

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 30 July 2014

Page

APPLICATION REF. NO: 14/00393/FUL

STATUTORY DECISION DATE: 17 June 2014

WARD/PARISH: MIDDLETON ST GEORGE

LOCATION: Gatehouse Lodge
Low Middleton
MIDDLETON ST GEORGE
DARLINGTON
DL2 1AX

DESCRIPTION: Variation of condition 5 attached to planning permission 13/00810/FUL dated 6 December 2013 (for erection of detached garage in former paddock incorporating a renewable energy plant facility, workshop and store to first floor with associated access road; and erection of conservatory to rear of existing dwelling) to permit a reduced width to the right of way

APPLICANT: Mr Martin Corney

APPLICATION AND SITE DESCRIPTION

Planning permission is sought to vary of condition No 5 attached to planning permission 13/00810/FUL dated 6 December 2013 (for erection of detached garage in former paddock incorporating a renewable energy plant facility, workshop and store to first floor with associated access road; and erection of conservatory to rear of existing dwelling) to permit a reduced width to the right of way.

Gatehouse Lodge is located at Low Middleton, to the south east of Middleton St George/Middleton One Row. The existing dwelling has a relatively small curtilage bounded by a fence. To the south of this is a paddock area which is roughly gravelled over and south of this is a field used for grazing cattle in which there is a Grade II listed Dovecote. The nearest neighbouring residential property is some 20m from the existing dwelling on the application site.

PLANNING HISTORY

On 6 December 2013 planning permission was granted for the Erection of detached garage in former paddock incorporating a renewable energy plant facility, workshop and store to first floor with associated access road; and erection of conservatory to rear of existing dwelling (Ref: 13/00810/FUL).

PLANNING POLICY BACKGROUND

The following policies of the development plan are relevant:

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E4 New Buildings in the Countryside
- H7 Areas of Housing Development Restraint
- H12 Alterations and Extensions to Existing Dwellings

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality, Sustainable Design
- CS14 Promoting Local Character and Distinctiveness

The National Planning Policy Framework 2012 is also relevant. The above policies are considered to be compliant with the National Planning Policy Framework.

RESULTS OF CONSULTATION AND PUBLICITY

A site notice has been displayed at the entrance to the site and consultation letters sent to neighbouring properties. No objections have been received.

The **Rights of Way Officer** has agreed that the width of the right of way can be reduced to 1.2m at the roadside where there is less room but should be wider after that.

The **Highways Engineer** raised no objections.

Middleton St George Parish Council objected to the application as they considered it will restrict the width of the public right of way and that a post and rail fence will not be in character with the area.

PLANNING ISSUES

Planning permission was granted on 6 December 2013 for:

Erection of detached garage in former paddock incorporating a renewable energy plant facility, workshop and store to first floor with associated access road; and erection of conservatory to rear of existing dwelling.

Condition 5 of this approval was as follows:

Notwithstanding the submitted plans, a minimum width of at least 1.5m shall be provided to the right of way to the eastern part of the application site.

REASON - In the interests of the amenity of users of the right of way.

The proposal is now to reduce the width the right of way to 1.2m, but only where next to the road as there is less space in this area and so that separate gates can also be installed. The remainder of the right of way would be 1.5m in width and would be fenced off with a 1.17m high post and rail fence. The proposal is considered to be acceptable.

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 reduction in width of part of the right of way, to 1.2m, is considered acceptable. The remainder of the right of way would have a width of 1.5m where it passes over the site.

RECOMMENDATION

It is recommended that planning permission be granted subject to conditions.

CONDITIONS

1. Unless otherwise agreed in writing, the other conditions attached to and specified on the notice of planning permission No. 13/00810/FUL relating to this development are reiterated and are still in force insofar as the same have not been discharged to the satisfaction of the Local Planning Authority.

REASON –The conditions specified on the original grant of planning permission are still in force and have to be complied with.

The following policies have been taken into consideration in arriving at this decision.

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E4 New Buildings in the Countryside
- H7 Areas of Housing Development Restraint

- H12 Alterations and Extensions to Existing Dwellings

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality, Sustainable Design
- CS14 Promoting Local Character and Distinctiveness