of sustainable development through the planning process and provides some design advice. PPS1 states "Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted." It continues that "It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design"

PPS 3 - Housing provides advice on the delivery of housing through the planning system and also offers design advice. PPS3 states, "Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area" and "To facilitate efficient delivery of high quality development, Local Planning Authorities should draw on relevant guidance and standards and promote the use of appropriate tools and techniques, such as Design Coding alongside urban design guidelines, detailed masterplans, village design statements, site briefs and community participation techniques"

The section of the application site where the replacement dwelling would be located lies within the development limits of the urban area as defined by Policy E2 (Development Limits) of the Borough of Darlington Local Plan 1997. Policy H3 (Locations for New Housing Development) of the Plan states that new housing development will normally be approved within the development limits of the urban area provided that the site is not specifically proposed or safeguarded for other uses and that the development accords with other Plan policies. This section of the site is not safeguarded for other uses and has no other designations within the Plan.

The embankment land leading down to the river is within the designated Area of High Landscape Value and Policy E8 of the Plan looks to ensure the Council give special attention to conserving the landscape character and quality within the Area.

The above are general overarching national and local planning policies and the remainder of the report shall assess the proposal in development control terms.

Land Stability

The submitted Design and Access Statement states that the embankment running down from the rear of the proposed dwelling to the riverbank of the River Tees has a history of major landslips..

A gabion wall has been erected as part of a wider slope stabilisation scheme to the rear of the Nos 51 and 49 Blackwell and the adjacent development site.

Policy E47 (Contaminated and Unstable Land and Development) of the Borough of Darlington Local Plan 1997 states that proposals for development on unstable land will be permitted only if the applicant can demonstrate that the site is or will be made safe for the proposed development and its surroundings. The supporting text for the policy states that it is desirable that unstable sites, which are otherwise unsuitable for development are brought back into productive use but it is essential that the health and well being of people is not put at risk.

Planning Policy Guidance Note 14 – Development on Unstable Land explains the effects of instability on development and land use. It gives consideration to the responsibilities of the various parties to development and emphasises the need for instability to be taken into account in the planning process. PPG14 says that the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer. In particular, the responsibility and subsequent liability for safe development and secure occupancy of a site rests with the developer and/or the landowner.

The developer should therefore make a thorough investigation and assessment of the ground to ensure that it is stable or that any actual or potential instability can be overcome by appropriate remedial, preventive or precautionary measures. It is important that such an assessment of a proposed development site should examine the site within its geographical context since instability of nearby ground may affect a site even where there is no evidence of instability within its boundaries.

Where there are reasons for suspecting instability, the developer should determine by appropriate site investigations. If this investigation and appraisal indicates that the ground is unstable or may become unstable due to the development proposed or for any other reason, the developer and/or his consultants should then assess the suitability and sufficiency of the proposed precautions to overcome the actual or potential instability. The developer should also

provide at his own expense such evidence as is required by regulatory authorities to indicate clearly that the problem has been addressed satisfactorily.

It is *not* the responsibility of the local authority to investigate the ground conditions of any particular development site unless they propose to develop it. When reaching decisions on development proposals, local planning authorities have a duty to take all material considerations into account. The stability of the ground in so far as it affects land use is a material consideration which should be taken into account when deciding a planning application.

The principal aims of considering land instability at the planning stage are:-

- to minimise the risks and effects of land instability on property, infra-structure and the public;
- to help to ensure that various types of development should not be placed in unstable locations without appropriate precautions;
- to bring unstable land, wherever possible, back into productive use; and
- to assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.

A planning authority does not owe a duty or care to individual landowners when granting applications for planning permission and accordingly is not liable for loss caused to an adjoining landowner by permitting development. Nevertheless, where development is proposed on land which the planning authority knows is unstable or potentially unstable, it should ensure that the following issues are properly addressed by the development proposed:-

- the physical capability of the land to be developed;
- possible adverse effects of instability on the development;
- possible adverse effects of the development on the stability of adjoining land; and
- possible effects on local amenities and conservation interests of the development and of any remedial or precautionary measures proposed.

It is the function of the planning system to determine, taking account of all material considerations of which instability is only one, whether a proposed development should proceed. Having made that decision, for certain types of development, it is the function of the Building Regulations to determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely.

The assessment of the significance of ground instability and of the associated risks requires careful professional judgement. In line with his responsibility for the safe development of any site, the developer should ensure that he has available the appropriate expertise to design and interpret the necessary site investigations and to design and execute any necessary remedial, preventive or precautionary measures.

On the basis of relevant information available to them, including any submitted by developers, local planning authorities should be able to form a view of the significance of ground instability for general development control purposes. With regard to specific development, however, it must be emphasised that responsibility for assessment, as well as investigation, of ground conditions and the design and execution of any necessary remedial or precautionary measures, rests with the developer and not the local planning authority. The local planning authority is entitled to require the developer at his expense to provide at application stage suitable expert

advice in relation to such matters, and is entitled to rely on that advice in determining the application and formulating any necessary conditions.

PPG14 Annex 1 also expresses in further detail the required scope of a slope stability report and the need for it to have been prepared by a "competent person" with the relevant specialist experience in the assessment and evaluation of slope stability. PPG14 states that a competent person would normally be expected to be a Corporate Member of a relevant professional institution such as the Institution of Civil Engineers or the Geological Society. A competent person would be a geotechnical specialist as defined by the Site Investigation Steering Group of the institution of Civil Engineers.

If the report shows that instability can be satisfactorily overcome, planning permission may be granted subject to conditions specifying the measures to be carried out in order to overcome such instability. If the report is insufficient to resolve specific details but sufficient to resolve the main issues regarding stability, planning permission can be granted subject to conditions that the development cannot commence until adequate site investigations have been carried out and that the development shall incorporate the measures shown in the investigations to be necessary. A third option is to refuse the application if the submitted report does not resolve the primary issues or contain details of whether or not the development can proceed

Many local planning authorities may not have the required expertise available to them to assess the reports. It may be appropriate in some circumstances to consider the need to use commercial consultants who may be members of the relevant professional institutions to advise on particular aspects of instability.

If Members grant planning permission for this development the Council would issue a notice to the applicant to inform them that the responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer/landowner.

The applicant has had a slope stability investigation carried out but they are not willing to submit a copy of the Analysis to the Local Planning Authority and have it placed within the public domain for reasons of commercial sensitivity but they have stated that officers can inspect a copy at their offices if required. As an alternative measure, a signed Geotechnical Certificate has been submitted to certify that the Analysis has been "prepared with reasonable professional skill, care and diligence" and that

- It constitutes an adequate and economic design for the project
- Provides a solution to all the reasonably foreseeable geotechnical risks with acceptable factors of safety
- Shows the work intended is accurately represented and conforms to the clients requirements
- Documents have been prepared in strict accordance with PPG14 and the relevant British Standards

The Council does not have the required expertise available "in house" to assess the Slope Stability Analysis which has been carried out on behalf of the applicant but officers accept that the Analysis has been carried out by a person who fulfils the "competent person" requirement as per PPG14 and by virtue of the submitted signed Certification the "developer" has confirmed that he has access to the relevant and appropriate expertise to design and interpret the necessary

site investigations to design the appropriate measures for remediation, prevention and precaution.

Officers consider that the development is in accordance with Planning Policy Guidance Note 14 – Development on Unstable Land and Policy E47 of the Borough of Darlington Local Plan.

Design and Impact upon the Visual Appearance of the Surrounding Area

The predominant character of the area is defined by two storey dwellings that relate directly with the street. In plan form, the dwellings are typically orientated laterally with the footprint presenting the longest side to the highway.

The application site is located on the west side of Blackwell adjacent to a bend in the highway and it is currently occupied by a detached dormer bungalow with an attached garage and car port to the side.

The proposed building essentially contains five storeys/levels but the front elevation when viewed from the street would be three storeys. The rear elevation reveals the five storeys due to the changes in ground level. The first and second floors provide the bedroom accommodation whilst the remaining floors provide the family accommodation. The dwelling incorporates a single storey garage to the side at the ground floor level (entrance level) with living accommodation above. The design of the building is very contemporary constructed from a mix of materials such as stone, painted render, glass and cedar boarding. The dwelling has balcony areas of differing sizes at various storeys on the rear elevations facing west over the River Tees.

Whilst no details have been submitted, the applicant has confirmed development incorporates a drainage design that will restrict any surface water run off to Greenfield discharge rates and it would be constructed to Code 3 Sustainable Homes requirements by the use of renewable energy, high rates of insulation and coatings to glass etc, which are requirements of the Supplementary Planning Document – Design for New Development.

The section of the site where the new dwelling would be located lies outside but adjacent to the Area of High Landscape Value. The dwelling would be highly visible on Blackwell but also it will be viewed in the distance from the A66 when entering Darlington from the south west.

Revised plans for the development have been submitted following concerns being raised by officers on the design and scale of the development. The Supplementary Planning Document – Design for New Development allows a maximum of 2.5 storeys in this location, subject to the local context. Consequently, it is not unreasonable to expect developers to make use of the roof space for accommodation and the third storey of this dwelling is within the roof hence the use of dormer extensions. The number of dormer extensions within the development has been reduced but the extension on the south elevation is still considered inappropriate in terms of its scale and the use of a gable construction to cater for the third storey in the two dwellings are inappropriate.

The third storey is beneath a flat roof construction, which is contrary to the guidelines of the SPD and is an inappropriate form of development. Rooflines in this locality typically slope towards the highway, occasionally penetrated by gables within the main roofline. Officers are not convinced that the design of the proposed dwelling reflects this characteristic as the proposed roofline, whilst having a pitch to one side has a flat top and starts from the top of the first floor upwards, as opposed to the ground floor, which is the case in the area. It is considered that the roofline of the building will harm the character and appearance of the area. Also, no

architectural method has been used to reduce the perceived scale of the dwelling and it remains quite clearly a dominant three storey building, which is contrary to the character of the locality.

The orientation of the building defines the form of the development, which steps down the embankment in response to the requirements to stabilise the bank. This building is orientated gable to road, (perpendicular to the road) which is uncharacteristic of the dwellings in the area.

The ultimate height of the rear elevation, when observed from the ground and from a distance informs the scale of the dwelling. The flat roof of the dwelling and projecting gable form of the rear elevation makes the height and scale of the development inappropriate when viewed from the west and the Area of High Landscape Value

The dwelling has been amended but the overall design, scale and massing of the proposed dwelling is still considered inappropriate and it will have an adverse impact upon the street scene and the wider surrounding areas contrary to the relevant national and local planning policies and the Supplementary Planning Document – Design for New Development. Essentially, the massing of the dwelling is inappropriate as its form and scale is not broken up adequately which could have been achieved through the use of materials, architectural detailing, altering the roofline and reconsidering its orientation and how it interacts with the street.

The gabion wall is a basket type retaining wall built adjacent to the River Tees. Overall it is approximately 6 metres high, built in staggered sections of 4metres and 2 metres with a plateau of approximately 5metres. It stretches along the riverbank to the rear of Nos 49 – 59 Blackwell. The wall sits within the Area of High Landscape Value. It is considered that once the landscaping for the garden areas has matured, the gabion walls would assimilate against the backdrop of the development and it would not have an adverse impact upon the visual appearance and character of the Area of High Landscape Value.

Residential Amenity

There are a pair of semi detached dwellings and a detached dwelling to the east of the application site, on the opposite side of Blackwell and the separation distances between these dwellings and the proposed dwelling is approximately 32 metres and 41 metres respectively. These distances would comply with the relevant proximity distances contained within the Supplementary Planning Document – Design for New Development.

No 49 Blackwell is an existing two storey dwelling to the south of the application site. The northern elevation of No 49 Blackwell which faces the application site contains a single storey garage but no window openings. The southern elevation of the proposed dwelling contains a set of doors at ground floor level leading to a balcony area and a dormer extension in the roof slope, which contains a bedroom window plus ensuite and stairwell windows but they would be overlooking the blank elevation of the neighbouring dwelling.

The position of the new dwelling would comply with the 45 degree code when measured from the rear windows of No 49 Blackwell and therefore it would not have an adverse impact upon the amount of daylight entering the neighbouring property. It is also considered that the new dwelling would not have an overbearing impact upon No 49 Blackwell when viewed from that garden area, which also slopes down towards the riverbank of the River Tees.

Whilst the rear elevation of the new dwelling contains a high number of glazed openings and balcony areas, their views across the rear garden of No 49 Blackwell would be restricted by a belt of mature trees in the neighbouring garden.

The northern elevation of the proposed building at No 51 Blackwell contains two kitchen windows which overlook the south elevation of dwelling on Plot 5 of the adjacent development site which contains a lounge window and two narrow corner windows. However, these openings in the two dwellings are offset from each other rather than directly facing each other and therefore this relationship is considered acceptable. These two dwellings have balcony areas which overlook each other that could be argued to be unacceptable but as this is a new composite development and each dwelling will have the same impact upon each other, officers consider that the relationship between each dwelling is acceptable

It is considered that the spatial relationship between this development and Plot 5 of the adjoining development site is acceptable and will not give rise to significant adverse amenity issues.

Highway Matters

Vehicular access would be directly off Blackwell. The proposed dwelling incorporates a double garage at ground floor (entrance level) and a forecourt area for off street parking. An amended Site Plan has been submitted in order to comply with the visibility requirements outlined by the Council's Highways Engineer. The Council's Highways Engineer has raised no objections to the amended plan subject to the imposition of a planning condition requiring the whole of the highway verge on the site frontage being reinstated to an acceptable condition

Flood Risk

The submitted Flood Risk Assessment (FRA) states that the replacement dwelling would be built above the lower garden areas and will not be affected by any flood events but the lower garden area themselves may be influenced by an extreme flood event. The gabion wall is located adjacent to the River Tees. The Environment Agency objected to the application as the FRA did not comply with the requirements set out in Annex E of Planning Policy Statement 25 – Development and Flood Risk. The FRA failed to consider the effects of displaced water during flood events, taking climate change into account. Displaced floodwater could affect property elsewhere and also affect the reliability of Broken Scar Gauging Station and the flood warnings triggered from it.

A River Modelling exercise has subsequently carried out on behalf of the applicant and it concluded that the results show that the proposed development should have no impact on flood levels on the River Tees. The Environment Agency are satisfied that the retaining wall will not cause or exacerbate flooding elsewhere and they have withdrawn their original objection to the proposed development and recommended the imposition of planning conditions relating to securing an acceptable surface water drainage scheme and to securing and managing a buffer zone between the gabion wall and the River Tees

Northumbrian Water has not objected to the application but requested the imposition of planning conditions relating to protection measures and unrestricted access for their apparatus

Protected Species

Natural England originally objected to the submitted Protected Species Assessment as the survey works did not take account of any potential impacts upon No 49 Blackwell, where the stabilisation works are also present. A second detailed survey of the site and the surrounding area, carried out by an ecologist, recorded no evidence of any protected species

A Bat Survey found no evidence of bats and the risk of bats being disturbed was low. The Survey also included a mitigation strategy for demolishing the existing dwelling.

Natural England has stated that the proposal is unlikely to have an adverse effect on bat species or breeding birds. They have requested the imposition of two planning conditions to ensure that the dwelling is demolished in accordance with the mitigation strategy and that any works on site and vegetation clearance should avoid the bird breeding season.

Trees and Landscaping

The application site does contain some young mature trees, of mixed species, to the rear but none are worthy of a tree preservation order. It is considered appropriate to impose a planning conditions relating to a landscaping scheme and submission of an Arboricultural Methods Assessment; an Arboricultural Method Statement and a Tree Protection Plan.

if Members wish to approve the planning application.

Contaminated Land

The Council's Environmental Health Section have requested the imposition of a planning condition to secure the submission of Phase 1 Desk Top Contaminated Land Study and also a condition to restrict the hours of construction activities.

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 proposal involves the demolition of the existing dwelling and the erection of a replacement dwelling, which is of a contemporary design. The application also includes a retrospective element relating to some slope stabilisation works which have been erected to the rear of Nos 51 and 49 Blackwell.

The application site lies within development limits and the Area of High Landscape Value identified in the development plan.

The submitted Design and Access Statement states that the embankment running down from the rear of the proposed dwelling to the riverbank of the River Tees has a history of major landslips.

The applicant has had a Slope Stability investigation carried out but they are not willing to submit a copy of the Analysis to the Local Planning. As an alternative measure, a signed Geotechnical Certificate has been submitted to certify that the report has been prepared in strict accordance with Planning Policy Guidance¹⁴ – Development on Unstable Land (PPG14) and the relevant British Standards. The Council does not have the required expertise available “in house” to assess the Analysis but officers accept that it has been carried out by a person who fulfils the “competent person” requirement as per PPG14 and the submitted signed Certification shows the “developer” has confirmed that he has access to the relevant and appropriate expertise to design and interpret the necessary site investigations to design the appropriate measures for remediation, prevention and precaution. The Council consider that the development is in accordance with Planning Policy Guidance Note 14 – Development on Unstable Land and Policy E47 (Contaminated and Unstable Land and Development) of the Borough of Darlington Local Plan.

The development would not have any significant impact in terms of flood risk, loss of daylight or sunlight to adjoining existing dwellings and those proposed as part of redevelopment of land to the north. It would also ensure that adequate levels of privacy were maintained taking into account the circumstances of the development. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention.

However, notwithstanding the above the overall design, scale and massing of the proposed dwelling is considered inappropriate and it will have an adverse impact upon the street scene and the wider surrounding areas contrary to the relevant national and local planning policies and the Supplementary Planning Document – Design for New Development

The following national and local planning policies were taken into consideration

National Policy

Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Guidance Note 14 – Development on Unstable Land

Planning Policy Statement 25 – Development and Flood Risk

Borough of Darlington Local Plan 1997

E2 – Development Limits

E7 – Landscape Conservation

E8 – Area of High Landscape Value

E10 – Protection of Key Townscapes and Landscape Features

E11 – Conservation of Trees, Woodlands and Hedgerows

E12 – Trees and Development

E14 – Landscaping of Development

E16 – Appearance from Main Travel Routes

E17 – Landscape Improvement

E23 – Nature and Development

E24 – Conservation of Land and Other Resources

E25 – Energy Conservation

E27 – Flooding and Development

E28 – Surface Water and Development

E29 – The Setting of New Development

E46 – Safety and Security

E47 – Contaminated and Unstable Land and Development

H3 – Locations for New Housing Development

H11 – Design and Layout of New Housing Development

T8 – Access to Main Roads

T12 – New Development Road – Road Capacity

T13 – New Development – Standards

T24 – Parking and Servicing Requirements for New Development

T39 – Conditions for Pedestrians

Supporting Documents

Supplementary Policy Document – Design for New Development

Manual for Streets

Darlington Borough Council Design Guide and Specification

RECOMMENDATION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON

The overall design, scale and massing of the proposed dwelling is considered inappropriate and would result in a discordant development adversely affecting the visual appearance of the street scene and its wider surroundings including the Area of High Landscape Value. The development is considered contrary to Planning Policy Statement 1 – Delivering Sustainable Development; Planning Policy Statement 3 – Housing and Policies E7 (Landscape Conservation), E8 (Area of High Landscape Value), E10 (Protection of Key Townscapes and Landscape Features), E16 (Appearance From Main Travel Routes), E29 (The Setting of New Development) and H11 (Design and Layout of New Housing Development) of the Borough of Darlington Local Plan 1997 and the Council’s adopted Supplementary Planning Document – Design for New Development)