

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 12th February 2014

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APPLICATION REF. NO:	13/00793/FUL
STATUTORY DECISION DATE:	12/12/13
WARD/PARISH:	Hurworth
LOCATION:	Black Banks Farm, Snipe Lane, Darlington
DESCRIPTION:	Replace existing bungalow with two storey dwelling.
APPLICANT:	Mr J Burnside.

APPLICATION AND SITE DESCRIPTION

The site lies off Snipe Lane (East) and is accessed off the A66 Trunk Road via a narrow private track. There is a small bungalow on the site which is the subject of this application, currently unoccupied but with planning permission to substantially extend. This site is part of a disused Kennels and Cattery business and is currently unoccupied.

It is proposed to demolish the existing bungalow and replace it with a four bedroomed house, Whilst the proposed new dwelling will be larger in scale, it will cover a similar footprint on the ground.

The house will be of brick and tile construction and located in the same position as the existing bungalow and be served by the same access as the original bungalow and disused Kennel/Cattery business.

PLANNING HISTORY

97/00571/FUL – removal of restrictive occupancy condition approved 1998 on existing bungalow.

13/00016/FUL – Extend and alter bungalow approved in 2013

13/00017/FUL – Change of use of nearby agricultural land to residential Gypsy site for four pitches withdrawn in 2013

PLANNING POLICY BACKGROUND

National Planning Policy Framework

Darlington Local Plan – Policy H7

Darlington LDF Core Strategy – Policy CS2

RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted but no comments were received.

Consultee responses:-

Environmental Health – No objections – request conditions.

Parish Council – Object on road safety grounds as the access onto the A66 is very dangerous.

CPRE – Object on grounds of new dwelling in open countryside contrary to planning policy (see below) and road safety grounds at the access onto the A66.

Highways Agency – No objection as the traffic generated by the replacement dwelling will be no more than the existing dwelling and Kennels/Cattery business.

PLANNING ISSUES

The main issue to consider in relation to this application is whether the proposal should be in compliance with the planning policies which relate to new residential development in open countryside, taking into account that it is a replacement dwelling and the fall back position in relation to the existing bungalow which has planning permission to raise its roof and insert six dormers to create a five bedroomed dwelling.

Policy H7 of the local plan strictly controls the development of new dwellings in the countryside, and requires this to be justified on grounds of it being an essential requirement for the running of a business confined to a countryside location such as agriculture or forestry. A strict application of the policy would therefore lead to a negative recommendation in this case. However it is important to take into account further material planning considerations.

In this instance, the existing building constitutes a modern brick and tile bungalow, which whilst of limited visual impact, does have planning permission (granted last year) to raise its roof and insert six dormers. This would have the effect of increasing its visual impact and in the opinion of officers, taking account of the limited architectural merit of the building would have a more detrimental effect on the character of this particular locality than the proposed replacement dwelling.

It is therefore considered that the proposed replacement dwelling would represent a better solution in visual terms than extending the existing bungalow. It is also of significance that this proposal represents a *replacement* dwelling and not an *additional* one in open countryside. Officers are also of the opinion that should permission be refused, then on appeal, an Inspector

would be likely to take a pragmatic view of the facts of the case and allow the appeal as the proposed replacement dwelling would not conflict with the aims of Local Plan Policy H7.

The aims of the restrictive Policy H7 include to “safeguard the character of the countryside”. It is considered that the replacement dwelling as proposed will fulfill that aim.

In terms of design of the proposal and other matters of detail, it is considered that the new dwelling will not over dominate the locality, having four bedrooms and a limited footprint (not dissimilar to that of the existing bungalow). Brick and pantile external materials are considered appropriate here and no objections have been raised to the proposed access to the site from the A66 Trunk Road by the Highways Agency in view of the proposal being a replacement dwelling, generating no more traffic than now potentially exists.

Officers consider the improved design will fully comply with Core Strategy Policy CS2 which aims to promote good design of a sustainable nature. The applicants confirm that the new dwelling would be built to exceed current Building Regulation standards and thus be of a more sustainable design than the existing bungalow.

Conclusion

It is considered that in this instance, taking into account the particular circumstances of this case, that strict adherence to residential development planning policy as applied in open countryside locations at Darlington is outweighed by the considerations that this would be a replacement rather than additional dwelling, visually superior to the existing building and will not materially harm the character of the countryside as required by Policy H7.

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.

RECOMMENDATION

That Planning Permission be GRANTED with the following conditions:

1. A3 – Implementation time
2. B4 – Details of materials
3. B5 – Accordance with plans.
4. J2 – Contaminated land
5. This permission shall relate to amended plans received by the Local Planning Authority on 20th December 2013. *Reason* For the avoidance of doubt.