

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14th March 2018

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APPLICATION REF. NO:	17/01183/FUL
STATUTORY DECISION DATE:	10/02/18
WARD/PARISH:	Park West Darlington
LOCATION:	122 Coniscliffe Road Darlington
DESCRIPTION:	Extension to the rear of dwelling.
APPLICANT:	R Webber

APPLICATION AND SITE DESCRIPTION

The application property is a Grade II listed semi-detached building located within the West End Conservation Area. Formerly part of a terrace, the building forms a pair with its neighbour (No. 124). The front gardens are limited in area but the rear gardens are deep and limited in width to that of the dwelling.

This application is partially retrospective in that the Planning and Listed Building applications that were approved in 2008 were not carried out in accordance with the plans. This application is to regularise the unauthorised work.

PLANNING HISTORY

A number of domestic alteration applications were approved pre 2008 but the most relevant to this current application are a Planning and Listed Building application for the conversion of the original two dwellings into a single dwelling and a rear extension under 08/00622/FUL and 08/00624/LBC. These were granted permission in September 2008.

The work relating to these applications was carried out but not in accordance with the approved plans. The two current applications have been submitted to regularise the extension work as it has been built.

PLANNING POLICY BACKGROUND

Darlington Borough Council Local Plan **Policy H12** relates to the alteration and extension of existing dwellings and it is this policy which has the most relevance in considering this application.

National Planning Policy Framework – Chapter 12.

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and responses were received from three addresses raising the following issues :

- Loss of privacy from overlooking roof terrace area, which will in all likelihood will still be used for recreational purposes etc, not just window/wall maintenance.
- Loss of character to gardens and building due to its scale.
- Terrace is out of keeping with Conservation Area character.
- The flat roof cannot be used to maintain the main building as it does not adjoin it.
- Difficult to enforce the use of the terrace to non recreational purposes.

No comments received from Consultees (but see Conservation Officer's comments within the accompanying Listed Building application).

The applicant has submitted a supporting statement of which the salient points are reproduced below :

During construction it became apparent that the 2008 approved plans were inaccurate and the line of the boundary walls were misrepresented, particularly along the right-hand boundary alongside 124 Coniscliffe Road. The angle of this boundary led to the construction of the extension at a slight alternative angle which, in part resulted in the additional length.

The height of the extension with parapet wall is marginally higher than that approved, the difference being 300mm. The reason for this is due to the use of a larger steel lintel than originally envisaged, which was necessary to meet Building Regulations legislation.

The roof to the 2008 approved extension was a flat roof formed, angled to drain water inwards to a gutter within the internal courtyard. The resultant roof has the corner angled to drain water directly into the gutter rather than against the brickwork. This arrangement was considered more appropriate at the time of construction in order to deflect water away from the Victorian brickwork more effectively.

The unfinished flat roof has been covered with decking boards to enable ease of access for maintenance and for my client to position a variety of potted plants. A spiral staircase was installed to enable ease of access for maintaining the plants as well as enabling access to the rear first floor windows and guttering for maintenance and cleaning purposes. The roof has not been used as amenity space/a deck for spending any length of time outdoors. Indeed, the space

could not be used lawfully in that manner as there are no guards to prevent falls which would be necessary to comply with Building Regulations.

The Conservation Officer does not consider the impact of works on the wider character and appearance of the Conservation Area. It is our opinion that as there are no public viewpoints within these enclosed gardens there can be no impact on the wider character of the West End Conservation Area. In addition, the low-level nature of this single storey extension does not present a prominent feature/element visible to surrounding neighbours.

One objection refers to an inaccuracy of the plans in comparison to the as built extension. This objection is unfounded and it is our representation that the plans are indeed accurate and can be checked on site by the committee if necessary.

The applicant agrees that the use of the flat roof as a terrace would be harmful to neighbouring residential amenity and has taken steps to provide comfort to neighbours that it will not be used in this manner.

In order for the flat roof to be used as a roof terrace, Building Regulations would require suitable guards to be installed to prevent users from falling. Listed Building Consent would be required for the installation of railings and this does not form part of this proposal.

My client would welcome a condition imposed on the decision preventing the flat roof being used as a terrace as she agrees that there would be an adverse impact on neighbouring amenity. Whilst the roof will be accessed on an ad-hoc basis to clean first floor windows and general maintenance, there will be no use of the roof for recreational purposes. The laying of a decked finish to the roof does not in any way cause harm to the character of the listed building and is not material to the design of the structure.

PLANNING ISSUES

The main issues identified as being important in the consideration of this application are Impact on the amenities of residents and the visual impact of the development on the character of the locality and Conservation Area.

As noted above, Planning Permission and Listed Building were granted for a similar proposal to the currently built development in 2008.

A complaint was received that the extension has not been built in accordance with the plans approved under 08/00624/LBC & 08/00622/FUL. This has been investigated by the Enforcement Officer and has resulted in the submission of the two applications for planning and listed building consent now before Committee. The reason for this is to allow the LPA the opportunity to assess the full details of the extension that has been built at the property.

The extension as built is taller than the 3 metres approved (this figure includes the parapet) at 3.2 metres high. Maximum projection from the rear building line (including the courtyard and a section of the two storey rear Victorian extension that was already in place but was enlarged at first floor as part of the 2008 permissions) is 7.9 metres. This is 2 metres more than was approved in 2008 (5.9 metres). This has not resulted in any unauthorised works to the listed building itself. In the first instance therefore the applicant has been required to submit these fresh applications in an attempt to rectify this breach of planning control.

Impact on neighbours – The main impact on neighbours was seen as the overlooking and loss of privacy created from the use of the flat roofed area developed on top of the ground floor extension.

As built it included a spiral staircase from ground level up to the flat roof which had been made into a terraced garden facility with attendant planters and other features which made it available for use for recreational purposes.

This aspect of the scheme was not acceptable to Officers and the applicant was informed pre application that any use of the flat roofed area for recreational purposes would not be acceptable in planning terms. Consequently the spiral staircase has been removed and ready access to the flat roofed area is not available. This is the situation that exists for most flat roofed rear extensions to properties that gain planning permission – access to the flat roofed area is restricted to maintenance etc. This can be controlled in this instance by the imposition of a condition on the planning permission and enforcement action taken if necessary if a breach of the condition is confirmed.

Apart from the above, the form and scale of the extension is materially little different from the approved scheme in terms of its impact on the amenities of neighbouring residents, and it is considered that the extension as built does not result in loss of amenity sufficient to warrant a refusal of planning permission.

Impact on character of the locality and Listed Building – The application has been carefully considered by the Conservation Officer in relation to its impact on the character of the Conservation Area and the Listed Building in particular. The pertinent comments are reproduced below:

The general design and external finish of the extension was established in the 2008 permissions. The erection of an extension with a flat roof and a parapet was agreed in the 2008 listed building consent and planning applications. Whether or not this roof terrace is accessed and impacts on residential amenity is not a conservation issue. This response relates only to the built form of the extension and whether this built development has any impact on the significance of the listed building.

The materials used, scale and fenestration pattern do not conflict with the historic features remaining to the rear of the listed building. The increased size of the extension and flat roof design - concealed behind the parapet - does not have any adverse impact on the significance of the listed building. All guttering and rain water goods are required to be cast iron. This feature has been incorporated into the current scheme.

From a conservation perspective no harmful effects to the significance of the Grade II listed building arise from the extension which is in situ, specifically the increased scale over and above the rear extension authorised in 2008.

The Planning Officer concurs with this view and is content that the development as built conforms with the requirements of the Darlington Borough Local Plan and the National Planning Policy Framework.

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 the development is permitted with the following conditions :

1. The flat roofed terraced area as part of the development hereby approved shall not be used for domestic or other amenity purposes and only for maintenance or other similar purposes as may be agreed with the Local Planning Authority. **REASON** – In the interests of the amenities of neighbouring residents.