

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14th March 2018

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APPLICATION REF. NO:	17/01184/LBC
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

National Planning Policy Framework 2012 (section 12).

Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.

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.

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.

No comments received from Consultees except the **Conservation Officer**, whose comments are reproduced in full below as the impact of the development on Historic Character is a key issue.

Conservation Officer -

The listing description describes:

Early-mid C19, each 2 storeys and basement, 2 windows, originally part of a terrace design, each door being at left. Pinkish brick. Fairly low pitched slated roof with centre and end chimneys. Stone 1st floor cill band and cills and lintels to recessed sash windows with glazing bars, those on ground floor tripartite, with pilasters and entablature. Nine steps, with wrought iron handrails, to 4-panel doors with cornice head and patterned oblong fanlight. Doorcases of pilasters and entablature. Wrought iron guards to basement windows.

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).

This property was granted listed building consent (08/00624/LBC) and planning permission (08/00622/FUL) in 2008 for a rear extension and a number of internal and external alterations to the listed building. The Officer report for application 08/00624/LBC states that the *'the proposed alterations are considered to be sympathetic to the building and result in minimal changes to the fabric and character of the building, largely considering of the removal of later additions and alterations and the reinstatement of features more in keeping with the property to achieve an overall net improvement. Overall it is considered that the proposals would not have a harmful impact on the character, fabric and appearance of the listed building.'*

Although these permissions have been (part) implemented not all the work granted consent has been completed to date at the property (extension of main staircase to the basement from the hallway for example). Under planning law once permissions has been 'implemented' there is no time restriction required to finish all of the works approved. The 2008 permissions therefore still remain in place.

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 two fresh applications for planning and listed building consent. 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 in situ 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). The fact that the extension has not been built in accordance with the approved plans is very concerning, particularly as this building is listed, however, 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.

From a conservation perspective it is the acceptability of the scale of this larger extension which needs to be assessed and whether it has any impact on the significance of the listed building.

As agreed in 2008 the development that has taken place on site includes an internal courtyard between the rear elevation of the listed building and the rear wall of the extension. Within this courtyard are two light wells, one providing light to the basement level window and the other a lightwell with a door providing access to the basement. The 2008 consent approved stairs from the courtyard to the basement door. These have not been implemented to date.

The comments in this response relate only to the rear extension now in situ. I have viewed the extension internally and externally from within the site (garden).

National Planning Policy Framework, the sole assessment of which applications for development concerning heritage assets sets out the following in Chapter 12.

- Establish the significance of the heritage asset
- Consider whether any harmful effects to significance arise
- If harm is established, consider paragraphs 133, 134, 135 and 138, where relevant

Significance of the heritage asset

The significance of the heritage asset is the prominent front elevation with its distinct Georgian symmetry and sash windows, including an impressive framed tripartite at ground floor, constructed of traditional handmade 'pinkish' brick in imperial dimensions. The grand framed main entrance, with distinct fan lights above, step stone steps bordered by cast iron railings. The property features a sub-basement for the kitchen, originally occupied by domestic servants, with the family using the grander rooms above. The relatively intact room layout within the listed building is also important to significance. Two large rooms exist at ground floor with high ceilings, fireplaces and the triple windows to the front, with large bedrooms above. Another important element of this significance is the retention of the front symmetry which adds to the

prominence of the listed building (122 & 124) on Coniscliffe Road and its significant height towering above street level which adds to the historic grandeur.

The rear elevation is less significant although it does have the same Georgian proportions with a lightwell providing light to the sub- basement level and the sash window fenestration pattern.

Do any harmful effects to this significance arise?

NB – the design and external finish of the extension was established in the 2008 permissions and conservation assessment at the time are detailed above.

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. These have recently been installed to the satisfaction of the Planning Officer.

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 proposal does not conflict with guidance relating to conservation of the historic environment in National Planning Policy Framework 2012 (section 12) or Policy CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.

PLANNING ISSUES

The main issues identified as being important in the consideration of this application is the visual impact of the development on the character of the Listed Building and Conservation Area.

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

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. Full comments are reproduced above but 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 as submitted.