

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4 May 2016**

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<b>APPLICATION REF. NO:</b>	15/01216/FUL
<b>STATUTORY DECISION DATE:</b>	22 April 2016
<b>WARD/PARISH:</b>	COLLEGE
<b>LOCATION:</b>	Garages And Garden To Rear Of 38 Langholm Crescent
<b>DESCRIPTION:</b>	Demolition of existing garages and erection of detached dwelling with single garage to rear (as amended by plans received 9 March 2016 and additional plans received 18 March 2016)
<b>APPLICANT:</b>	Mrs Denise Vassilounis

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Members will recall that a decision was deferred at the previous Planning Applications Committee (April 2016) to enable Members to visit the site.

**APPLICATION AND SITE DESCRIPTION**

The application site is part of a quadrangle of land to the rear of Langholm Crescent, Uplands Road, Fife Road and Cleveland Avenue. The site comprises a garden space with a single garage at the north end and a triple garage on the southern end. There are domestic gardens (containing garages and sheds/summerhouses) to the east and west and a row of garages form the western edge of the quadrant. The shared boundary with the neighbouring domestic gardens comprises a timber fence approximately 2m high (west) and a timber fence approximately 1.5m high (east).

The quadrant is surrounded by rear lanes which are accessed from the surrounding residential streets which predominantly comprises of terraced dwellings. The site lies within the West End Conservation Area.

The proposal involves the demolition of the two existing garages and the erection of a new detached three bedroom dwelling with an attached garage to the rear. There would be space for two further parking spaces to the rear of the dwelling with access off the back lane (south). The proposed dwelling is a mix of two storeys; 1.5 storeys and the single storey garage and there would be some internal amenity space. The building would be a contemporary design constructed from red facing bricks, a metal standing seam roof (coloured slate grey); high performance glazing, vertical timber louvres across a dormer window and aluminium rain water goods. The site would be enclosed by 1.8m high fencing to the east and west, and 0.9m railings to the front (north). Pedestrian access to the front of the dwelling would be via a new lit footway in the lanes.

The various elements of the proposed dwelling would measure (approximately):

*Main two storey dwelling*

7m wide; 9.2m long with an overall height of approximately 7.2m under a dual pitch roof.

*The 1.5 storey element*

3.8m wide; 4.7m long with an overall height of approximately 6m under a dual pitch roof.

*The single garage*

3.1m wide; 6.1m long with an overall height of approximately 3.8m under a dual pitch roof

## **PLANNING HISTORY**

The relevant entries are:

09/00669/FUL In December 2009 planning permission was GRANTED for the demolition of the existing garages and the erection of one single garage and one triple garage.

09/00797/CA In December 2009 conservation area consent was GRANTED for the demolition of the existing garages

15/00694/FUL An application for the erection of a detached dwelling and detached double garage was WITHDRAWN in October 2015

## **PLANNING POLICY BACKGROUND**

The relevant national and local development plan policies are:

### **National Planning Policy Framework 2012**

#### **Borough of Darlington Local Plan 1997**

E2 – Development Limits

E12 – Trees and Development

H13 - Backland Development

#### **Darlington Core Strategy Development Plan Document 2012**

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

#### **Other Documents**

Supplementary Planning Document – Design for New Development

West End Conservation Area Character Appraisal

Tees Valley Design Guide and Specification – Residential and Industrial Estates Development

## **RESULTS OF CONSULTATION AND PUBLICITY**

A total of 33 letters of objection were received from 26 households in relation to the original submission. Four of the letters have been submitted by persons who live outside of the Borough. The comments can be summarised as follows;

- *The development would change this unique feature of a conservation area*
- *It would change the street scene of the square*

- *The property would be intrusive*
- *Access to the proposed property would be difficult for the new owners and especially for builders*
- *Our double garage would be opposite the front of the building across a narrow lane*
- *Parking is very difficult in the four roads to front of the houses on the square and therefore we use our garages at all times*
- *The alley has yellow lines with restricted parking and access is needed to garages at all times*
- *The application has been before Planning before and nothing has changed. The site is too small for this type of development, let alone the access to the plot.*
- *It would contravene the preservation requirement for the area*
- *If approved, it would open the door to further development on the plot which would not be reasonable due to the access to the area and visual aspect of the development to the properties around the plot*
- *The development is in an area that is designated as garages and rear gardens. It has no clear roadway entrance*
- *The quadrangle has developed into a isolated green area of nominal plant and sporadic natural life*
- *The land is enclosed by cobbled rear alleys where children play*
- *It is surrounded by high terraces and any house on the site would encroach on the privacy of all the inhabitants. It would also be looked at from all sides by the terraced dwellings. The backs of the houses would be directly overlooked by the new house*
- *This space and land is not meant to have a home. There is no housing need or shortage that this development will fulfil*
- *This is a unique space in Darlington which attracts many birds and other creatures to a lovely bit of area*
- *We do not wish to see the lanes filled with contractor's vehicles and access to the property will affect everyone living round the square*
- *The building will still be intrusive to the surrounding properties and restrict views and skyline from the properties around the new build. This will still be overbearing to the neighbouring houses and impact on people's privacy*
- *It is not in keeping with the buildings around the area and was never intended to be built upon other than for garages and gardens*
- *The tarmacking of the alleyways for access will be ugly and will take away the character and conservation feel of the area*
- *This will increase traffic and there is very little room for manoeuvring*
- *There is a concern that if passed, the remaining land will be targeted by developers*
- *The visual aspect from my property will be significantly affected by the dwelling. It is a unique square which provides an oasis of calm and was never intended to be built on*
- *The aesthetics of the area should be respected at all costs*
- *This is a no parking area for residents and we have been instructed over the years that the reason behind this inconvenient no parking decision is to allow safe access at all times for emergency vehicles. I fail to understand how an access on a daily basis and frequent basis to a private dwelling can uphold this predetermined ruling.*
- *Inadequate access for emergency vehicles would be provided*
- *Access for large delivery vehicles would be extremely difficult, would cause disruption to residents and would risk damage to properties and vehicles*
- *There are approximately 29 properties surrounding the site which all currently enjoy a good level of privacy to the rear due to the distance between them. The development would significantly intrude on the privacy of the majority of the surrounding dwellings*

- *Although not a resident in the town I am a regular visitor to the area and enjoy nothing more than sitting in the rear garden of my sister's property. The area is tranquil and full of birds. The development would destroy a characterful and much needed green space and would be an out of place eyesore*
- *I see no reason why such plans should be considered given that the proposed area is one that should be preserved as a conservation area. There are few areas that have opportunity to border onto such open spaces*
- *The development would not accord with The Right of Light as protected in England Wales by the Prescription Act 1832. We still believe that it will cast an inordinately large shadow across the garden and the rear of our premises (on Uplands Road) limiting the amount of light to flow through the rear windows*
- *This area is not suitable for a residential dwelling irrespective of the height being reduced and windows being repositioned. If the plans submitted to erect a bungalow we would still object.*
- *The new design offers the impression of a prison block*
- *The access lanes do not lend themselves to sustained heavy vehicle use which will be the case throughout the proposed development. The cobbles will be damaged and the surface will undulate giving rise to slipping and tripping hazards. The drainage systems under the surface will be damaged.*
- *There is very little traffic except for the occasional residents parking cars in the garages. This development will increase the traffic significantly*
- *Street lighting would infringe upon the privacy of existing residents*
- *The footway will reduce the width of the access lane restricting the safe passing of two vehicles*
- *The plot has a significant area that at the moment is greenery and/or garden and the development will greatly reduce the amount of land that would be given over to garden and as such will impact upon the wildlife habitat*
- *The square is of historical value and in a conservation area which has already been designated at risk by Historic England*
- *Pedestrians can walk and children can play in the lanes without fear of traffic and should a house be built they will no longer be able to enjoy this freedom due to an increase in cars*
- *When we moved into our house one the features that attracted us to that particular dwelling was the open space to the rear including the garden to the east of the development that belongs to us. After we acquired the land we have created a garden that is appreciated by our neighbours. Many of the neighbours would like to acquire the development site and make it into a community garden and we would be prepared to donate our garden to add to such a community effort*
- *Would the granting of permission not set a precedent for development of a house on our garden? It is not what we would contemplate but if our garden is regarded as a potential development plot then we object to the design of the current application as it would seriously compromise any design which as proposed for our site*
- *The east façade is very close to the western boundary of our garden reawakening our concerns for our trees on that side of the garden. The plans do not show our summer house which lies to the North West corner of our garden and it is extremely close to the proposed two storey building. The development will seriously compromise the sun light in our garden on an evening at a time when we would be most likely to be using the garden*
- *Darlington has recently been rated 7<sup>th</sup> best place to live which is very good for the town but this will not be achieved by destroying what is best about the town.*

- *This is a suburb that was recently commended by English Heritage for retaining a great deal of original architectural interest*
- *There is already insufficient parking and the loss of rented garage accommodation in the area will lead to those residents without access to garages becoming more reliant on on-street parking. We need more garages, not less*
- *Following previous developments by the same individual a precedent has been established to provide pavements and street lighting at corporate expense for the financial advantage of the few. This is highly inappropriate at a time when the Council is short of funds to maintain existing roads and pavements. This is a particular matter of shared local concern.*
- *When I visit my daughter's property I enjoy sitting in the walled garden which is not overlooked and which is rare in towns these days. I am sure there are plenty of areas that the developer could build a new dwelling without ruining such a rare area within a town.*
- *The rear of the dwellings on Uplands Road face south and benefit from sunshine to the gardens and rear of the properties for much of the day and this would be reduced by the development*
- *This development would destroy the last remaining garden square*
- *The thought of a modern and most probably very large overbearing house is outrageous. We residents are paying large council tax payments annually and do not accept that we shall have to accept the building of a new house in our very midst. The rear views will be greatly restricted by such a large building and it is in my opinion totally unacceptable*
- *I feel most strongly to urge the Council to restrict builders and individuals from spoiling other residents views, light, space and general happiness and well being*
- *It is very likely to affect house prices and result in a lowering of house values of those houses affected by a proposed dwelling.*
- *I visit with my small children who love to play in the cobbled lane to the rear of my aunt and uncles house. It is one of the few areas that I feel safe allowing them to do so. If a property were to be built this would lead to industrial machinery travelling in and out during the construction and afterward access by the occupants of the new dwelling putting my children at risk and curtailing their enjoyment*
- *The detached dwelling would have a negative impact on existing residential amenity and on particular the domestic gardens adjacent.*
- *The proposal ignores the guidance in the Design SPD which states that detached properties in this area (Zone 2) would not be appropriate as they are not in keeping with the character of this part of the Borough*
- *The scale and siting struggles to meet the proximity distance requirements from the surrounding properties*
- *The proposal would be contrary to Policy CS2 of the Core Strategy and the Design SPD*
- *Pedestrian access to existing garages would be less safe due to the proposal and disabled access would be extremely difficult over the current and uneven block pavior surface finish. The existing lanes are not wide enough to create a designated footway to the dwelling*
- *Street lighting would cause light pollution*
- *The principle of the development would be contrary to the National Planning Policy Framework 2012 as it does not make a positive contribution to local distinctiveness*
- *This is destruction of a green open space that provides a wildlife refuge in a dense urban area. In the summer I watch the swifts foraging high above the square for insects. Bats fly in a similar path over the square foraging in the dark.*

- *In the square two of the houses that back onto the site are for sale and have been for some time. There is no need for houses to be squeezed into gardens*
- *The plan does not make adequate provision for visitor vehicles*
- *The plans are for a very ugly house that looks like a large tin roofed shed. The dwelling looks like a cheap speculative project within inadequate natural lighting and ventilation with no garden, no outlook, and very few windows*
- *The development is contrary to the Character Appraisal for this conservation area.*
- *The site sits centrally within a conservation area and it begs the question as to what is the point of having a conservation area if developers are allowed to build in these areas*
- *A building of a contemporary design does not belong in this conservation area. A conservation area should not be subject of major development of this type.*
- *The dwelling would have 20 adjacent dwellings on all four sides and we do not think it is right that such a large number of people could lose some of their enjoyment of this green quadrangle so that one individual can profit from the scheme.*
- *This will lead to highway safety issues for pedestrians, emergency vehicles, and vehicular access*
- *Street lighting would need careful consideration to be effective and not intrusive*
- *The land is an integral part of the Edwardian design in the area. It is unique and there is no other such site in Darlington. The quadrangle has been used for garages/workshops and gardens since the houses were built making a contribution to the areas green infrastructure and biodiversity. It has become part of the ever decreasing semi natural habitats in the town. It has always been a garden.*
- *There are two established trees in the garden that I am sure would become under threat should their roots be disturbed by building works*
- *The proposal is contrary to Policy H13 (Backland Development) of the Borough of Darlington Local Plan, The development would impact upon my property, the free and safe flow of traffic especially if the lane is narrowed in order to create a footpath.*
- *The scale and character of the neighbourhood will be affected by the presence of a building that is higher than the garages around it. I am concerned about loss of privacy and it is not consistent with the existing terraced dwellings with small front gardens.*
- *The property will affect the light to the upper elevations and garden of our house*
- *Additional noise created from vehicles using the back lane for access*
- *The garden plot is too close to other properties*
- *Coupled with noise that such a development will bring we consider that this development would have a direct impact on our everyday living. We have a new born baby and we believe that the development will curtail the enjoyment of being able to spend quality time on the garden*
- *The development will have a significant negative impact on the conservation area and wider heritage asset due to its size, mass, siting and location*
- *There is no need for the development with new dwellings being built at Feethams Football Ground, Haughton Road and possible Raventhorpe, Blackwell Golf Course and the Arts Centre*
- *The design and materials of the proposed dwelling are out of character with the surrounding area*
- *The development fails to accord with the local development plan policies CS1 and CS2 of the Core Strategy*
- *The front door and windows would be less than 4m from the garage doors of No's 6 and 8 Uplands Road and less than 22m from the rear house doors and facing windows of those properties. This is less than the 26m referred to in your letters of response to the*

*applicant's previous pre-application and full planning application. This does not accord with guidelines on proximity distances*

- *The building at over 7m will overshadow rear windows and gardens and be overbearing even if it does accord with the proximity distances*
- *None of the previously valid considerations have been addressed or altered by the current proposal*
- *Having a footpath that abuts the garage door of No 10 Uplands Road which is surely a danger*
- *I would urge the Planning Committee to arrange a site visit so that they can picture the absurdity of this proposal*

The following comment has been received from a person who lives outside the Borough:

- *I am pleased that this area would at last be regenerated. The garages have been unsafe and this plot has been unsightly and a harbour for vermin for too long. My feelings are if this development is done sympathetically to the area, it will enhance what at the moment is a dark back lane which was always a worry due to certain characters looking for easy pickings. I hope this will be a lovely mews style development and create light and safety for those around the perimeter and be a pleasure to walk through the lanes again*

Three letters of general support has been received making the following comments:

- *I would support the building of housing on the proposed site. At present the site is overgrown and run down with old garages and bushes and trees. The plot is not used by the public as far as I am aware and it is privately owned and I feel it is at the discretion of the owner to build a property to offer more housing in the area. I am sure the house will be in keeping with the surrounding area and will add to and not detract from this part of Uplands Road/Fife Road area*
- *The site is currently a brownfield site and therefore has already been built on. The site presently houses four unsightly garages which have been in disrepair for some time. As a result the site has already sustained some levels of vandalism. If it is left the risk will increase. The dwelling would lessen the risk both for the site and the surrounding properties*
- *In my opinion, the dwelling, whilst taller than the existing garages will improve the view for the residents over the existing run down space.*
- *The revised plans seem to have fully taken into account privacy for the existing houses. They also propose three parking spaces which will reduce potential traffic levels*
- *Access for emergency vehicles would be unaffected as the back lane is the same width as other where planning permission has been granted by the Committee and it is wide enough for emergency vehicles to pass through. The land is private and already fenced off, so the local community are not at liberty to utilise the space*
- *I have lived in and around this area all my life and I feel that utilising this space for a dwelling will only enhance the appearance of the area as it is currently untidy and unkempt. It will also improve security behind my property*

A letter has been received from Jenny Chapman MP which had a letter and petition attached containing 79 signatories opposing the proposal on the following grounds:

- *The Council's Core Strategy makes a commitment to contribute to the happiness, fulfilment, health and wellbeing of people who live and work in the Borough by, among other things, safeguarding and enhancing the natural and historic environment. The*

*Strategy pledges to preserve the scale of, and strengthen the unique character, function, intrinsic quality and sense of place of Darlington's neighbourhoods, villages, landscapes, green infrastructure, heritage, habitats and countryside to contribute positively to its distinctiveness.*

- *We believe the application conflicts with Policy H13 of the Local Plan in that it is back land infill. It will affect the free and safe flow of traffic around our homes; it will restrict access to the rear of our properties. It will conflict with the privacy and quiet enjoyment of our homes and gardens and it will significantly alter the character of this conservation area*
- *We note that in the redevelopment of the Arts Centre, the importance of character has been acknowledged in that care has been taken to ensure that the facade remains. We hope that the same care will be applied when this application is considered*

Following the submission of the amended plan, eleven further letters of objection has been received raising the comments summarised below:

- *Having viewed the revised plan, I wish to state that all my previous grounds for objection still stand. Having a single garage rather than a double garage simply means one car will stand on the driveway than in the garage. This change would have no effect whatsoever on the visual intrusion this development would have on its neighbours not alter the fact the development contravenes Policy H13 concerning backland development*
- *My thoughts and objections remain the same as submitted*
- *It will still be overbearing and impact on people's privacy and well being*
- *Bedrooms are on the rear of the surrounding houses and possible introduction of street lighting, the additional noise from the new build will affect families and children's sleeping patterns*
- *Children use this area as a natural overspill to play from their back gardens and into the alley. The additional traffic will impact on the safety and noise aspect of the area*
- *The area is restricted enough already for space and manoeuvring of vehicles. Residents require access to the garages as many residents use their garages rather than park on the street due to the parking congestion on the surrounding streets. If this becomes impossible due to reduced access they will have no option but to park on the streets adding to the congestion*
- *My husband is a blue badge holder and we regularly access the house from the rear as we cannot always get parked outside our home. Being able to access the rear gate to enter the property reduces the walking he has to do and it will be life changing to him and other people with disabilities in the surrounding properties if this is restricted*
- *There are properties for sale in Fife Road and the surrounding areas and there is no need to build on a conserved piece of land causing disruption and invasion of privacy to local residents*
- *The points raised in our initial letter remain unchanged. The alteration to the newly submitted plans do not detract from the overriding fact that approval should not be given for a dwelling to be erected on this site*
- *It would appear that the only change in the proposed dwelling is for that of a single garage to replace a double garage in the earlier submission. This change makes absolutely no difference to the overall application other than to create a parking bay. Earlier objections remain.*
- *Why would consideration be given for an application to build a substantially sized property in an area that clearly needs to be conserved? This particular area is one of the few parts of Darlington save for public parkland that offers residents an open aspect to*



*the rear of their properties. It was never designed for dwellings and I understand it was once tennis court, an area for enjoyment. The plot would be best served as a garden to attract even more wildlife than present*

- *I cannot see (the revision) that this makes any significant difference to the overall application*
- *My original objection still stands. Irrespective of the alterations made to the garage aspect of the plans, the plans should not be considered*
- *Our dining room is the only room in our home that is not currently overlooked and in some parts of our courtyard garden we are able to sit out in privacy from early morning until mid-afternoon with full sun. However if this house is built it will mean that it will block out most of the skyline from our kitchen and dining room which will have an impact in natural light in those rooms. We will have no privacy at all either in our dining room or courtyard as the house intends to have windows on the side elevation which will look directly into our home and outside area*
- *We own one the gardens alongside the garden (the site) and it would be very sad that this area of green space will be lost. If planning permission is granted would we need to apply for planning permission if we wanted to plant trees in our garden in the future? Also what could stop further development in the back lane area if future owners developed the two remaining gardens?*
- *The Character Appraisal states there are significant development pressure on the large gardens in the area and this pressure could lead to an erosion of the character of the area*
- *The Appraisal states that development of gardens and backland development will be resisted through the planning process. This seeks to protect these valuable spaces recognising their amenity and biodiversity value and spatial contribution to the character and appearance of the area*
- *The back lanes are made of scoria blocks which can be very slippery during wet weather and may cause problems for postman and delivery men when delivering to the new address. This can be alleviated by using tarmac over the cobbles but this would detract from the look and distinctive character of the back lane area*
- *Accessibility for a fire engine to the proposed new building in case of emergency due to the tight turns in the back lane area, as we already know that recycling wagons are unable to do this*
- *The design of the new build is not in keeping with the area or the surrounding homes as suggested by the plans and we feel that this was only added in an attempt to look as though it is adhering to the Planning (Listed Buildings and Conservation Areas) Act 1990 stating that it will preserve or enhance the character or appearance of the area*

Any further responses will be mentioned verbally at the Planning Applications Committee.

### **Consultee Responses**

The Council's Environmental Health Officer has raised no objections

The Council's Highways Engineer has raised no objections to the proposal subject to appropriate planning conditions.

The Council's Contaminated Land Officer has raised no objections to the proposal

The Durham County Council Architectural Liaison Officer has raised no objections to the proposal

Northern Gas Networks has no objections to the proposal  
Northumbrian Water has no objections to the proposal

The Head of Emergency Care (South) for the National Health Service has raised no objections to the proposal

The Durham Senior Fore Safety Officer has raised no objections have raised no objections to the proposal.

## **PLANNING ISSUES**

The main issues to be considered here are whether the proposal is acceptable in the following terms:

Planning Policy

Impact upon the Significance of the West End Conservation Area

General Design Matters

Residential Amenity

Highway Safety and Parking

Ecology

Impact upon Trees

Drainage

Contaminated Land

Other Matters

### **Planning Policy**

The site is within the development limits for the urban area as defined by the Proposals Map of the Borough of Darlington Local Plan 1997. As a result, the proposal would accord with the general policy requirements of Saved policy E2 of the Local Plan and also CS1 of the Darlington Core Strategy Development Plan Document 2011.

Saved policy H13 of the Local Plan defines backland development as development to the rear of existing houses, usually in large gardens or open areas. The policy states that permission will not be granted for such development which unacceptably conflicts with the free and safe flow of traffic, the privacy and quiet enjoyment of neighbouring dwellings and gardens in general and the scale and character of the surrounding area.

Policy CS2 of the Core Strategy is a general overarching policy seeking to secure high quality sustainable and well-designed developments.

Government advice on conservation areas is contained within the National Planning Policy Framework 2012 and the relevant local development plan policy is CS14 of the Core Strategy.

### **Impact upon the Significance of the West End Conservation Area**

The site is within the West End Conservation Area. The National Planning Policy Framework 2012 states that developments should sustain or enhance the significance of the heritage asset (in this case the Conservation Area) and new development should make a positive contribution to local character and distinctiveness. Policy CS14 of the Core Strategy 2011 aims to protect and enhance the Borough's conservation areas.

The West End Conservation Area Character Appraisal was adopted in 2010 and its main use is to aid decision making on planning applications for works and development in the conservation area. The Appraisal highlights that development pressure to develop on gardens can potentially

damage the character of the conservation area if not controlled. Pressure for development is beginning to be problematic and if it continues there may be further erosion to the character of the conservation area and its ecological value.

Whilst the aims of the Appraisal to protect the wider Conservation Area are acknowledged, the context of the individual sites involved also have to be considered and Members will be aware that development (new dwellings) has occurred in the gardens of existing dwellings of No 59 Elton Parade (2011) and 56 Linden Avenue (2011) since the Appraisal was adopted and both sites are within this conservation area.

The two garage buildings on the site appear to be of a traditional design, typical of the area. The existing garages have been the subject of a previous approval to be demolished and replaced with new garages in 2009 but the approvals were not implemented and have subsequently expired. Their removal would not harm the significance of the Conservation Area.

The contemporary design and choice of materials for the dwelling are considered to be acceptable. In response to concerns by Officers over the scale and massing of the development within a relatively constrained site the scheme has been amended by replacing the large double garage with a modest single garage thereby reducing the overall footprint of the built form.

On balance, it is considered that the amended proposal will make a positive contribution to the significance of the conservation due to its reduced scale, contemporary design and use of high quality, robust materials. The proposal would accord with the National Planning Policy Framework 2012 and policy CS14 of the Core Strategy.

It is considered appropriate to impose a planning condition that remove the “permitted development” rights for the new dwelling which would mean any enlargement, improvement or alteration to the dwelling and any new structures within its curtilage will require the submission of a planning application.

### **General Design Matters**

The site is within Character Zone 2 (Town Centre Outer Ring) as defined by the Council’s adopted Supplementary Planning Document – Design for New Development 2011 (Design SPD). The purpose of the SPD is to provide clarity and detail about design of new development in the Borough and it is a material planning consideration.

The SPD states that two storey buildings that cover no less than 75% of the plot and has rear parking areas are acceptable in this Character Zone. The SPD also considers that buildings with pitched roofs, defensible space to the front, dormer windows and constructed from red brick and metal roofs are acceptable in this Zone. However, the SPD states that a detached building is not generally considered acceptable in this Character Zone.

It is clear that the proposal would generally accord with the design guidance set out in the Design SPD apart from the proposed dwelling being a detached building. The surrounding area predominantly consists of terraced dwellings but there are sporadic examples of detached dwellings in the wider locality on Cleveland Avenue (within the same Character Zone as the application site) and it is considered that the introduction of a further detached dwelling in the area would not significantly harm the character or appearance of the locality.

It is considered that the proposal is well designed and would accord with the relevant local development policy and having considered the context of the site the proposal generally complies with the design guidance contained within the Design SPD.

Whilst the new dwelling is taller than the existing garages and structures in the quadrant it is considered that the dwelling would not have such a significant overbearing impact upon surrounding area to warrant recommending refusal of the planning application on such grounds.

The aforementioned planning condition removing the permitted development rights of the dwelling will enable the local planning authority to retain control over the future development of the site.

### **Residential Amenity**

Policy CS16 of the Core Strategy seeks to ensure that new development should protect and where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the local community.

The quadrant is bounded by 29 dwellings with their rear elevations facing the application site.

The proximity distances between existing and proposed dwellings that must be met to protect the privacy of the occupiers of both buildings are contained within the Design SPD. The distance between habitable windows must be a minimum of 21metres and the distance between habitable windows and non habitable windows or blank walls must be a minimum of 12.5m. The window openings in the new dwelling have been designed and positioned to ensure that the distances are met. The first floor dormer extension on the west elevation of the 1.5 storey element of the dwelling would be fitted with vertical timber louvres in order to prevent direct views into the garden area to the west. A condition would need to be imposed to ensure that such features are retained in the interests of residential amenity. The proposal would not result in significant loss of privacy or overlooking matters.

The planning system is not intended to protect the outlook that residents might enjoy at a particular point in time but to maintain an outlook that meets acceptable standards of amenity. The new dwelling would not be significantly overbearing when viewed from the rear elevation and yard areas of the neighbouring dwellings due to its staggered design, orientation and distances from the existing dwellings.

The dwelling will be positioned alongside two domestic gardens containing garages, garden structures and amenity grassed areas. The building would be set in from both boundaries to provide access around the building. It is considered that the new dwelling would not be overbearing when viewed these gardens and would not prevent the owners from enjoying their domestic garden areas. Any noise emitted from the dwelling would not be significantly different from any noise generated by the existing domestic use of the site.

A Sun path Analysis shows that in January the site and neighbouring gardens are overshadowed by the properties on Langholm Crescent and Cleveland Avenue for most of the day; in April and August the site and the neighbouring dwellings on Cleveland Avenue would provide shade across the garden to the east by 1700. The application site and the neighbouring garden would have sunlight until late afternoon. It is considered that the analysis shows that the site and the neighbouring gardens would not be unreasonably overshadowed.

The Durham Constabulary Architectural Liaison Officer (ALO) has advised that the crime risk assessment for this location is moderate. Ensuring that garages and parking spaces are accessible and usable would help to prevent antisocial issues arising from parking issues. The single garage and two parking spaces should not make a significant difference and the ALO considers that achieving access into two bays may prove to be more beneficial than manoeuvring into a double garage.

The scheme does include the need for a lit footway with the precise details to be secured by a planning condition. However, when looking at the location of the street lighting columns, consideration will be given to the amenities of the neighbouring dwellings.

The aforementioned planning condition that removes the permitted development rights for the site will also enable the local planning authority the opportunity to consider the amenities of any neighbouring dwellings should a planning application be submitted in the future to enlarge or alter the approved dwelling, if approved

It is considered that the proposed dwelling would not significantly harm the amenities of the occupiers of the surrounding dwellings.

### **Highway Safety and Parking**

The back lane currently allows access to the rear of properties of adjacent streets and their garages. The removal of the four garages within the application site to create a single dwelling with three in-curtilage spaces should not increase potential traffic volumes. Currently the garages remain largely vacant and are not used for the storage of vehicles or used as ancillary parking to the surrounding properties and therefore there is no loss of parking to neighbouring properties associated with this proposal. The proposed dwelling is fully contained within the site boundary and therefore access by residents and emergency vehicles should not be compromised by its construction.

The Senior Fire Safety Officer from Durham and the Head of Emergency Care (South) of National Health Service has both advised that they have no objections to the proposal and access to the proposed dwelling could be achieved in case of emergencies.

The Tees Valley Design Guidance states that for a three bedroomed property two in-curtilage spaces should be provided. The proposal includes three parking spaces and therefore it caters for the residents and an additional visitor space which is beneficial to prevent parking on the adjacent back lane which could cause an obstruction. The dimensions of the garage and parking spaces would meet the guidelines and the proposed garage has been set back from the current building line to allow 5.5m of manoeuvring space for safe access to the garage and parking spaces which is acceptable and also means that access to the rear of the existing properties is not compromised.

The existing parking restrictions in the back lanes (Clearway Mon – Sat 9am – 5pm) would remain in force which means that no additional obstruction should take place as a result of this proposal during those times.

In this case, ensuring that parking provision is retained and maintained in the future, a planning condition would be imposed to ensure the proposed garage is used for the parking of a vehicle and cannot be converted to other uses without the need to apply for planning permission.

In the interests of pedestrian safety, the proposal involves a lit pedestrian walkway (also suitable for disabled access) in the lanes leading from Uplands Road to the front of the dwelling which is considered acceptable but the precise details of the works within the public highways would need to be covered by a planning condition. However, it would be expected that the design will include minimal upstand whereby it will be able to withstand overrun from vehicles and which will still allow access and manoeuvring space to adjacent properties. The lighting would be designed to adoptable standards with column spacing and location to accord with guidelines for this type of adopted highway.

These works within the highway would be at the expense of the developer although the future maintenance would be the responsibility of the local authority. An example of a lit footway being laid along a rear lane to access a dwelling can be found on Fife Cove which lies to the north of the site.

Street Scene have confirmed that the standard refuse vehicle will be able to negotiate the rear lanes to collect refuse from the frontage of the new property, however the recycling vehicle would not be able to access the lanes due to its size. Therefore the recycling bins would need to be taken to the footway on Fife Road, Langholm Crescent or Uplands Road for collection.

No highway objections have been raised subject to the imposition of appropriate planning conditions to secure a Constriction Management Plan, precise details of the footway and a Road Condition Survey.

### **Ecology**

The site has no formal wildlife or ecological designations. The site is a domestic garden with minimal ecological features as it consists of hard standing areas and mowed grass and two garages. There are no trees within the site. The site is private land with no public access.

### **Impact upon Trees**

The application site does not contain any trees. The garden to the west does have some trees which are not considered worthy of a tree preservation order but they are subject to some protection due to the wider conservation area designation. The submitted plans show that a sycamore tree in the east garden, which currently overhangs the application site, would need to be pruned and the applicant would need to reach an agreement with the neighbouring landowner to carry out the works and also to submit the appropriate planning application for such works. The developer must also ensure that any trees in the neighbouring gardens are not affected during the demolition and construction phase of the development.

### **Drainage**

Northumbrian Water assesses the impact of the development on their assets and assesses the capacity within their network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposal, Northumbrian Water has raised no objections to the proposal.

### **Contaminated Land**

Based on Council records and the nature and extent of the proposal, Environmental Health has no particular contamination concerns and they have recommended that no further investigations or risk assessments are warranted or necessary.

### **Other Matters**

Some of the concerns that have been raised relate to the potential impact of the development on the future sale and value of the existing dwellings. Members are advised that this is not a material planning consideration and the planning application cannot be refused on such grounds.

Court and appeal decisions have established that it is legitimate for Planning Authorities to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission. However, it is not enough for Local Planning Authorities to have a general anxiety that their decisions may be used in the future to justify other proposals. There has to be evidence that there is a real likelihood that similar applications would be submitted and no such evidence has been provided. The Local Planning Authority would consider any other proposals on their individual merits and Officers are not convinced that a grant of planning permission for this development would set an unwanted precedent for future applications for further residential development within this quadrangle.

### **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 principle of redeveloping the site for residential purposes is acceptable in general planning policy terms as the site is within the limits for development of the urban area.

It is also considered that the proposal would not be contrary to the requirements of Saved Policy H13 (Backland Development) of the Local Plan as it would not harm the free and safe flow of traffic, the privacy and quiet enjoyment of neighbouring dwellings and gardens in general and the scale and character of the surrounding area.

The scheme has been revised to reduce its scale and massing and the proposal is acceptable in general design terms and would make a positive contribution to the significance of the West End Conservation Area.

It is considered that the proposal would accord with the relevant national and local development plan policies.

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 – Implementation Limit (Three Years)
2. B4 – Details of Materials (Samples)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site in the interests of the visual appearance of the locality and the significance of the West End Conservation Area.

4. Notwithstanding the details shown on the approved plans, precise details for the means of enclosure for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in accordance with the approved details  
REASON: In the interests of the visual appearance of the development

5. The garage and in-curtilage car-parking area, shown on drawing no's 004 Rev C and 005 Rev C dated December 2015 and produced by Niven Architects, shall be provided prior to the dwelling to which it relates being occupied and thereafter retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.  
REASON - To safeguard the residential amenities of the neighbourhood and to ensure the provision of adequate off-street parking accommodation to avoid the congestion of surrounding streets by parked vehicles.

6. The timber vertical louvers on the first floor dormer extension on the west facing elevation of the dwelling hereby approved shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.  
REASON: In order to prevent the overlooking of the neighbouring garden

7. Prior to the commencement of the development, precise details of works within the public highway to provide a new pedestrian footway with appropriate street lighting on the rear lane leading from Uplands Road to the frontage of the property shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of highway and pedestrian safety

8. Prior to the commencement of the development (including the demolition of the garages), a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The development shall not be carried out otherwise than in complete accordance with the approved details  
REASON: In the interests of highway safety and residential amenity

9. Prior to the commencement of the development a road condition survey of the rear lanes leading from Uplands Road, Fife Road and Langholm Crescent should be carried out in conjunction with Darlington Borough Council Highways Officers to document any existing damage and review further damage caused by construction traffic which should be rectified at the cost of the developer.  
REASON: In the interests of highway safety

10. B5 – Detailed Drawings (Accordance with Plan)

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**



**National Planning Policy Framework 2012**

**Borough of Darlington Local Plan 1997**

E2 – Development Limits

E12 – Trees and Development

H13 - Backland Development

**Darlington Core Strategy Development Plan Document 2012**

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS15 – Protecting and Enhancing Biodiversity and Geodiversity

CS16 - Protecting Environmental Resources, Human Health and Safety

**Other Documents**

Supplementary Planning Document – Design for New Development

West End Conservation Area Character Appraisal

Tees Valley Design Guide and Specification – Residential and Industrial Estates Development

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

**Highways**

An appropriate street lighting scheme and design to cover the proposed amendments should be submitted and approved in writing by the Local Planning Authority. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr M. Clarkson 01325 406652) to discuss this matter.

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.