

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 16 November 2016**

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<b>APPLICATION REF. NO:</b>	<b>16/00809/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>3 November 2016</b>
<b>WARD/PARISH:</b>	<b>HURWORTH</b>
<b>LOCATION:</b>	<b>30 The Green</b>
<b>DESCRIPTION:</b>	<b>Demolition of all structures to the rear of original house and erection of a single storey rear extension, removal of 2 no. dormer windows to front elevation and construction of dormer window and 2 No. rooflights to rear elevation and erection of detached double garage/workshop/store and pergola to rear of garden and associated alterations</b>
<b>APPLICANT:</b>	<b>MR AND MRS STILLER</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission and listed building consent were granted for internal and external alterations and extensions to the property, together with the erection of a detached garage/workshop/store in the rear garden in March 2015 (14/01118/FUL and 14/01119/LBC respectively). Complaints were subsequently received that the development was not being undertaken in accordance with the approved plans and a visit to the property revealed that the following breaches had occurred:

- A flat roofed entrance porch had been constructed to the rear of the property adjoining the approved rear kitchen extension;
- A rear arched window had been reduced in size to accommodate the kitchen and porch extension;
- An internal corridor wall demolished at ground floor;
- Two rooflights in the rear facing roofslope not installed in the approved locations;
- A car turntable and pergola had been erected in the rear garden without the benefit of planning permission.

This is a retrospective application which seeks planning permission for the unauthorised works affecting the exterior of the property and those structures erected within the garden. An application for listed building consent has also been submitted (16/00812/FUL) will consider internal and external alterations and extensions.

The application property is a detached, Grade II listed building, located on the north side of The Green, within the Hurworth Conservation Area. The house is surrounded by other residential

properties of which the two on the eastern side, 31 and 32 The Green, are also Grade II listed buildings.

A Heritage Statement has been submitted with the application which assesses the impact of the unauthorised works on the significance of this Grade II listed building and the Hurworth Conservation Area and upon the setting of 31 and 32 The Green.

## **PLANNING HISTORY**

02/00400/FUL – Rebuilding of utility garage with double garage and conservatory/pottery room.  
GRANTED 27 JUNE 2002

02/00401/LBC - Rebuilding of utility garage with double garage and conservatory/pottery room.  
GRANTED 27 JUNE 2002

14/01118/FUL - Re-roofing, removal of roof dormers to front elevation and construction of new dormer window to rear elevation, demolition work to rear and erection of single storey rear extension and detached triple garage to rear (description amended following receipt of amended plans 10 December 2014, amended floor plans received 15 January 2015 and amended elevations showing changes to window detailing received 20 January 2015) GRANTED 18 MARCH 2015

14/01119/LBC - Listed Building Consent for internal alterations, re-roofing, removal of roof dormers to front elevation and construction of dormer window to rear elevation, demolition work to rear and erection of single storey rear extension and detached triple garage to rear (description amended following receipt of amended plans 10 December 2014, further amended internal layout plans received 15 January 2015 and amended elevations showing changes to window detailing received 20 January 2015) GRANTED 18 MARCH 2015

## **PLANNING POLICY BACKGROUND**

The following policies are relevant to consideration of the application:

### **Darlington Core Strategy Development Plan Document 2011**

- CS14 – Promoting Local Character and Distinctiveness

### **Saved Policies of the Darlington Local Plan 1997**

- H12 – Alterations and Extensions to Existing Dwellings

National Planning Policy Framework

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Conservation Officer** – Does not consider it expedient to prosecute in this instance and recommend that listed building consent be approved.

**Hurworth Parish Council** – Most of this work seems to be complete or in progress. It is hideous, an eyesore and too ‘modern’ for the character of the building and certainly not at all in keeping with the beauty and environment of the Village Green and the type of houses that line it. The neighbours are very unhappy about the development. Hurworth Parish Council feel very

strongly that these alterations are modified to better blend in with the surrounding properties. Even if work has been started which has not yet been approved, then this should be reversed, until suitable plans are acceptable. Please investigate the exact status of this conversion and let us know what actions can be taken to enhance this situation.

Three letters of objection have been received which raise the following issues:

- *Can listed building consent be given after the work seems to have been completed? Planning Officers seem to be vigilant in other matters when proper rules are not followed;*
- *Our comments are the same as in 2014 prior to the commencement of the building works which have been ongoing from September 2014 to July 2016;*
- *The size and footprint of the garage is considered to be out of character with the local Conservation Area;*
- *Two single storey extensions have been constructed, attached to the main building. These extensions are of a very modern design and totally out of character with the present property. The approved plan does not include the smaller part of the extension and therefore has been built without the benefit of planning and listed building consents. The current application seeks to remedy this retrospectively;*
- *The originally approved extension was not visible when sitting in our living room but the new extension obscures the previous view of what is an attractive early Victorian house with a stained glass window;*
- *Request that the current application is refused and the small extension is removed;*
- *The appearance to the south, east and west raises no comment and has been tastefully achieved;*
- *The extension to the north and the rear of the property appears not to be in keeping with the rest of the property and is of a more modern design than the property;*
- *Our understanding was that the garage to the rear of the curtilage was to be a double garage/workshop/store. Currently there is a most unsightly, obtrusively high steel framework in place with access up a paved roadway from a vehicle turntable. Presumably this is still to be completed?*

## **PLANNING ISSUES**

Planning permission was granted in March 2015 for the following works:

- The re-roofing of the property with slate, the removal of 2 no. dormer windows from the front elevation, the construction of a dormer window and 2 no. rooflights in the rear elevation and the replacement of existing windows with double glazed, timber sash windows;
- The demolition of modern extensions to the rear elevation (approved in 2002) and the erection of a contemporary kitchen extension;
- The erection of a detached garage/workshop/store to the rear.

Listed building consent was also granted for these works, with the exception of the garage which did not require listed building consent. With the exception of the 2 no. rooflights in the rear facing roofslope which have not been installed in the approved positions, planning permission and listed building consent exists for these works and as such the principle of these elements cannot be revisited in consideration of these applications. Consideration of this retrospective planning application is therefore limited to the following matters:

- Flat roofed entrance porch constructed to the rear of the property adjoining the approved rear kitchen extension;
- The altered rear arched window reduced in size to accommodate the kitchen and porch extension;
- Two rooflights installed in the rear facing roofslope not installed in the approved locations.
- Car turntable and pergola erected in the rear garden

#### Rear entrance porch

The additional flat roof extension has increased the new build element to the rear of the listed building and has affected the fenestration pattern of the rear of the property by virtue of the alterations to the arched window. In addition the porch extension does unbalance the rear elevation, when viewed from the rear garden. However the property had a number of sizeable, modern extensions and outbuildings to the rear including a cloakroom in a similar location, together with a garage and garden room along the west common boundary, the removal of which was agreed to facilitate the kitchen extension. The extension has been built of contemporary materials and is of a design to complement the approved kitchen extension, which was considered to be an appropriate modern addition to the property to allow a better understanding of the different phases of development at the property. Being located to the rear of the property and largely obscured by existing boundary walls either side, the porch extension is not unduly visible from public vantage points and on balance this element is not considered to have an unacceptable impact on the significance of the Hurworth Conservation Area.

Concern has been expressed regarding the impact of the proposed extension on the amenities of the neighbouring property to the east at 31 The Green, in terms of loss of light to and outlook from the side sitting room window in the west elevation of this property. While the extension is undoubtedly visible from this aspect the nearest part of this extension is approximately 4 metres from the window separated by a shared access drive to the two properties and is largely obscured by a 1.8 metre high boundary wall, leaving the upper part of the extension and roof visible from this aspect. This is one of two high level windows in the side elevation of this property which are secondary to the main bay window in the front aspect of the property. At this distance it is not considered that the porch extension has such an unacceptable impact on light to our outlook from this high level, secondary window so as to warrant refusal of this aspect of the application.

#### Rear arched window

Due to the construction of the additional contemporary porch below the arched window this has been reduced by a total of 6 panes. Although this feature is now reduced in size it remains in essence and similar to the rear entrance porch, being located at the rear, not discernible from public views outside of the site the alteration is not considered to have an unacceptable impact on the significance of the Hurworth Conservation Area.

#### Rooflights

The rooflights in their revised positions are considered to be acceptable, being in similar positions to those existing in the property at the time of the earlier applications. A condition requiring these rooflights to be replaced with conservation style rooflights, as per the original planning and listed building consents is attached.

### Pergola and turntable

The pergola is a timber structure measuring approximately 2.5 metres wide by 4.8 metres deep, with an overall height of 2.6 metres. It has been sited mid-way down the long rear garden adjacent to the common boundary with 31 The Green to the east. At this distance from the rear of the dwelling the pergola is not considered to affect the setting of the Grade II listed building and is seen in the context of both the approved garage which is partially built at the end of the garage and other similar garden structures in neighbouring gardens. Similarly the pergola does not impact upon the character and appearance of the Hurworth Conservation Area.

The turning circle has been constructed using stone setts used in the construction of the driveway to the garage behind. The circle does not protrude above existing ground level and is hidden behind the high access gates and boundary fence. It is sited sufficiently distant from the house so as not to affect its setting and has little discernible impact upon the Hurworth Conservation Area.

Neither the pergola nor the turning circle give rise to any issues of residential amenity in respect of the neighbouring properties either side.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

### **CONCLUSION**

The works the subject of this planning application have been carried out without the necessary listed building consent and are therefore unauthorised. The Local Planning Authority would be able to take enforcement action and/or prosecute the applicants if it was considered expedient to do so. On balance the proposal does not impact upon the setting of this, or the adjoining listed buildings, or upon the significance of the Hurworth Conservation Area and do not give rise to any unacceptable issues of residential amenity or highway safety and is therefore considered to be in accordance with Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011, Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 and the National Planning Policy Framework. On this basis it is not considered expedient to taken enforcement action in this instance.

### **RECOMMENDATION**

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

1. A3 (Standard 3 year time limit)
2. Notwithstanding any details of the rooflights submitted as part of this application, within 6 months of the date of this permission the unauthorised rooflights shall be replaced with conservation style rooflights details of which shall first be submitted to and approved in writing by the Local Planning Authority.

REASON – In order to ensure a satisfactory appearance to the development, in the interest of the significance of this Grade II listed building within the Hurworth Conservation Area.

3. The garage, workshop and store building hereby approved shall be used for purposes ancillary to the main dwelling and for no commercial or other such use.

REASON – In the interest of residential amenity.

4. Notwithstanding any details of the materials to be used in the construction of the garage hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the details as approved and thereafter be so maintained:

- (a) External materials to be used in the construction of the garage;
- (b) Details of any external lighting to be installed;
- (c) Details of how surface water from the garage and driveway (if necessary) will be disposed of.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development and in the interest of residential amenity.

5. B5 (Development in accordance with the approved plans)

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:**

**National Planning Policy Framework 2012**

**Borough of Darlington Local Plan 1997**

Saved Policy H12 (Alterations and Extensions to Existing Dwellings)

**Darlington Core Strategy Development Plan Document 2011**

CS14 (Promoting Local Character and Distinctiveness)