

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 February 2011

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APPLICATION REF. NO:	10/00795/CAC
STATUTORY DECISION DATE:	8 February 2011
WARD/PARISH:	PARK WEST
LOCATION:	56 Linden Avenue, Darlington D3 8PP
DESCRIPTION:	Conservation Area Consent for partial demolition of boundary wall to provide vehicular access
APPLICANT:	Mr And Mrs D A Leighton

APPLICATION AND SITE DESCRIPTION

Conservation Area Consent is sought to demolish part of the existing side boundary wall to provide vehicular access to the site behind.

The wall is 2.4m in height and the section removed to provide for the vehicular access would be 7.5m in width.

A separate planning application has also been submitted for the erection of a detached dwelling on the site of which the existing wall would form part of the front boundary.

The site consists of part of the large rear garden of No. 56 Linden Avenue. The garden is located to the south of Cleveland Terrace and this boundary consists of a relatively high brick wall which bounds the highway.

PLANNING HISTORY

10/00483/FUL, on 20 August 2008 a planning application was withdrawn for the erection of a dwelling on the site. This application was withdrawn so that a better design could be considered and a new application made.

PLANNING POLICY BACKGROUND

Policy Statement 5: Planning for the Historic Environment (2010) is the most directly relevant policy consideration.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposal by way of letter.

An objection was received from the occupiers of 1 Neville Road. The points made are summarised below:

- *The proposed entry/exit onto Cleveland Terrace would only add to the congestion of parking and traffic experienced, especially during the school terms. We already have parents parking on white lined areas and regularly even blocking across our driveway.*
- *Bearing in mind the safety measures implemented to protect school children in particular, the addition of an extra hazard would appear to be a backward step.*
- *We notice that the proposed point of entry/exit has reverted to the original application position, which still has a large surface area of wash-off from the roofs and driveway to add to the existing drainage problems that we have in this area. Basically the water will no longer be contained within the walled garden area.*
- *The partial demolition of the boundary wall to form this entry/exit point would destroy a traditional Garden Bond brickwork wall formed with brick piers, intermediate panels and top brickwork “beams” under the coping stones.*
- *There are, we believe, two areas of problems associated with this plan, apart from the production of a truncated shadow of its former self. The reduction in height will mean that the top brickwork beam, under the coping stones, is removed and therefore to retain the integrity of the wall the “cut” line will have to be probably four courses of brickwork (of which two courses will be splayed brick) below the proposed height to underside of coping stone level. If this is not done, the coping stones will be balanced precariously onto the thin panel section of the wall and the structural integrity of the pier, panel and beam will be lost. The result will be a ‘patchwork quilt’ of re-pointed areas of four or five courses of brickwork. In addition the area of wall will have to be reinstated where the old defunct pedestrian gate is now.*
- *Of course, none of the above will be of too much concern to the final purchasers of the proposed property, only the existing community will have to benefit of this view!*

An objection was received from the occupiers of 7 Sylvan Grove. The points made are summarised below:

- *The destruction of established gardens and trees and the impact it will have on the character of the area.*
- *Design, impact, aesthetics, architecture and the impact it will have on the existing conservation area.*
- *Impact of removal of trees and shrubbery within a conservation area.*
- *Impact of highway and safety in relation to the school – currently at school times Cleveland Terrace / Linden Avenue and surrounding roads are very congested. By the introduction of another drive way especially so close to the Neville Road it is our opinion that this will create a hazard so close to the junction. It is our fear that a vehicle accident and even worse a child could be hurt by the introduction of an additional driveway causing further disruption to the narrowed passing places on Cleveland terrace.*
- *Impact of Drainage Implications causing additional flooding to Cleveland Terrace which currently can’t cope with heavy rain. By adding additional run off via a new drive will cause additional flooding and concerns are in relation to potential sewerage problems, which would in our opinion cause additional safety issues.*
- *The proposed removal of the wall and construction of the new wall would be modern, as opposed to the traditional existing wall this would again not be in keeping with the existing conservation area.*
- *It is our belief the Character and Architecture are not in keeping with the area. We have already seen an established orchard, established trees and natural vegetation destroyed*

at a house on 1 side of us and we feel if permission was granted it would destroy another beautiful established garden which in our opinion goes against a conservation area in the sense it is not being preserved. In short it is our opinion that the proposed development is not in keeping with the local conservation area.

- *The proposed building materials would be out of keeping with the existing conservation area. As mentioned an additional grave concern would be that it would cause a strain on infrastructure and amenities. An additional and very worrying factor is the effect it would have on highways and safety.*
- *We would hope that the West End of Darlington can be preserved in keeping within the existing character and conservation area and for these plans to be rejected on the basis and grounds that they are totally out of keeping of the existing locality and also the additional strain it would impose from a highways and safety, utilities (drainage) perspective.*

An objection was received from the occupiers of 113 Cleveland Terrace. The points made are summarised below:

- *This application is a part of the proposed development (10/00703/FUL) within the grounds of 56 Linden Avenue, to which we have previously objected.*
- *We feel that the two applications should not be considered separately as this application is an integral part of the main planning application relating to this property.*
- *The proposed access is on a narrow part of the road where traffic calming measures have already been undertaken. These measures were put in place to reduce the risk of accidents around the junctions which surround the infant school. The addition of yet another access and driveway in this area would appear to be a regrettable step and increase the danger to pedestrians, especially children, in this area.*
- *The distinctive wall has been an integral part of the conservation area and any change would be detrimental to the area.*
- *During the school run many cars and pedestrians use the road and pavement and this driveway access would pose a significant risk at these particular times.*
- *The nature and height of the wall will mean that the driver's view on exiting such a proposed access is severely restricted, again causing dangers to pedestrians, in particular young children.*

An objection was received from the occupiers of 5 Sylvan Grove. The points made are summarised below:

- *The vehicular access will be on a very busy road opposite a school. Traffic calming measures have already been implemented. A new entrance would have an impact on the highway and safety.*
- *The wall proposed for partial demolition is a historical feature of the area.*
- *If access is needed why can the access in Linden Avenue not be used?*
- *Giving vehicular access is the first step in gaining planning permission for the proposed development of a three storey detached house which I have objected to.*

As this application is for Conservation Area Consent, the issues raised by the objectors with regard to highway safety and surface water flooding are not matters which can be taken into account in assessing the proposal and its impacts on the character and appearance of the West End Conservation Area. This application for Conservation Area Consent only relates to the demolition of the section of wall and not to the development of the proposed dwelling itself.

The objection letter from the occupiers of 1 Neville Road refers to the reduction of the height of the wall. This reduction was the initial intention but is no longer proposed and the description and consultations have taken place on the basis that the wall would remain as existing with the exception of the demolished section.

The objection from the occupiers of 7 Sylvan Grove asserts that the proposal is for a new replacement wall whereas, in fact, the proposal is to retain the existing wall with the exception of the demolished section.

PLANNING ISSUES

The issue to be considered in the determination of this application relates to whether or not the demolition of part of the wall is acceptable in terms of its impact on the appearance and character of the West End Conservation Area.

Planning Policy Statement 5: Planning for the Historic Environment, sets out that the local Planning Authority should identify and assess the significance of any element of the historic environment affected by the proposal.

The existing wall forms the boundary for the rear garden of 56 Linden Avenue and appears to date from the same time as the house itself (early 20th Century). The existing wall has a good visual appearance.

The proposed demolition would remove a 7.5m section to allow for vehicular access and visibility splays. A section of wall some 5.5m and another section over 14m would remain.

The proposed demolition of this section of the existing wall on balance, would not be harmful to the character and appearance of the West End Conservation Area, as it's value as a visually important means of enclosure would for the most part be retained. the provision of this type of feature would be in keeping with the area when it is associated with providing vehicular access to a property.

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

Planning Policy Statement 5: Planning for the Historic Environment, sets out that the significance of the heritage assets should be taken into consideration when assessing the proposal. It is considered that the proposed demolition of the section of the wall would not be harmful to the character and appearance of the West End Conservation Area.

RECOMMENDATION

CONSERVATION AREA CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B5 Detailed Drawings (Accordance with Plan)
3. The development hereby approved shall not be carried out until a scheme for the redevelopment of the site has been approved by the Local Planning Authority and a building contract has been agreed and submitted to the Council for the carrying out of the scheme so approved.

Reason: Demolition without the redevelopment of the site would be detrimental to the character of the Conservation Area

Suggested summary of reasons for granting planning permission

The decision to grant consent has been taken having regard to the policies in Policy Statement 5: Planning for the Historic Environment (2010).