

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 November 2016

Page

APPLICATION REF. NO:	16/00812/LBC
STATUTORY DECISION DATE:	20 September 2016
WARD/PARISH:	HURWORTH
LOCATION:	30 The Green
DESCRIPTION:	Listed Building Consent for the 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
APPLICANT:	MR AND MRS STILLER

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.

As it is not possible to apply for retrospective listed building consent, a new listed building consent application has been submitted for the unauthorised works. A retrospective planning application has also been submitted (16/00809/FUL) which will consider the external alterations to the property and the additional structures erected within the rear garden.

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

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 Officer 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

Listed building consent was granted in March 2015 for the following works:

- Various internal alterations, including the subdivision of some rooms and the removal of a number of internal walls to create en-suite bathrooms, a utility room/cloakroom and breaking through between rooms;
- 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.

Planning permission was also granted for these works and also for the detached garage at the northern end of the garden. 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 application for listed building consent is therefore limited to the following matters:

- The 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;
- The removal of an internal corridor wall demolished at ground floor;
- Two rooflights installed in the rear facing roofslope not installed in the approved locations.

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 listed building or Hurworth Conservation Area.

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 listed building or Hurworth Conservation Area.

Internal wall removal

The original application for listed building consent was amended to retain this section of wall, which formed a corridor layout from the entrance porch with main reception rooms either side. This section of wall is considered to form part of the original layout of the property, however has been removed without consent to open up the corridor into the reception room behind and is therefore unauthorised demolition to the listed building. At the time of the inspection of the property it was stated that this was not original fabric but a timber stud wall and in the absence of any evidence either way it is not considered expedient to pursue a prosecution in this instance. In view of the overall quality of the other works to the listed building, the Conservation Officer has raised no objection to this element of the application.

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.

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 listed building consent 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. In terms of the porch extension, alterations to the arched window and rear rooflights in their revised location, these alterations are considered on balance to be acceptable for the reasons set out in the report and taking into account that the other approved works to the listed building consent have been executed to a high quality, significantly improving the appearance of this Grade II listed building, particularly from the front elevation. While the demolition of the internal wall is a more significant alteration to this building, in the absence of any evidence regarding the condition of this wall prior to its removal it is not considered expedient to take enforcement action or to prosecute the applicants in this instance. 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 is considered to be in accordance with Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011 and the National Planning Policy Framework.

RECOMMENDATION

THAT LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A5 (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.

3. B7 (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)

