



DARLINGTON
Borough Council

Planning Applications Committee Agenda

1.30 pm, Wednesday, 1 February 2023
Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To Approve the Minutes of the Meeting of this Committee held on 7 December 2022 (Pages 5 - 18)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 19 - 20)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation
 - (a) 7 Briar Close and 8 Blackwell Grove (Pages 21 - 34)
 - (b) 23 Langdale Road (Pages 35 - 44)
 - (c) 24 Greencroft Close, Darlington, DL3 8HW (Pages 45 - 58)
 - (d) Beau Visage, 82 Fulthorpe Avenue, Darlington, DL3 9XT (Pages 59 - 66)
 - (e) 82 Widdowfield Street (Pages 67 - 74)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are

of an urgent nature and can be discussed at this meeting

7. Questions

PART II

8. Notification of Decision on Appeals -

The Chief Executive will report that the Inspectors appointed by the Secretary of State for the Environment have: -

Dismissed the appeal by Mr Sean Taylor against this Authority's decision to refuse permission for the erection of a detached double garage to front of property at 21A Merrybent, Darlington DL2 2LB (22/00686/FUL) Copy of Inspector's decision enclosed

Dismissed the appeal by Mrs Claire Greenall against this Authority's decision to refuse permission for the erection of 1.8m fence to side and rear of property at 43 Paton Way, Darlington, DL1 1LP (22/00456/FUL) Copy of the Inspector's decision enclosed

Recommended – That the reports be received.
(Pages 75 - 78)

PART III

EXCLUSION OF THE PUBLIC AND PRESS

9. To consider the Exclusion of the Public and Press –

RECOMMENDED - That, pursuant to Sections 100B(5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A of the Act.

10. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 20 January 2023 (Exclusion Paragraph No. 7) –
Report of the Chief Executive
(Pages 79 - 86)

11. SUPPLEMENTARY ITEM(S) (IF ANY) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting

12. Questions



Luke Swinhoe
Assistant Director Law and Governance

Tuesday, 24 January 2023

**Town Hall
Darlington.**

Membership

Councillors Allen, Bartch, Cossins, Haszeldine, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, McCollom, Sowerby and Tait.

If you need this information in a different language or format or you have any other queries on this agenda please contact Paul Dalton, Elections Officer, Operations Group, during normal office hours 8.30 a.m. to 4.45 p.m. Mondays to Thursdays and 8.30 a.m. to 4.15 p.m. Fridays E-Mail: paul.dalton@darlington.gov.uk or telephone 01325 405805

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PLANNING APPLICATIONS COMMITTEE

Wednesday, 7 December 2022

PRESENT – Councillors Mrs. D. Jones (Chair), Allen, Heslop, C L B Hughes, Johnson, Laing, McCollom and Tait.

APOLOGIES – Councillors Bartch, Cossins, Haszeldine and Sowerby.

ABSENT – Councillors Lee.

ALSO IN ATTENDANCE – Councillor Tostevin.

OFFICERS IN ATTENDANCE – Dave Coates (Head of Planning, Development and Environmental Health), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)) and Paul Dalton (Elections Officer).

PA46 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA47 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 9 NOVEMBER 2022

RESOLVED – That the Minutes of this Committee held on 9 November 2022, be approved as a correct record.

PA48 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

A3	<p>Implementation Limit (Three Years) The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.</p> <p>Reason - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.</p>
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PA49 LAND EAST OF LINGFIELD ESTATE, LINGFIELD POINT, DARLINGTON

22/00423/FUL - Industrial development comprising of the erection of 3 no. industrial buildings of Class B2 and/or B8 use (industrial, storage and distribution) with ancillary office space, access, gatehouse, landscaping, parking, service areas and associated works (Archaeological Watching Brief received 19th May 2022) (Gas Addendum received 15th June 2022) (Phase 2 Ground Investigation Report received 27th June 2022) (Deposit Model and Impact Assessment received 11th July 2022) (Additional external lighting information received 29th July 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Highway Engineer, the Environmental

Health Officer, the Lead Local Flood Authority, the Council's Ecology Officer, the Council's Rights of Way Officer, the Transport Policy Team, National Highways, three letters of objection received, and the views of the Applicant whom the Committee heard).

RESOLVED – That, subject to the satisfactory completion and signing of a 106 Agreement, Planning Permission be granted subject to the following conditions:

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

17475-(P)121N Proposed masterplan
17475-(P)123 Unit 1 GA Plans
17475-(P)124 Unit 1 Elevations
17475-(P)125 Unit 1 Roof Plan
17475-(P)127 Unit 2 GA Plans
17475-(P)128 Unit 2 Elevations
17475-(P)129 Unit 2 Roof Plan
17475-(P)131 Unit 3 GA Plans
17475-(P)132 Unit 3 Elevations
17475-(P)133 Unit 3 Roof Plan
17475-(P)135A Proposed bin store
17475-(P)136B Proposed cycle shelter
17475-(P)137 Proposed substation details
17475-(P)138 Fencing details
17475-(P)139 Existing and proposed site sections
17475-(P)140 Proposed gate house
17475-VL-L01D_ Landscape masterplan
17475-VL-L02D_ Landscape Plan 1 of 3
17475-VL-L03D_ Landscape Plan 2 of 3
17475-VL-L04D_ Landscape Plan 3 of 3

All internal arrangements shown on layout plans are for illustrative purposes only.

REASON - To ensure the development is carried out in accordance with the planning permission.

3. The submitted landscaping scheme shall be fully implemented within the first planting season following the occupation of the building to which it relates, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced (within 5 years of planting) shall be replaced and the landscaping scheme maintained for a period of five years.

REASON - In the interests of the visual amenities of the area and to provide on-site biodiversity enhancements.

4. The development hereby approved shall not be commenced on site, until a scheme for 'the implementation, maintenance and management of the Sustainable Surface

Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the Local Plan and the National Planning Policy Framework.

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) & Drainage Strategy dated Issue P05 Dated April 2022 and the following mitigation measures detailed within the FRA Surface water discharge to Lingfield Beck restricted to 22.8l/s

The mitigation measures shall be fully implemented prior to the occupation of buildings and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

REASON - To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

6. The building(s) hereby approved shall not be brought into use until:-
 - I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;
 - II. A robust management and maintenance plan of the approved Surface Water Drainage scheme which includes maintenance of the adjacent watercourse has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON - To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

7. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include the vehicle and pedestrian routes, road maintenance, site compound 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.

8. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

9. Prior to the occupation of any building, full and precise details of an off-road pedestrian and cycleway link from the south of the site to existing footway & cycleway infrastructure Located on Lingfield Way shall be submitted for approval. Details shall include a shared footway/cycleway of a minimum of 3.0m wide with appropriate kerbing, signage, and tactile paving. The agreed scheme shall be constructed prior to occupation of the first unit unless otherwise agreed in writing with the Local Planning Authority.

REASON - In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

10. Prior to occupation of any buildings, full and precise details of the proposed pedestrian and cycleway links (As drawing 'PROPOSED MASTERPLAN 17475-(P) 121 REV N') from the Eastpoint Rd roundabout to the existing Bus Stop on Tornado Way shall be submitted for approval. The agreed scheme shall be constructed prior to occupation of the first unit unless otherwise agreed in writing with the Local Planning Authority.

REASON - In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

11. The proposed internal footway & cycleway link though the site from the site access at Eastpoint Rd roundabout to Lingfield Way shall be completed prior to occupation of the first building unless otherwise agreed in writing with the Local Planning Authority and shall be kept open to the public thereafter other than when temporarily closed for essential maintenance purposes.

REASON - In the interests of highway safety and in order to promote the use of public and sustainable modes of transport.

12. The rating level of noise emitted from external fixed plant hereby approved whether operating individually, or when all plant is operating simultaneously, shall be at least 5 dB below the background noise level at all nearby noise sensitive receptors, when measured and assessed in accordance with BS4142:2014+A1:2019. The background noise level to be used shall be agreed in advance of the assessment in writing with the Local Planning Authority. Any noise mitigation measures required to achieve this level shall be installed by the applicant and thereafter retained and maintained for the lifetime of the development.

REASON – In the interests of residential amenity.

13. Prior to the occupation of any building, details of cycle parking and storage shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the cycle parking / storage shall be in place prior to the occupation of any building in accordance with the approved details.

REASON – To encourage and enable users to access the site using sustainable means of transport.

14. Prior to any building hereby approved being brought into a use within the B2 Use Class (as set out in the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) evidence shall be provided that the level of parking within the curtilage of that unit is appropriate to meet the anticipated parking demands of the intended occupier. That evidence shall be submitted to and approved by the local planning authority. In the event that it is deemed necessary to increase parking in order to avoid parking displacement onto the public highway, details of additional parking within the curtilage of the unit shall be provided to the local planning authority for approval and thereafter provided prior to the occupation of the unit by the B2 use.

REASON – To ensure adequate parking to serve the development in accordance with Policy IN4 of the Darlington Local Plan 2016-2036.

15. The EV Charging points associated with each building shall be in place prior to the relevant building being brought into use and shall be retained thereafter.

REASON – To ensure provision of EV charging infrastructure in accordance with Policy IN4.

16. Prior to the first occupation of any building hereby permitted, a Statement shall have been submitted to and approved by the local planning authority detailing the measures necessary for providing broadband connectivity including ducts to each premises within the development hereby approved, unless otherwise agreed in writing by the local planning authority. The approved infrastructure shall be laid out in accordance with the agreed details at the same time as other services during the construction process and be available for use on the first occupation of each building unless otherwise agreed in writing by the local planning authority.

REASON - To ensure that the development is provided with high quality broadband services enhancing its attractiveness, in accordance with Policy IN8 of the Local Plan.

17. The proposed bund to the south western corner of the site, as detailed in drawing number: 17475(P)-121N shall be in place prior to the occupation of Unit 3 and shall be retained as such thereafter.

REASON – In the interests of residential amenity.

18. Within 12 months of the commencement of the development a Biodiversity Gains Plan shall be submitted to the Local Planning Authority which incorporates the approach and commitments set out in the submitted Framework Biodiversity Gains Plan and which demonstrates the viability and feasibility of providing net gain in biodiversity either on site or off-site equivalent to more than 43.87BDU. All of the above shall apply, unless otherwise is agreed in writing with the Local Planning Authority.

REASON – To provide biodiversity net gain in accordance with policy ENV8 and the NPPF.

19. The development shall be carried out in accordance with the recommendations contained within the submitted 'Habitat Survey and Assessment – Fabric – Industrial Park development, Tornado Way, Darlington' (INCA April 2022).

REASON – In the interests of ecology.

20. The development shall not be carried out otherwise than accordance with the recommendations set out in the submitted 'Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan' (Ref ARB/AE/2712, Elliott Consultancy Limited, April 2022) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To ensure the necessary protection to retained trees in the interests of visual amenity and ecology.

21. Following occupation, the submitted Travel Plan having already achieved the Green Standard accreditation (ModeshiftStars Community / Modeshift Stars Business) should reach the ongoing required standards as laid out in the DBC Travel Plan Guidance document and shall be continued thereafter in accordance with the details therein.

REASON - To reduce single occupancy car travel and to encourage and promote sustainable transport.

22. Prior to the construction of any buildings, full details of the proposed finished floor levels shall be submitted to the Local Planning Authority for its written approval. Thereafter, the development shall be carried out in accordance with the approved detail.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

23. Prior to the installation of the 'Landlord Kiosk(s)' and 'Gas Kiosk(s)' as shown on the 17475-(P)121N Proposed masterplan, full details of these structures shall be submitted to the Local Planning Authority for its written approval. Thereafter the development shall be carried out in accordance with the approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development.

(Should the 106 Agreement not be completed within the prescribed period without written consent of the Council to extend this time, the minded to approve status of the permission shall be considered to be a refusal on the grounds that the application has failed to provide adequate mitigation measures to provide a satisfactory form of development in accordance with the requirements of Darlington Local Plan 2016-2036, without any further reference to the Planning Applications Committee).

PA50 WEST NEWBIGGIN FARM, NORTON BACK LANE, SADBERGE, DARLINGTON, DL2 1SU

22/00135/FUL - Conversion, alteration and extensions of existing agricultural buildings to form 9 no. dwellings (2 no. 3 bed, 5 no. 4 bed, 2 no. 5 bed) including demolition of former piggeries and outbuildings, erection of 3 no. detached garage blocks, formation of hardstanding, landscaping and other associated works (Revised Scheme) (Additional LLFA info received 27th April 2022) (Nitrate assessment received 28th April 2022) (Amended remediation strategy received 4th May 2022).

(In reaching its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Engineer, the Council Environmental Health Officer, the Historic Environment Record Officer, the Local Lead Flood Authority, the Environment Agency; the objections of East and West Newbiggin Parish Meeting, three letters of objection received, and the views of the Applicant and one Resident, whom the Committee heard).

RESOLVED – That Planning Permission be granted subject to the following conditions:

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)
 - 3807/1 Landscape plan
 - L019038 - 101 REV E Proposed site layout plan (roof plans)
 - L019038 - 102 REV E Proposed site layout plan (ground floor)
 - L019038 - 105 REV B Proposed floor plans units 2, 3 and 4
 - L019038 - 106 REV A Proposed elevations sheet 1 of 2
 - L019038 - 107 REV A Proposed elevations sheet 2 of 2
 - L019038 - 108 REV B Proposed floor plans unit 5
 - L019038 - 109 REV B Proposed elevations unit 5
 - L019038 - 110 REV B Proposed floor plans unit 6 and 7
 - L019038 - 111 REV A Proposed elevations units 6 and 7
 - L019038 - 112 REV D Proposed floor plans unit 8
 - L019038 - 113 REV C Proposed elevations unit 8
 - L019038 - 119 REV A Proposed floor plans unit 2
 - L019038 - 120 REV A Proposed floor plans unit 3
 - L019038 - 121 REV A Proposed floor plans unit 4
 - L019038 - 126 Proposed bin storage arrangements
 - L019038 -103 REV A Proposed floor plans and elevations unit 1
 - L019038 -114 REV A Proposed floor plans unit 9

L019038 -115 REV A Proposed elevations unit 9
L019038-104 Proposed elevations
L019038-118 Garage block proposed
L019038-128 Site plan

3. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

4. The development shall be carried out in full accordance with the submitted Construction Management Plan except in respect of hours of construction of demolition activities and deliveries (including the use of plant and machinery) which shall be in accordance with Condition 3 (above).

REASON – In the interests of highway safety and residential amenity.

5. The development hereby approved shall not be commenced on site, until a scheme for the implementation, maintenance and management of a Sustainable Surface Water Drainage Scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details, the scheme shall include but not be restricted to providing the following details;

- I. Detailed design of the surface water management system;
- II. A build program and timetable for the provision of the critical surface water drainage infrastructure;
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase;
- IV. Details of adoption responsibilities;
- V. Provision for buoyancy aids
- VI. Fencing details
- VII. Precise details of the location of the pond in relation to the existing public footpath.

REASON - To ensure the site is developed in a manner that will not increase the risk of surface water flooding to site or surrounding area, in accordance with the guidance within Core Strategy Development Plan Policy DC2 and the National Planning Policy Framework.

6. The development permitted by this planning permission shall only be carried out in accordance with the approved Proposed Drainage Strategy Rev B Dated 02nd December 2021 and the following mitigation measures;

- Surface Water Discharge to be restricted to 5 l/s
- 500m³ of storage provided.

The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any period as may subsequently be agreed, in writing, by the local planning authority.

REASON - To prevent flooding by ensuring the satisfactory storage of / disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

7. The buildings hereby approved shall not be brought into use until:-

I. Requisite elements of the approved surface water management scheme for the development, or any phase of the development are in place and fully operational to serve said building;

II. A Management and maintenance plan of the approved Surface Water Drainage scheme has been submitted and approved in writing by the Local Planning Authority, this should include the funding arrangements and cover the lifetime of the development.

REASON - To reduce flood risk and ensure satisfactory long-term maintenance are in place for the lifetime of the development.

8. The landscaping scheme (drawing number 3807/1) shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

9. The bin storage facilities for the dwellings hereby approved as set out in Drawing number L019038 - 126 shall be provided in accordance with the approved details, prior to the occupation of the development hereby approved.

REASON - In the interests of highway safety and residential amenity.

10. Prior to the occupation of the development hereby approved, details of the type and location of an Electric Socket suitable for charging electric vehicles for each property with a dedicated garage or parking space, shall be submitted to and approved by the Local Planning Authority . Thereafter the development shall be undertaken in accordance with the approved details prior to the occupation of the dwellings and maintained as such thereafter.

REASON - To accord with Policy IN4 of the Local Plan.

11. The vehicle passing place on Drawing number L019038 - 127 - REV B "Road Through West Newbiggin" shall be completed in accordance with the approved details prior to the occupation of the first dwelling and shall be retained as such thereafter.

REASON - In the interests of highway safety.

12. Any contamination not considered in the Phase 3 Remediation and Verification Strategy but identified during subsequent construction/remediation works shall be reported in writing within a reasonable timescale to the Local Planning Authority. The contamination shall be subject to further risk assessment and remediation proposals agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

13. The Phase 3 Remediation and Verification works shall be conducted, supervised and documented by a "suitably competent person(s)" and in accordance with the agreed Phase 3 Remediation and Verification Strategy. No alterations to the agreed Remediation and Verification Strategy or associated works shall be carried out without the prior written agreement of the Local Planning Authority.

A Phase 4 Verification and Completion Report shall be compiled and reported by a "suitably competent person(s)", documenting the purpose, objectives, investigation and risk assessment findings, remediation methodologies, validation results and post remediation monitoring carried out to demonstrate the completeness and effectiveness of all agreed remediation works conducted. The Phase 4 Verification and Completion Report shall be submitted and agreed in writing with the Local Planning Authority within 2-months of completion of the development or at a time agreed unless the Local Planning Authority dispenses with the requirement specifically and in writing.

The development site or agreed phase of development site, shall not be occupied until all of the approved investigation, risk assessment, remediation and verification requirements relevant to the site (or part thereof) have been completed, reported and approved in writing by the Local Planning Authority.

REASON - The site may be contaminated as a result of past or current uses and/or is within 250 metres of a site which has been landfilled. To ensure that risks from land contamination to the future uses of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to receptors, in accordance with the National Planning Policy Framework.

14. The development shall not be occupied until the post-investigation assessment has

been completed in accordance with the approved Written Scheme of Investigation 'West Newbiggin Farm Sadberge: Historic Building Recording, Written Schedule of Investigation BRP 21/5a August 2021 (Revised November 2022) (The Bamburgh Research Project Limited). The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON - To comply with Policy ENV1 and paragraph 205 of the NPPF, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

15. Notwithstanding any details referred to in the submitted plans, prior to the commencement of works relating to each requisite element of the development the following details shall be submitted to and approved by the Local Planning Authority:-

- i. External materials;
- ii. Doors;
- iii. Fences, walls and gates;

The development shall not be carried out otherwise than in accordance with the approved details.

REASON - To ensure a satisfactory appearance of the development in the interests of visual amenity.

16. Notwithstanding any details referred to in the submitted plans, prior to the insertion of windows, detailed plans showing the constructional details and materials of all window frames to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross-sectional detailing, including means of opening, and external reveal. The window frames shall be installed in accordance with the approved detailed plans and thereafter be so maintained.

REASON - In order to ensure a satisfactory appearance to the development, in the interests of visual amenity.

17. No demolition or rebuilding work additional to that specified in the structural reports carried out by The Home Engineers (September 2020) and the submitted application shall be carried out in undertaking the development hereby permitted without the prior written approval of the Local Planning Authority.

REASON – In order that the Local Planning Authority can retain control over the development in the interests of the visual amenities of the locality.

18. The development shall not be carried out otherwise than in accordance with the mitigation, compensation and enhancement measures set out in the submitted Ecological Impact Assessment 'West Newbiggin Farm PP-19-09' (Naturally Wild July 2020).

REASON - To provide ecological protection and enhancement in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, NPPF, Policy CS15 of the Core Strategy.'

PA51 NOTIFICATION OF DECISION ON APPEALS -

The Chief Executive reported that the Inspectors appointed by the Secretary of State for the Environment had: -

Dismissed the appeal by Town & Country Advertising Limited against this Authority's decision to refuse permission to display 2no. illuminated LED sign boards at Land at former Dainton Stie, Yarm Road, Darlington DL1 4JN (22/00398/ADV)

Dismissed the appeal by Tim Paver against this Authority's decision to refuse permission to undertake work to trees protected by a Tree Preservation Order at Land at 20 Freville Grove, Darlington, DL3 9QN (21/01208/TF)

Dismissed the appeal by Ms P Fletcher against this Authority's decision to refuse permission for the construction of one 2 bedroom single storey dwelling and one 3 bedroom two storey dwelling at 87 Barmpton Lane, Darlington, DL1 3HG (20/01126/FUL).

RESOLVED – That the report be received.

PA52 NOTIFICATION OF APPEALS -

The Chief Executive reported that :-

Mr Connor Gowling has appealed against this Authority's decision to refuse permission for the re-location and increase in height of boundary fence to 2m (Retrospective application) at 12 Redworth Road, Darlington DL3 0BL (22/00716/FUL)

Cornerstone have appealed against this Authority's decision to refuse permission for Prior Approval for the installation of telecoms equipment including 17.5m high monopole supporting 6 no. antennas and 2 no. 300mm dishes, installation of 2 no equipment cabinets, bollards and associated ancillary works (amended plans received 17 March 2022) at Land at Abbey Road Sports Field, Darlington, DL3 8HL (21/01445/PA)

Helen Whittington has appealed against this Authority's decision to refuse consent to carry out works to protected trees at Friends Burial Ground, rear of Friends Meeting House, Skinnergate, Darlington, DL3 7NB (22/00111/TF)

RESOLVED – That the report be received.

PA53 TO CONSIDER THE EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That, pursuant to Sections 100A(4) and (5) of the Local Government Act 1972, the public be excluded from the meeting during the consideration of the ensuing item on the grounds that it involves the likely disclosure of exempt information as defined in exclusion paragraph 7 of Part I of Schedule 12A to the Act.

PA54 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 25 NOVEMBER 2022 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA45/Nov/2022, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 25 November 2022.

RESOLVED - That the report be noted.

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When the time comes for the application to be considered, the Chair will use the following running order:

[This order may be varied at the Chair's discretion, depending on the nature/complexity of the application. The Chair will endeavour, however, to ensure that the opportunity to make representations are made in a fair and balanced way.]

- Chair introduces agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak;
- Members may question applicant/agent;
- Up to 3 objectors may speak
- Members may question objectors;
- Up to 3 supporters may speak
- Members may question supporters;
- Parish Council representative may speak;
- Members may question Parish Council representative;
- Ward Councillor may speak;
- Officer summarises key planning issues;
- Members may question officers;
- Objectors have right to reply;
- Agent/Applicant has right to reply;
- Officer makes final comments;
- Members will debate the application before moving on to a decision;
- Chair announces the decision.

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1 February 2023

APPLICATION REF. NO:	22/01252/FUL
STATUTORY DECISION DATE:	3 February 2023
WARD/PARISH:	Park West
LOCATION:	7 Briar Close & 8 Blackwell Grove
DESCRIPTION:	Conversion of existing bungalow (8 Blackwell Grove) and amalgamation of plots to create pool house and gymnasium for use by 7 Briar Close with the erection of a linked extension with pergola and patio area, replacement raised roof with 4 no. dormer windows, new pitched roof to garage and incorporating conversion of integral garage within main dwelling into habitable space. Erection of a single storey rear extension at No 7 Briar Close. Landscaping works including removing access from Briar Close with the repositioning of electronic access gates with stone piers (off Blackwell Grove) and infill gap to form brick boundary wall, hard standing, gazebo, 1.2m high fencing and associated landscaping works (amended plans and entrance gate details received 6 January 2023)
APPLICANT:	Mr & Mrs Phillips

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The planning application site comprises of two properties, namely:
 - No 7 Briar Close, which is a large, modern, two storey, five bedroomed dwelling which was built as part of a development of three dwellings on the site of the Blackwell Grange Golf clubhouse (planning permissions 15/00030/FUL and 16/01120/FUL). This property has an integral garage to the side, parking space to the front and is accessed off Briar Close.
 - No 8 Blackwell Grove which is a detached bungalow with two bedrooms in the roof space, a flat roofed garage to the side and is accessed via a driveway and entrance off Blackwell Grove. There is no recent planning history for the bungalow, but it would appear to date from the 1970s.
2. The rear garden of No 7 Briar Close wraps around the rear of the No 8 Blackwell Grove and the two sites are separated by close boarded fencing on a low brick wall and further sections of close boarded fencing. There are some existing trees within the grounds of No 7 Briar Close that are on the shared boundary between the two properties.
3. The proposal involves:
 - a) The amalgamation of the two plots and the conversion of the existing bungalow (No 8 Blackwell Grove) to create a pool house and gymnasium to be part of No 7 Briar Close by the erection of a linked extension and a replacement raised roof with four dormer windows. The roof would be raised by approximately 500mm,
 - b) A new pitched roof on the flat roofed garage to the side of No 8 Blackwell Close;
 - c) A single storey flat roofed extension to the rear of No 7 Briar Close;
 - d) The conversion of existing integral garage with associated internal and external alterations at No 7 Briar Close to create a cinema room;
 - e) The removal and blocking up of the existing access onto Briar Close so the enlarged dwelling would be solely accessed off Blackwell Grove;
 - f) The reuse of existing electronic access gates on the Blackwell Grove access which would be set 6m from the back edge of the highway and measure 2.1m in height;
 - g) The re-landscaping of the site, including the erection of a trellis, a gazebo and formation of hard standing areas, soft landscaping and a pond and rockery
 - h) Removal of existing trees on shared boundary
 - i) Removal of existing boundary fencing and erection of new fencing
4. Amended plans have been submitted which show the insertion of obscure glazing in the dormer windows of the converted bungalow and provides further details of design of the 2.1m high entrance gates and stone pillars on the Blackwell Grove access.

MAIN PLANNING ISSUES

5. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Impact on the Visual Appearance and Character of the Area
 - b) Residential Amenity
 - c) Access and Parking Provision
 - d) Impact on Trees
 - e) Contaminated Land

PLANNING POLICIES

6. The application site is within the development limits for the urban area and therefore the principle of the development is acceptable subject to being compliant with other local development plan policies (Policy H3). The relevant policies within the Darlington Local Plan 2016 – 2036 are as follows:
 - a. DC1: Sustainable Design Principles and Climate Change
 - b. DC4: Safeguarding Amenity
 - c. ENV4: Green and Blue Infrastructure
 - d. IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer and Environmental Health Officer have raised no objections to the proposed development

RESULTS OF PUBLICITY AND NOTIFICATION

8. Following the Council's publicity and notification exercises, seven objection letters have been received and the comments can be summarised as follows:
 - *The repositioning of the brick pillars and automatic gates into Blackwell Grove is not in keeping with the aesthetics of the existing street scene which is stone dwarf walls and open entrances*
 - *The entrance and driveway on 8 Blackwell Drive is a considerably smaller and narrower entrance to such a large house than the access of Briar Close*
 - *Briar Close was the access for the Blackwell Golf club house with a constant flow of members traffic so it should be an adequate access for the proposed development, unlike Blackwell Grove, which is a quiet cul de sac*
 - *Blackwell Grove cannot cope with an increase in traffic and further damage will be caused to existing infrastructure*
 - *The access off Blackwell Grove should be closed off and the existing access of Briar Close should be retained and maintained as it is more appropriate for such a large house*
 - *The development will result in the loss of bungalow in a town where there are not many such properties. People wait for bungalows to become vacant in the street to purchase*

- *The Blackwell Neighbourhood Forum identified there is a shortage of bungalows in the area*
- *The development will reduce the amount of housing in the Blackwell area to a gym and swimming pool contrary to the need for homes and the present building of new homes*
- *The use of the bungalow as a gym/swimming pool and the larger extended house is out of character of the existing street*
- *Changing of the address to Blackwell Grove when their main residence is still in Briar Close*
- *Object to the erection of posts and high electronic gates at the entrance to No 8 Blackwell Grove*
- *The development is completely out of character with Blackwell Grove, both visually and in terms of the use of No 8 Blackwell Grove as a gym and swimming pool*
- *Concerned over an increase in traffic as other visit to use the swimming pool and gym*
- *The front elevation of the extended house will not front onto Blackwell Grove which is out of character with the rest of the street*
- *Loss of historic street pattern*
- *Visually damaging to local landscape*
- *Increase in garden noise and lighting*
- *This will set a precedent for other developments*
- *Servicing of the gym and pool will put pressure on the existing services that run down Blackwell Grove and lead to an increase in traffic utilising larger vehicles*

9. Following the submission of the amended and additional plans, three letters of objection have been received and the comments can be summarised as follows:

- *The access off Briar Close is more appropriate, private and a grand access to the large house. It has the added advantage of a large tarmac area of road at the entrance for visitors to park on without causing issues for other residents.*
- *Blackwell Grove is a narrow, very short road with many driveways adjoining the road. There is limited parking for any visitors without causing obstructions*
- *Can it be confirmed that the landscaping scheme involves no excavation or removal of soils off site?*
- *None of the residents would agree with the comment that Blackwell Grove has a better vehicle access than Briar Close. It is difficult getting in and out of our own drives when trade or other vehicles park across from their driveway entrance as trade or visitor vehicles do not realise that they are not leaving enough manoeuvring room for a vehicle to enter or exit the driveway opposite;*
- *This will be compounded and made worse by moving the entrance to Blackwell Grove*
- *Blackwell Grove curves and narrows in the middle of the cull de sac so much so that two vehicles cannot pass each other. This area of the Grove is particularly problematic and has a knock-on effect to the rest of the Grove*

- *Again, this will set a precedent. For example, if No 6 Briar Close decided to purchase No 9 Blackwell Close and do a similar kind of conversion*
- *No overspill parking cannot be guaranteed*
- *The public footpaths are in a bad state of repair due in large part to vehicle use for parking purposes*

PLANNING ISSUES/ANALYSIS

a) Impact on the Visual Appearance and Character of the Area

10. No 7 Briar Close is a large, modern dwelling which includes stone lintels, cills and mullions, large feature windows, double storey bays and a grey tiled roof with gabled projections. No 8 Blackwell Grove is a modest bungalow with a very simple design and constructed from buff coloured brickwork and UPVC windows, doors and panelling. It is clear that the two existing properties are very contrasting in terms of scale, design and materials.
11. The two dwellings would be linked by an extension which would have a glazed roof and rear elevation. The front elevation of the extension and the remainder of the bungalow would be rendered, and the overall height of the bungalow would be raised by 500mm. Two dormer extensions would be sited in the front roof slope, along with two further dormer extensions in the rear roof slope and a dual pitched roof would be placed over the existing flat roofed garage.
12. The existing bungalow does not include any architectural features and whilst the use of materials such as glazing and render would be a contrast to No 7 Briar Close which is brick built, the external finishes to the extension and bungalow are considered to be acceptable. The dormer extensions are of an acceptable scale and design and sit comfortably within the confines of their roof slopes. The addition of a pitched roof on the garage would improve the appearance of this part of the building. The single storey, flat roofed rear extension is also a contemporary addition to the rear elevation creating an outdoor, covered seating and eating area.
13. The only alteration to the front elevation of No 7 Briar Close is the removal of the integral garage doors and the insertion of windows and brickwork which would match the existing property.
14. Whilst the external appearance of the bungalow will be greatly altered as a result of the development, it is considered that the alterations and extensions are acceptable, in general design terms, subject to the use of appropriate materials. The planning application will result in a large residential dwelling positioned within a large plot, once both sites are amalgamated into one.
15. Blackwell Grove is a cul de sac containing thirteen properties, with No 8 Blackwell Grove being one of two properties at the head of the street. Nos 2 to 9 Blackwell Grove are bungalows while the remaining four properties are detached two storey dwellings constructed from a mix of brickwork, stone and panelling. A feature of the street is that the front gardens are enclosed by low stone walls and the majority of the accesses are

open apart from Nos 12 and 14 Blackwell Grove which have low metal gates attached to stone pillars across their entrances.

16. No 7 Briar Close is not highly visible when viewed from Blackwell Grove and so the external alterations to that building, including the rear extension will not have a visual impact when viewed from Blackwell Grove.
17. No 8 Blackwell Grove is very visible from the Grove due to the openness of the access point into the site although it is a narrower open aspect than found elsewhere in the locality. The proposed dormer extensions to the front, the rendered finish, the new roof on the garage and an oblique view of the link extension would be visible. However, it is considered that these alterations to the appearance of the building would not have an adverse impact on the character and appearance of the street scene. The increase in overall height of the building by 500mm would have a very limited impact on the street scene.
18. Whilst the front entrance of the extended dwelling would not be directly visible from Blackwell Grove, this would not be such a departure from the character of the existing street and layout to justify a reason to refuse the planning application or amend the planning application.
19. With regard to the reuse of the existing electronic gates and their visual impact on Blackwell Grove, it is noted that other properties in Blackwell Grove do not have gates across the accesses other than No 12 and 14 which have low gates across them. The proposed gates would be set back 6m from the edge of the highway and their supports have been amended so that they are constructed from stone rather than brick, which would have been an alien addition to the street scape. The setback will provide some visual mitigation to their impact and the height and design of the gates is considered to be acceptable in the context of the appearance of the extended dwelling and also the wider street scene.
20. It is worth noting that if the gates were 2m in height rather than 2.1 as proposed, they could be erected without having to obtain planning permission.
21. Briar Close is a street of five properties, primarily located on the west side of the road, which would have originally led to the clubhouse and car park of the Blackwell Golf Club. At the head of the road is No 6 Briar Walk, a large modern dwelling which also formed part of the same housing development as No 7. This dwelling and the gated access to No 7 form the new frontage at the head of Briar Close. The access would be closed as a result of the proposed development and blocked within a continuation of the boundary walls and gates. No precise details of the blocked-up entrance have been submitted as part of the planning application other than there being landscaping, and trees planted behind a wall. It is considered that the blocking up of the entrance will not have an adverse impact on the visual appearance of the Briar Close and the precise details of how this will be achieved can be secured by a planning condition.

22. No 7 Briar Close is located behind No 8 and so it is not highly visible from Briar Close, and No 8 Blackwell Grove is not visible at all from this vantage point. As a result, the alterations to the two dwellings within the application site will have no visual impact when viewed from Briar Close.
23. The comments that have been received make reference to the development resulting in the loss of a bungalow, which is regarded as a house type much sought after and needed within the local area and wider Borough. The applicant has advised that the property was on the market for approximately nine months prior to purchase. It is clear from a site inspection that the property needs modernising, and it has very limited amenity space associated with it. The Darlington Local Plan does not contain any policies which seek to protect existing bungalows or recommends a refusal of permission if a development would result in the loss of such a property, and therefore the planning application should not be recommended for refusal on such grounds. The loss of one bungalow only would have very limited impact on the overall housing stock.
24. With regard to this application setting a precedent, the local planning authority has not been presented with any evidence that other developers are awaiting the outcome of the planning application and that such a precedent would be caused as a result of this application being supported. Should a similar planning application be received by the local planning authority in the future, it would be considered on its own individual merits.
25. With regard to the findings of the Blackwell Neighbourhood Forum on such matters, the Forum and the designated area was established in 2014 with the aim of developing a Neighbourhood Plan. A Neighbourhood Plan for Blackwell has not been developed or adopted and therefore very limited weight can be given to these comments.
26. It is acknowledged that the proposed development will change the appearance of the existing bungalow, but it would remain in residential use, and it is considered that the external alterations and changes to it, and No 7 Briar Close and across the extended site, will not have an adverse impact on the character and appearance of either street scene and the development would accord with policy DC1 of the Local Plan in this regard.

b) Residential Amenity

27. The planning application site is bound to the north, east, south and west by existing dwellings. The boundary treatment to the north is a mix of fencing and hedging/trees; to the east there is a very high, mature bush to the front of No 8 Blackwell Grove and further close boarded fencing on a low brick wall on the frontage of No 7 Briar Close; to the south is a pillared wall with close boarded fencing between; and the west boundary treatment is close boarded fencing and a wall with hedging above.
28. The increase in height of the bungalow by 500mm would not raise any amenity issues and the applicant has agreed to the insertion of obscure glazing in each of the dormer windows within the converted bungalow which can be secured by a planning condition.

29. The single storey rear extension would not raise any amenity issues as it will be well screened by the existing fences around the site, and it is located off the shared boundaries with the neighbouring dwellings.
30. The new pitched roof on the existing garage to the side of the bungalow would not raise adverse amenity conditions as the gable end of the roof would be quite well screened by existing trees and hedging on the northern boundary.
31. There is a gym window at first floor level in the north elevation of the converted bungalow. This would be a stairwell window and as the bungalow currently has a bedroom window in this location, the extent of overlooking remains unchanged between the application site and the dwelling to the north.
32. The conversion of the integral garage in No 7 Briar Close to a cinema room involves the substitution of the garage door with ground floor windows and brickwork. These windows would face onto the blank gable end of No 7 Blackwell Grove and therefore no loss of privacy would arise.
33. The application confirms that the gym and swimming pool are for the use of the occupants only and would not be a commercial enterprise. The applicant has agreed to the imposition of a planning condition which restricts the usage to the enjoyment of the occupant. The plant and equipment room for the pool is located within the building and it is not envisaged that any noise associated with the equipment will result in adverse amenity conditions.
34. Whilst it is not common practice for household type of planning application, a planning condition has been recommended that a Construction Management Plan is submitted to the Local Planning Authority due to unique nature of the proposed development and the site context. In amenity terms, this plan would include details of the hours of construction and the methods of controlling noise, vibration etc
35. The gates and other works associated with the general re-landscaping of the enlarged site would not have any adverse impacts on amenity.
36. Overall, the application would remain in domestic, residential use and it is considered that, subject to the imposition of planning conditions, the development and usage of the converted bungalow is acceptable in amenity terms and would accord with policy DC4 of the Local Plan in this regard.

c) Access and Parking Provision

37. The proposal includes the removal of the existing vehicle access for No 7 Briar Close with the access gates being removed and infilled with brick to match the existing boundary wall. All vehicle and pedestrian access would then be via the existing access arrangements off No 8 Blackwell Grove. Whilst the comments made by residents that the site should be accessed off Briar Close rather than Blackwell Grove have been

noted, the Council's Highways Engineer has no fundamental objection to the revised access arrangements and has advised that generally, Blackwell Grove has better vehicle and pedestrian access than Briar Close. It is considered that there is no highway related reason to request an amendment to the scheme to revise the access arrangements or to recommend refusal for the scheme as submitted.

38. The number of bedrooms in the extended dwelling remains at five and sufficient parking and maneuvering space is retained within the site and so overspill parking is not expected. The electronic gates would be sited 6m from the back edge of the highway to enable a vehicle to park on the driveway whilst waiting for the gates to open, which would be inwards.
39. The Council's Highways Engineer would have no objection to the creation of the pool/gym facilities provided that they are used for the enjoyment of the occupiers of the main dwelling and not for any commercial use.
40. It is envisaged that the future maintenance of the swimming pool would be carried out by the occupant of the dwelling rather than by an external company.
41. The Construction Management Plan referred to above, would also include details on the parking and access arrangements for vehicles during the construction phase of the development.
42. Having taken into account the comments by the Council's Highways Engineer and the objections that have been received, it is considered that the use of Blackwell Grove as the sole vehicular and pedestrian access for the extended dwelling is acceptable in highway terms, alongside the parking provision, the siting of the electronic gates and the usage of the converted bungalow, subject to a planning condition to control their usage. The development would accord with policies DC1 and IN4 of the Local Plan in this regard.

d) Impact on Trees

43. A total of four trees would be removed in order to facilitate the development. Three trees would be removed on the current boundary between No 7 Briar Close and No Blackwell Grove in order to open up the existing boundary between the two dwellings and extend and join up the concrete paved areas of the two properties. A tree in the rear garden would be removed to facilitate the erection of the single storey extension. None of the trees are covered by a tree preservation order and they are not considered to be worthy of such protection as they are not highly visible from outside the application site and make no valuable contribution to the visual appearance of the local area.
44. A landscaping scheme has been submitted in support of the planning application which includes the planting of six trees, shrub beds and additional hedging around the site, including at the blocked-up access off Briar Close.

45. It is considered that the proposed development accords with policies DC1 and ENV4 of the Local Plan in this regard.

e) Contaminated Land

46. The housing development of the three dwellings, which includes No 7 Briar Close was granted permission subject to planning conditions relating to land contamination which were subsequently discharged. The information has been reviewed by the Council's Environmental Health Officer and the landscape proposals do not raise any concerns that the contamination mitigation measures for the site will be affected. The Agent has confirmed that the landscaping proposals do not involve extraction or removal of soil from the site. The development would accord with policy DC1 of the Local Plan in this regard.

THE PUBLIC SECTOR EQUALITY DUTY

47. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

48. 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 AND RECOMMENDATION

49. The proposed external alterations to the two neighbouring dwellings to create a single, larger property are considered to be acceptable in terms of their general design and impact on the visual appearance and character of the surrounding area. The extended site would remain in residential use within an existing residential area. With the imposition of appropriate planning conditions, the development will not have an adverse impact on neighbouring dwellings and there are no highway objections to the new access arrangements and parking provision within the site. There is an acceptable landscaping scheme to mitigate the loss of some existing trees on the site. The loss of the bungalow is not a consideration that is supported by the local development plan and is not considered a reason to recommend refusal of the planning application. Overall, it is considered that the development is in accordance with the appropriate policies of the local development plan. It is therefore recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - a) Drawing Number L022009 – 003A Proposed Floor Plans
 - b) Drawing Number L022009 – 004 A Proposed Elevations
 - c) Drawing Number L022009 – 006 Existing and Proposed Site Entrance
 - d) Drawing Number 5014/2 Rev B – Landscape Masterplan
 - e) Schedule of Items Shown on Landscape Masterplan
 - f) Timber Palisade Fencing and Gate
 - g) Wiveton Summerhouse

REASON – To ensure the development is carried out in accordance with the planning permission

3. Prior to the commencement of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.
 - c. Construction Traffic Routes, including parking areas
 - d. Details of Contractor Parking and Compound, if necessary
 - e. Pedestrian Routes
 - f. Details of wheel washing, if necessary
 - g. Road Maintenance, if necessary
 - h. Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

REASON: In the interests of highway safety and the amenity of the surrounding area

4. Prior to the commencement of the development, precise details of the means of enclosure for the access on Briar Close shall be submitted to and approved in writing by

the Local Planning Authority. The details shall include the design, height, position and materials of the enclosure and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development and street scene.

5. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - In the interests of the visual amenities of the area.

6. The windows formed in the dormer extensions on the front and rear roof slope of the gym/swimming pool area hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the neighbouring dwellings.

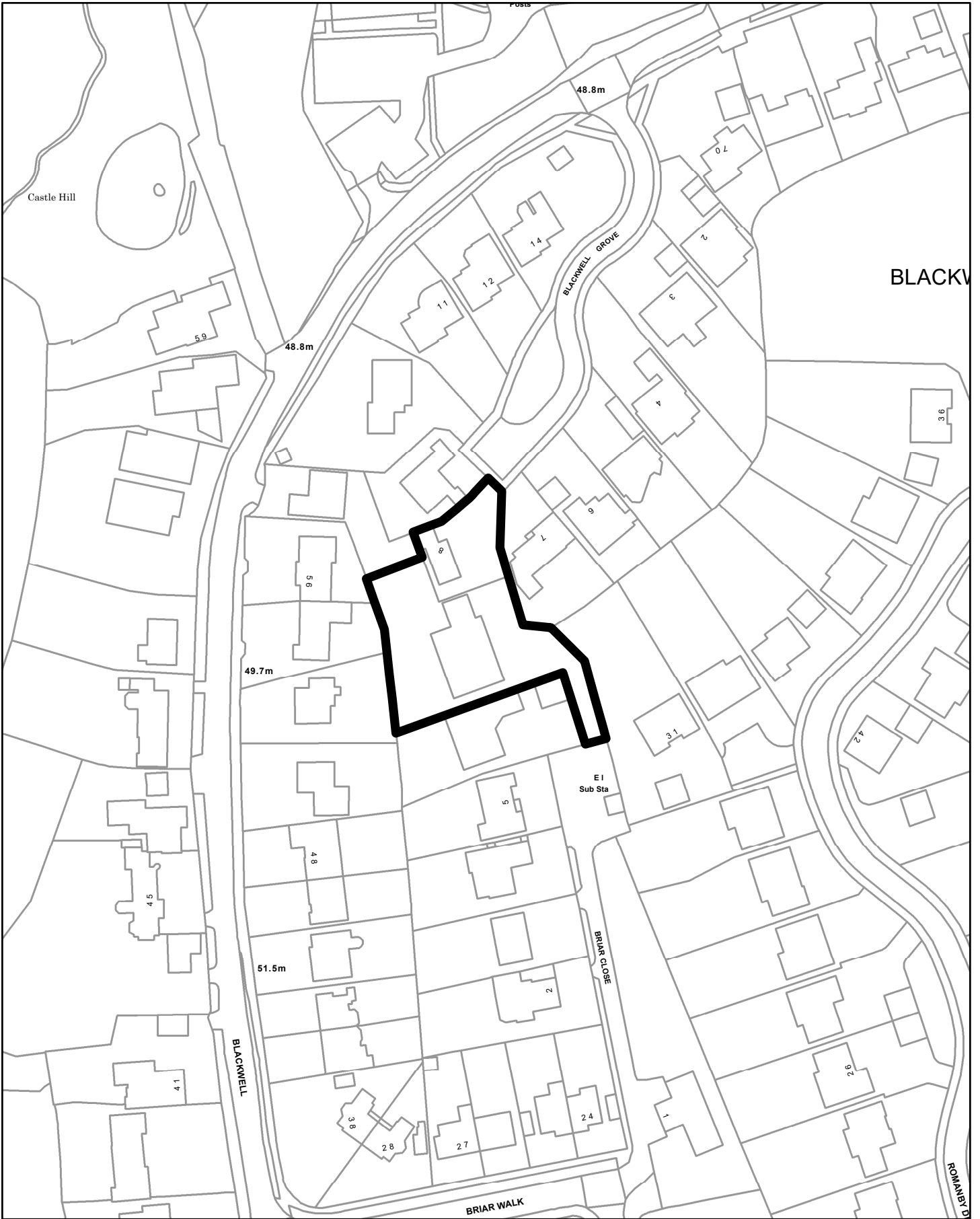
7. The materials used in the external finishes to facilitate the conversion of the integral garage of No 7 Briar Close to a cinema room shall match those used on the existing building. REASON - In the interests of maintaining the visual amenity of the development.

8. The swimming pool and gym hereby approved shall only be used for purposes incidental to the enjoyment of the occupants of the dwellinghouse and shall not be used for any commercial/business purposes or activities.

REASON: In the interests of highway safety and to safeguard the amenity of the local area

INFORMATIVES

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.

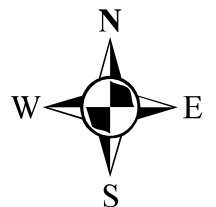


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DARLINGTON BOROUGH COUNCIL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1 February 2023

APPLICATION REF. NO:	22/01228/CU
STATUTORY DECISION DATE:	03 February 2023
WARD/PARISH:	Bank Top and Lascelles
LOCATION:	23 Langdale Road
DESCRIPTION:	Change of Use from dwelling house (Use Class C3) to short term serviced accommodation (Sui Generis) (Retrospective Application)
APPLICANT:	Mrs Tina Crang

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The property is a two bedroomed mid-terraced dwelling with a living room, dining room and kitchen on the ground floor and two bedrooms and bathroom on the first floor. The property has a rear yard and small enclosed amenity area to the front.
2. The supporting information with the application states that since April 2022, the property has been marketed and used as short term serviced accommodation. Bookings are taken by a Management Company (Toast Lettings) and the premises have been occupied by up to 4 people from between 3 nights to 3 months. It has been commonly occupied as a short term let for persons who prefer self-catering accommodation. There have been no internal or external alterations to the property. The occupation of the dwelling in this manner has resulted in a change of use of the property from a Class C3 dwelling to a "sui generis" use. Once the local planning authority were made aware of

the operation, this planning application seeking to obtain retrospective planning permission has been submitted.

MAIN PLANNING ISSUES

3. The main issues for consideration are:

- a) Impact on residential amenity
- b) Highway safety
- c) Nutrient Neutrality

PLANNING POLICIES

4. The site is within the development limits and therefore the proposed use is in compliance with the settlement hierarchy as set out in Policy SH1 and Policy E4, which states that tourist accommodation should be situated within the development limits. Other relevant planning policies in the determination of this application seek to ensure that:

- New development protects the amenity of neighbouring users and must be acceptable in terms of noise and disturbance (DC4)
- The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements (DC1 and IN4).

RESULTS OF TECHNICAL CONSULTATION

5. The Council's Environmental Health Officer and Highways Engineer have raised no objections to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

6. Following the Council's notification and publicity exercises, the Council has received six objections from five households. The comments can be summarised as follows:

- *There have been issues with noise, antisocial behaviour and crime*
- *This is a residential area and allowing houses to be used in this way is not helping build strong communities*
- *This is simply a cash cow with no respect for local residents*
- *Leave this type of enterprise to hotels and B & Bs*
- *The occupants don't care about the area*
- *You never know who is going to arrive next*
- *Why were they allowed to operate without the relevant permissions before? We have had to endure the property being used for dubious comings and goings over the past year*
- *I strongly object*
- *I want to live in a safe area not somewhere where there are different unknown individuals coming and going daily/weekly*

PLANNING ISSUES/ANALYSIS

a) Impact on residential amenity

7. The property is within a residential area. Langdale Road primarily consists of terraced dwellings with some semi-detached dwellings directly opposite the planning application site.
8. It has to be acknowledged that the impact of the use on the amenities of neighbouring residents is to some extent governed by the management of the property and the willingness of the occupants to comply with the house rules. This compliance is in the interests of both the host and the occupiers as booking sites tend to be self-regulating in terms of the occupants who are allowed to stay based on their conduct in previous properties.
9. Bookings for the property are currently taken by Toast Lettings and the property is included on their website (along with photographs of the various rooms), which states the property is fully managed by the letting company. The website includes Booking Terms and Conditions and confirmation that all properties are to be used solely as short term lets occupied to the amount of people specified on the property details (in this case four). The letting company reserves the right to refuse admittance if these terms are not observed and deem the hire cancelled. Pets may be allowed within the advertised properties, but smoking is not permitted.
10. The Environmental Health Officer has raised no objections to the use. If planning permission is granted and anti-social events resulting in noise take place the Environmental Health Service can investigate using specific legislation.
11. Officers have contacted the Architectural Liaison Officer of Durham Constabulary who has advised that the Acting Neighbourhood Sergeant is not aware of any of the issues that have been raised by residents pertaining to the application site.
12. Once guests have checked into the property, they are free to come and go in the same way that a resident of a dwelling can. Whether a guest is using the accommodation to visit the area for leisure/holiday purposes or as accommodation when working in the area, the net effect of this is that the property will usually be empty for significant periods during the day while the guests are visiting local attractions or working, with the property being used as a base. This, again, is a very similar situation to that of a regular dwelling house where the residents go out to work during the day and/or for leisure on a weekend. The number of persons that would let the property would not be increased as a result of the use.
13. The property would remain in residential use albeit in a different form.
14. As stated above, the property is advertised to let on an essentially 'entire household' basis. This means that only one booking is taken at any one time, which could be a

family or a group of guests who are working in the area. The benefit of the business model is that this allows better control over the impacts of the change of use, and an element of ownership from the guests in terms of their conduct whilst on the property. The benefit is also that the property is not let out on a room basis or house share to individuals who would not be residing as a household, a scenario which may result in fewer shared trips and more comings and goings. This is more akin to a residential dwelling than if the property were let on an individual room basis, which takes the use more towards a small HMO (House in Multiple Occupation).

15. Planning permission has recently been granted for this type of use at Hirst Grove (ref no: 22/00673/CU) and Greenbank Road (ref no: 22/00857/CU). The permissions were granted subject to planning conditions which ensures that the property is being let as an entire household let; that a register of bookings is maintained and also that any planning permission is personal to be applicant. The granting of a personal planning permission means that in the event of the applicant no longer being the owner of the property, it would revert back to a single dwelling (Class C3) without the need to have to obtain further planning permission.
16. The applicant has agreed to the imposition of such conditions on any grant of planning permission.
17. Having taken onto account the information that has been submitted in support of the planning application, the comments received by the residents and the Council's Environmental Health Officer and the Architectural Liaison Officer, it is considered that with the imposition of the suggested planning conditions, the use of the premises as serviced accommodation for a household of four persons is acceptable in amenity terms. This recommendation has been made, together with the ability of the Council's Environmental Health Team and the Police to investigate any incidents of antisocial behaviour in the future. The planning application would accord with Policy DC4 of the Local Plan in this regard.
18. It should also be noted that a potential fallback position is to use the property as a small HMO, which would not require planning permission, and would likely have much more significant impacts than a more intensively managed short let. A small HMO is a dwelling occupied by up to six unrelated individuals sharing basic facilities. This fallback position is an important material consideration to which weight can be attached in consideration of the application. Should the application be refused on the grounds of residential amenity or highway safety, the applicant would have a strong fallback position in that they could proceed with the change of use of the property from a single dwelling to a small HMO, over which the local planning authority would have less control regarding the management of bookings and associated impacts which the suggested conditions seek to achieve in the case of the current proposal.

b) Highway safety

19. Residents and occupiers of Langdale Road are reliant upon on-street parking on a first come first served basis, as is typical of terraced dwellings which do not have in curtilage

parking. Based on the information submitted in support of the planning application and the fact that the number of bedrooms has not been increased, it would be hard to evidence that the proposed change of use would create additional parking demand over and above the extant use as a private dwelling. There are no highway safety or parking provision objections, and the planning application would comply with policies DC1 and IN4 of the Local Plan in this regard.

c) Nutrient Neutrality

20. Natural England together with the Department for Levelling Up, Housing and Communities (DLUCH) announced on 16th March 2022 that the administrative area of Darlington Borough Council is now located within the catchment area of the Teesmouth and Cleveland Coast Special Protection Area. Under the Habitats Regulations, those planning authorities falling within the catchment area must carefully consider the nutrients impacts of any projects, including new development proposals, on habitat sites and whether those impacts may have an adverse effect on the integrity of the site that requires mitigation.
21. This impacts on all planning applications, both existing and proposed, which relate to primarily all types of overnight accommodation, such as new dwellings, care homes, student accommodation, holiday accommodation etc. and impacts all developments for one dwelling upwards. It also affects other applications where development may impact upon water quality, including those seeking to discharge planning conditions relating to foul and surface water drainage for a range of development proposals.
22. The local planning authority has arrived at a view that this planning application would not be within scope for the following reason and can therefore be determined without the need for any further mitigation:
 - a) Based on the information submitted, the limited size of the dwelling and the recommended conditions regarding bookings, the use would not create any more additional overnight accommodation within the property and therefore no more nutrient load than its previous use as a single residential dwelling.

THE PUBLIC SECTOR EQUALITY DUTY

23. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The existing access arrangements would not be altered as there are no external alterations being proposed. As the use is generally operating in a similar manner to a single dwelling, there is no requirement to expect the building be made accessible and once the use ceases, it would revert to a dwelling.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

24. 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 AND RECOMMENDATION

25. The proposed change of use does not raise any significant highway safety or parking provision objections and subject to the use of the suggested planning conditions, the application is considered to be acceptable in amenity terms. The planning application would accord with policies DC1, DC4 and IN4 of the Local Plan, and it is therefore recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

a) Drawing Number 001 – Existing and Proposed Floor Plans

REASON: To ensure the development is carried out in accordance with the planning permission.

3. The property shall only be let as a single booking at any one time (also known as 'entire household let') with a maximum of four residents per booking, unless otherwise agreed in writing by the Local Planning Authority.

REASON – In the interests of residential amenity and highway safety.

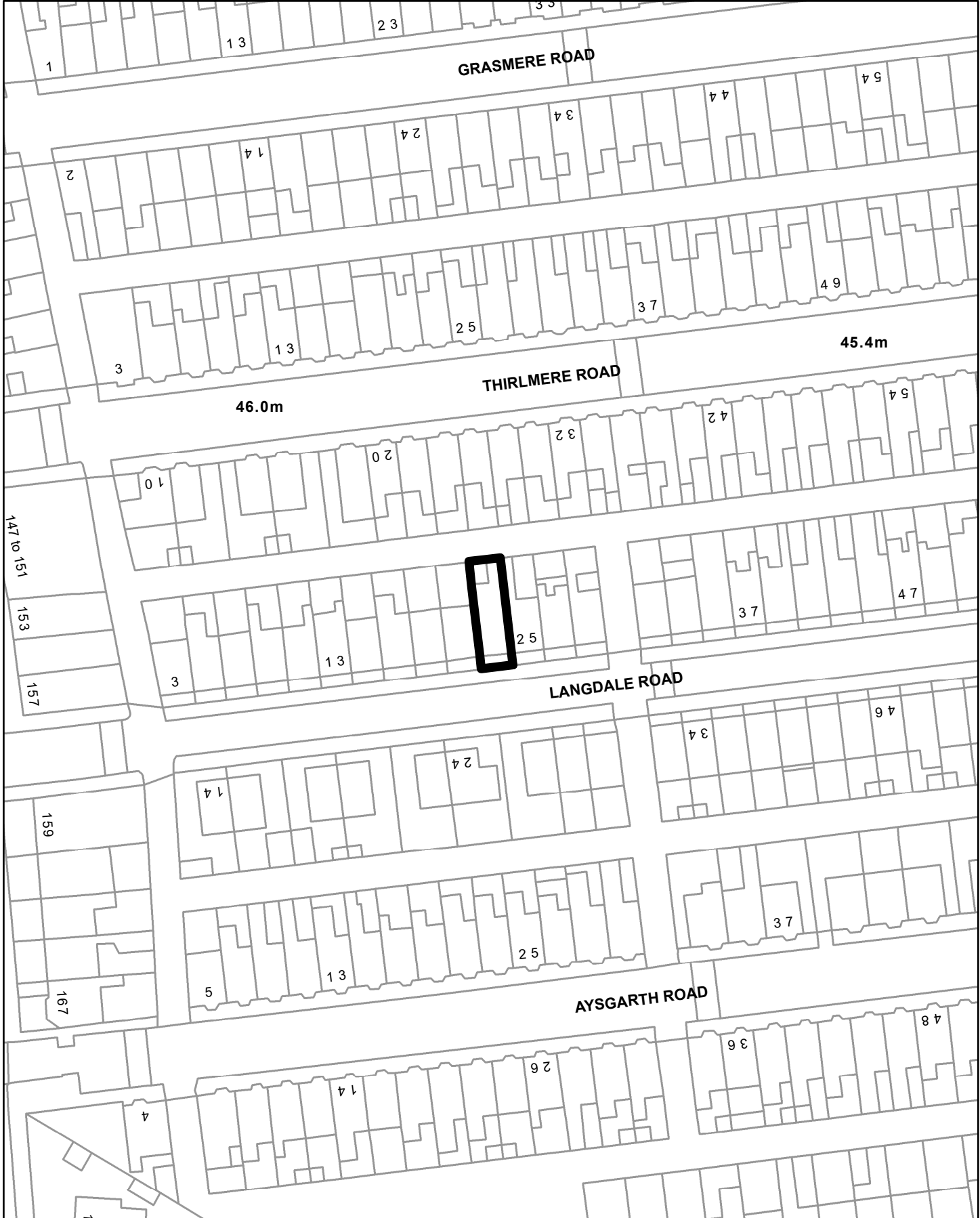
4. The owners/operators of the accommodation shall maintain an up-to-date register of the details of all bookings made and shall make this information available at all reasonable times to the Local Planning Authority.

REASON - To allow records to be made available to assist in any monitoring of condition (3) of this planning permission.

5. This permission shall be personal to Pertina Properties Limited only and shall not enure for the benefit of the land. In the event of Pertina Properties Limited no longer being the owner of the premises the use shall revert to the use as a single residential dwelling (Use Class C3)

REASON - In granting this permission the Local Planning Authority has had regard to the special circumstances of the case and wishes to have the opportunity of exercising control over subsequent uses in the event of Pertina Properties Limited no longer owning the premises

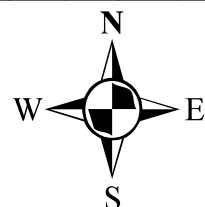
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Planning Ref No: 22/01228/CU

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1st February 2023

APPLICATION REF. NO: 22/01025/FUL

STATUTORY DECISION DATE: 27th December 2022
Extension of Time Agreed 6th February 2023

WARD/PARISH: Park West

LOCATION: 24 Greencroft Close DARLINGTON DL3 8HW

DESCRIPTION: Conversion of garage to form habitable rooms with first floor extension above with Juliet balcony to rear elevation, two rooflights to front roof slope and dormer extension to rear roof slope, erection of single story extension, dormer window and three roof lights to front elevation, two storey rear extension with Juliet balcony, conversion of attic into habitable space with dormer extension to rear roof slope and solar panels, decking to rear with glazed balustrade, changes to existing fenestration and associated works (description amended by plans received 22/12/2022 and 19/01/2023)

APPLICANT: Mr & Mrs A Karim

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:

<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a detached property, which has an attached large flat roof garage to the side and a conservatory the rear. It is located at the southern end of Greencroft Close, a cul-de-sac of relatively modern detached dwellings dating from the

1970s, accessed off Cleveland Terrace to the north, within the West End Conservation Area. Flatted development at Witney Court and Greencroft Court is located in the south east corner of Greencroft Close, adjacent to the application property. The property and its rear garden are in an elevated position when viewed from Coniscliffe Road to the south. To either side of the dwelling are pedestrian access paths which link Greencroft Close and Coniscliffe Road. Trees within the site are protected by Tree Preservation Order 1961 No. 3B (Area 1) and by virtue of being located in the West End Conservation Area.

2. Planning permission is sought for a number of elements including: -
 - a) Conversion of the existing garage into habitable accommodation (utility, bathroom and plant room)
 - b) First-floor extension above existing garage to create an additional bedroom with en-suite. The first-floor extension will extend out over the existing garage and will be supported at ground floor level by a structural pier and expanded lobby. This extension will measure approximately 6.3m wide, given that the existing first-floor extension to the east elevation is to be removed, will have a depth of approximately 7.2m and will sit under a dual pitch roof (front to back), with a ridge height of approximately 8.2m and which is set down from the original roof by approximately 0.4m.
 - c) The existing kitchen and sunlounge to the rear are to be expanded vertically to two storeys to enlarge bedroom 2, will include an en-suite and will provide an access corridor to bedroom 1. Both bedrooms 1 and 2 will have Juliet balconies. The kitchen extension will also be enlarged in width by the removal of an existing corridor and in its length by extending out over an existing enclosed deck area. This extension will measure approximately 7.5m wide will have a maximum projection of approximately 3m and will sit under a dual pitch roof (side to side) with a ridge height of approximately 8.8m.
 - d) The existing attic space is to be converted and expanded over the extended first-floor accommodation to provide an additional bedroom, making five in total and this room will have a glazed infill with a Juliet balcony. A study/guest room, games room and family bathroom will also be created within the roof space. Both the study guest room and the games room are to have dormer windows on the south elevation and rooflights to the northern pitch of the roof. The rear dormer to be inserted into the existing roof will measure approximately 2.5m wide, 1.6m in height and will have a maximum projection of approximately 2m. Whilst the dormer in the first-floor extension is slightly smaller being 2m wide, will have the same height and will have a projection of approximately 1.7m.
 - e) Solar panels are to be sited on the rear roof slopes, three will face south, whilst one larger one will face west, and all are to be set parallel with the roof pitch.
 - f) Three roof lights are to be added to the front roof slope, with a further two being added to the roof slope of the first-floor extension measuring approximately 0.6m by 0.7m and will sit flush with the roof plane.
 - g) Dormer extension to existing front roof slope which will sit under a part flat, part sloping roof which will have a projection of approximately 1.5m and will be 2.8m wide and have an overall depth of 2.6m.
 - h) The dining room will also lead out onto a raised deck area with a glazed balustrade and with steps leading down into the garden. The decking will be approximately 4.6m

wide, will have a projection of approximately 3.1m and will have a height of approximately 1m, as will the glazed balustrade.

- i) There will also be changes to the external fenestration in that a new window will be added to the existing first floor elevation and which will serve a study. A window on the first-floor side elevation is to be blocked up and a window on the front of the lobby will be changed to a door (changing the existing access from the side to the front). The modified roofs are to be clad in pantiles to match the existing roof and the dormer windows will have lead clad cheeks with the flat roof surfaces being covered in proprietary rubber membrane, black/slate grey in colour. It is also the applicant's intention to replace the existing windows which either have four or six panes with casement windows which will be made from uPVC, white in colour and will match those in the proposed extensions. The bow window to the dining room also to be replaced with a casement window.
3. The application has been amended since it was first submitted in that the large triple-height glazed porch to the front elevation has been removed from the proposal, together with two balconies to the rear. One of the rear dormers has been reduced in scale, as has the amount of glazing on the rear elevation. The small existing two-storey extension to the east elevation is to be demolished at first-floor level and that brickwork to the right of the existing porch entrance door is also to be removed. The plans have also been amended to show off-street parking for 4 no. cars.
 4. A Heritage Statement has been submitted with the application.

MAIN PLANNING ISSUES

5. Site History
 - 75/00079/MISC** Erection of single storey extension to dwelling house to form lounge, bedroom, bathroom, extended kitchen, and double garage GWC 11.06.1975
 - 86/00219/FUL** Erection of a conservatory and canopy to the rear and construction of a pitched roof over existing flat roof to front porch GWC 18.06.1986
 - 91/00118/FUL** Erection of a first-floor extension to form en suite bathroom GWC 10.04.1991
 - 03/00045/FUL** Erection of conservatory GWC 25.02.2003
6. The main planning issues to be considered are whether the proposed development is acceptable in the following terms:
 - a) Impact on Visual Amenity and the West End Conservation Area
 - b) Impact on Residential Amenity
 - c) Highway Safety and Parking Provision
 - d) Impact on trees
 - e) Other Matters

PLANNING POLICIES

7. The application site is located within the development limits for the urban area as identified by the Policies Map of the Darlington Local Plan (2016 – 2036). The principle of

development within the limits will be acceptable subject to compliance with other national and local policies (policy H3 of the Local Plan). The relevant planning policies are as follows:

Darlington Local Plan (2016:2036)

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

IN4: Parking Provision including Electric Charging Points

Also, relevant

The National Planning Policy Framework 2021

West End Conservation Area Character Appraisal

Supplementary Planning Document – Design for New Development

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Highways Engineer has raised no objections to the proposal. Nor has the Senior Arborist subject to appropriate tree protection measures being put in place.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Following the Council's consultation and publicity exercises, three letters of objection have been received and the comments can be summarised as follows:

- *The proposed development is not in keeping with other properties within Greencroft Close*
- *Proposed development is set forward of the existing building line*
- *Insufficient realistic parking to be retained within the curtilage*
- *Impact the development will have in regard to increase in on street parking*
- *Future use of property, other than as residential accommodation*

PLANNING ISSUES/ANALYSIS

(a) Impact on Visual Amenity and the West End Conservation Area

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities pay special attention to preserving or enhancing the character and appearance of conservation areas.
11. In determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (para 197 of the National Planning Policy Framework 2021).

12. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199 of the National Planning Policy Framework 2021).
13. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (Para 200 of the National Planning Policy Framework 2021).
14. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (Para 201 of the National Planning Policy Framework 2021).
15. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (Para 202 of the National Planning Policy Framework 2021).
16. The above considerations are echoed by policy ENV1 of the Local Plan. A Heritage Statement has also been submitted in support of the planning application which assesses the impact of the proposal on the significance of the West End Conservation Area.
17. The West End Conservation Area is designated for its high-quality suburbs ranging from the mid-eighteenth to the early twentieth centuries. It is part of Darlington's inner residential suburbs and is a generally prosperous and attractive part of town. Ranging from high-density town houses near the centre of town to large, detached villas in substantial grounds, this area makes a significant contribution to Darlington's housing offer.
18. The application site is in a prominent location within the West End Conservation Area given its elevated position overlooking Coniscliffe Road and at the head of a cul-de-sac (Greencroft Close). However, the dwelling is a modern addition (c. 1970) and does not have any significant local historic value, being built from modern materials and is of a design reflective of its time. The property does not form a key view or vista within the conservation area as identified in the West End Conservation Area (March 2010). It is also worth noting that the property has been enlarged in a piecemeal fashion previously with a small two storey side extension, a large flat roof double garage to the side and three different styles of extensions which run the full width of the rear elevation.
19. The footprint of the property will largely remain the same with the additional floorspace being created by the addition of a first-floor side extension and the existing kitchen and sunlounge to the rear being expanded vertically to two-storey. Whilst a small single storey extension will square off the front corner of the property. Two dormer windows are to be

added to the rear roof slope, and a further dormer window and five rooflights are to be added to the front roof slope to facilitate the conversion of the loft into additional habitable accommodation.

20. Whilst acknowledging that the enlargement and alterations to the property would be highly visible, the scheme has been amended since it was first submitted to include the removal of a large triple-height glazed porch from the front elevation and two balconies from the rear elevation. One of the rear dormer windows has also reduced in scale and both dormer windows in this elevation have been repositioned to align with the first-floor windows below. The ridge height of the first-floor side extension has also been reduced in height by approximately 0.4m and given that this extension will be set back from the existing front elevation, this side extension is now suitably subservient and considered to be acceptable.
21. The front of the property has already been extended by a single storey extension which sits under a sloping pitch roof and which forms part of the dining room. The single-story extension would extend this element to the full width of the house, effectively squaring off the north-west corner of the property and would enlarge the existing living room. This extension would be in-line with the existing property. Whilst this element will be visible from the front of the property, it is considered to be visually acceptable given that is small in scale, will be built of matching materials and has been designed to match the existing extension.
22. The addition of the dormer windows to both roof slopes will be highly visible, however they are to be built of matching materials, have been designed to align with the first-floor window below, will sit clear of the ridge, verges and eaves and are considered to be subordinate to the dwelling. The dormer extensions are therefore considered to be appropriate additions given the age and style of the building.
23. Confirmation has been received that the proposed rooflights in the front roof slope will sit flush with the roof plane and can therefore be installed as permitted development without the need for planning permission. Whilst the addition of rooflights will alter the external appearance of the property, it is acknowledged, permitted development rights remain in place that allow properties within conservation areas to be altered unless those rights have been removed by way of an Article 4 Direction. There is no Article 4 Direction in place for the West End Conservation Area.
24. Whilst the addition of solar panels will not normally require planning permission, these panels do require permission because the property faces onto Coniscliffe Road. However, given their limited size and positioning and that the proposed dormers and the mature trees to the rear of the site will provide some screening, any impact would be minimal.
25. The existing windows which either have four or six panes are to be replaced with casement windows which will be made from uPVC, white in colour and will match those in the proposed extensions. The existing bow window to the dining room is also to be replaced

with a flat casement window. Whilst these changes will alter the external appearance of the property, the changes will reflect the properties modern appearance.

26. Whilst acknowledging that the two-storey rear extension would be visible from Coniscliffe Road, this extension is not set forward of the two existing single storey extensions which this structure will replace. It is also worth noting the existing extensions vary in heights and design and that the existing conservatory on the southwest corner will remain in place. This extension will also lead out onto a raised deck area with a glass balustrade.
27. The dual pitch roof of this extension will sit perpendicular to the existing roof, it will have the same ridge height as the existing dwelling with a Juliet balcony with double doors with glazed panels to either side being formed in the apex of the roof. A second Juliet balcony will serve a new bedroom formed in the rear elevation of the first-floor side extension.
28. Two balconies have been removed from the proposal being replaced with Juliet balconies which are considered a suitable replacement given that will fit in with the context of the glazing on the rear elevation and the modern appearance of the dwelling. The dwelling is set back from the road by between 12 and 17m and the mature trees within the garden will provide some screening.
29. There is a similar 'fallback position, in that windows can be replaced with Juliet balconies under Permitted Development under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as long as there is no platform and therefore no external access and the proposed Juliet balcony would therefore be outside the control of the Local Planning Authority.
30. The addition of the rooflights, solar panels and the dormer extensions, together with the change in window design including the two Juliet balconies will not adversely impact the character and appearance of the dwelling, the wider street scene or Conservation area and these elements are considered acceptable.
31. Whilst acknowledging that the external changes to the dwelling will be visible from both Coniscliffe Road and Greencroft Close, the amended proposals are considered to be acceptable, and the design changes will not be out of character with the property itself and other modern, detached properties on Greencroft Close, including the flatted development at Whitney Court and Greencroft Court.
32. Overall it is considered that the proposed extensions and alterations would sustain the significance of the West End Conservation Area and would not have an adverse impact on the general character and appearance of the street scene. As no adverse effects have been identified, it is not necessary to identify public benefits and the proposed development would accord with policies ENV1 and of the Local Plan and the National Planning Policy Framework 2021 in this regard. The development would also accord with policy DC1 of the Local Plan and the Design SPD.

(b)Residential Amenity

33. The application site is located at the head of a cul-de-sac within a predominantly residential area and the rear of the property faces onto Coniscliffe Road. There are footpath links either side of the property connecting Greencroft Close and Coniscliffe Road. The nearest properties are 22 Greencroft Close, approximately 10 metres to the north west and Witney Court and its grounds approximately 29 metres to the north east. A large, detached property known as Ashcroft is located approximately 26.5 metres to the west of the application site although the two properties are separated by one of the footpath links and mature trees along the property's eastern boundary.
34. Properties to the opposite side of Coniscliffe Road to the rear of the property are over 35m away. It also worth noting that the rear garden of the property has a large number of mature trees which are protected by a Tree Preservation Order and by virtue of being in a conservation area and these trees will provide adequate screening and prevent an adverse loss of privacy from the increase in glazing on the rear elevation which includes two Juliet balconies and two dormer windows and the addition of the raised deck area.
35. Whilst no other neighbouring dwellings would be directly impacted upon by the additional windows on the north (front) and west (side) due to the proximity distances and given that the property faces onto the head of the cul-de-sac. Overall, it is considered that the proposed development would not have an unacceptable impact upon the amenities of the existing properties in the locality and would generally accord with policy DC4 of the Local Plan in this regard.

(c) Highway Safety & Parking Provision

36. Concerns have been raised by objection that the conversion of the double garage into habitable accommodation would result in the loss of two parking spaces and together with an increase in the size of the property would mean that the site could no longer accommodate the number of cars likely to attend the property without impacting on nearby on-street parking, with resultant impacts on highway safety.
37. Whilst an amended plan has been submitted which demonstrates that four parking spaces will be retained to the front of the site, concerns have also been raised in that it is unrealistic to expect that the cars could or would be parked into the positions as set out on the submitted ground floor plan.
38. The Council's Highways Engineer has advised that that there is no reason to conclude the proposal would exacerbate any existing problems given that the required levels of in-curtilage parking are fully met. Greencroft Close has a 4.8m wide running carriageway which is a nationally recognised design standard still in use today for estate roads as set out in the applied Manual for Streets document and which recognises that there is sufficient width to enable a car and a large vehicle to pass where such vehicles may require access for servicing or emergency vehicles. No highway objection has been raised to the proposal and on this basis, the proposal would accord with policies DC1 and IN4 of the

Local Plan in this regard.

(d) Impact on trees

39. Trees within the curtilage of this property are protected by TPO 1961 3B (Area 1) and by virtue of being located within the conservation area. The small increase in the footprint to the northwest of the dwelling will not impact any of the trees within the site. Nor will the addition of the brick pillar which is required to support the overhang of the proposed first-floor side extension. A condition requiring that the trees be protected during the construction period is recommended.
40. While the Council's Senior Arboricultural Officer has suggested that shadow modelling be undertaken to ascertain how the trees which are located to the south of the site will impact the additional rooms to the rear and the solar panels on the roof, in this instance this is not considered either proportionate or necessary. Should any works be proposed to the adjacent protected trees to improve light to these rooms or the solar panels, this would be the subject of a separate application and the necessary supporting information would need to be submitted and considered at that stage.

(e) Other Matters

41. Concerns have been raised by objection that the applicant intends to use the property for uses other than a residential dwelling, with additional concerns raised regarding access and parking. The application as submitted is for extensions and alterations to the application property as a single dwelling and should any future planning application be submitted for an alternative use of the property this, and any other related matters of development management, such as access and parking, will be considered at that time. Supposition about potential future alternative uses for the property is not material to considered of this application.

THE PUBLIC SECTOR EQUALITY DUTY

42. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The existing reception area on the ground floor of the two-storey extension is accessible via an existing ramp at the main entrance and this arrangement would remain unaffected by the proposed development.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

43. 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 AND RECOMMENDATION

44. The proposed alterations and extensions to the dwelling are considered to be acceptable and would sustain the significance of the West End Conservation Area and in turn the character and appearance of the surrounding area. The proposal would not adversely impact upon residential amenity or protected trees within the site, and it has been demonstrated that adequate parking provision can be made for the dwelling as extended within the application site. The proposal would therefore accord with policies DC1, DC4, IN4 and ENV1 of the Darlington Local Plan 2016-2036 and the requirements of the NPPF 2021.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (Three Years)

The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy DC1 of the Darlington Borough Local Plan 2016-2036.

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

Proposed Ground Floor Plan Drawing No. 3152/04 Rev B dated Dec 2022
Proposed Site Layout Plan Drawing No. 3152/04.1 Rev B dated Dec 2022
Proposed First Floor Plan Drawing No. 3152/05 Rev A dated Dec 2022
Proposed Second Floor Plan Drawing No. 3152/06 Rev A dated Dec 2022
Proposed Roof Plan Drawing No. 3152/06.1 Rev B dated Dec 2022
Proposed Elevations Drawing No. 3152/07 Rev C dated Dec 2022

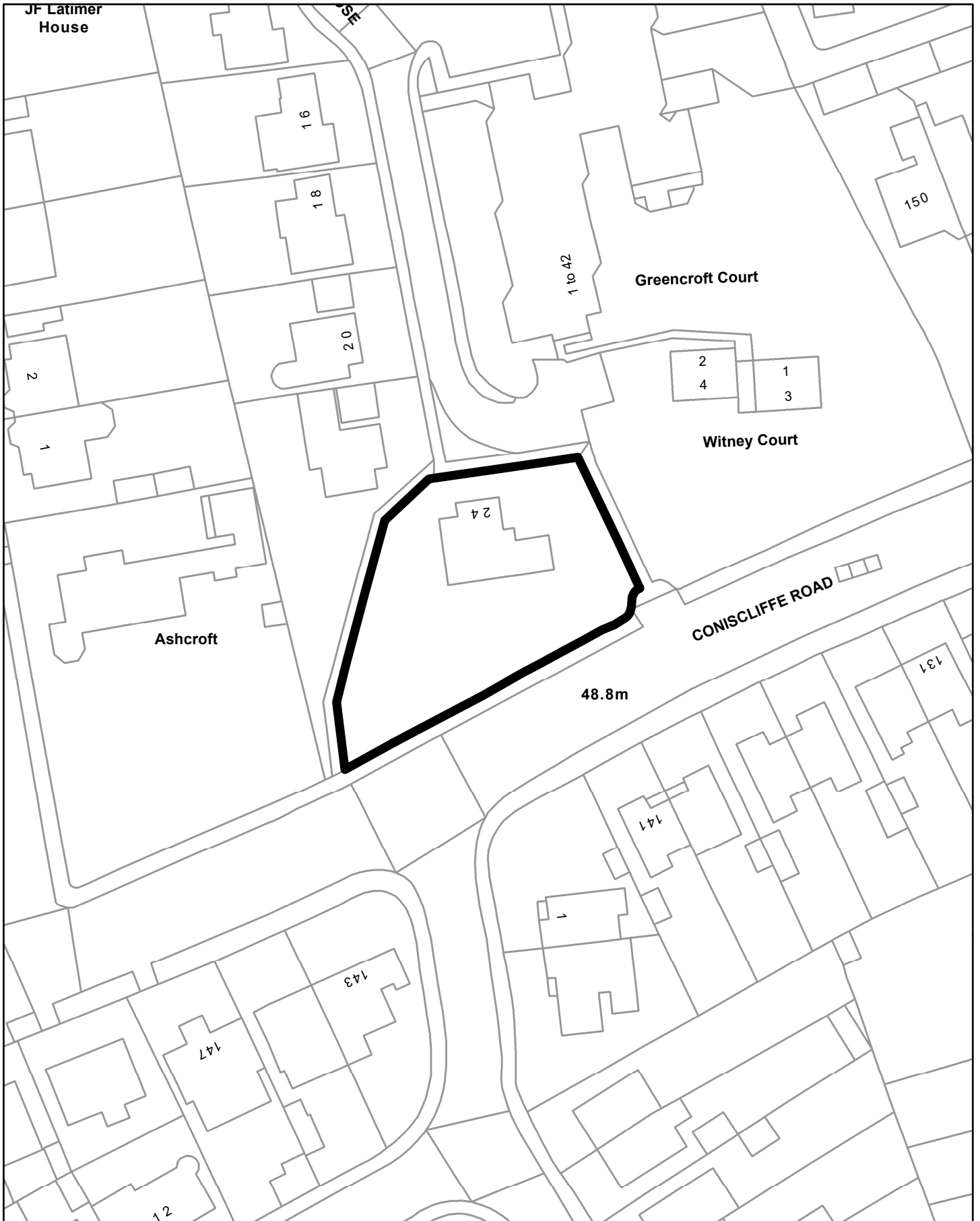
REASON – To ensure the development is carried out in accordance with the planning permission.

4. None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority: -

- (i) the raising or lowering of levels in relation to the existing ground level.
- (ii) cutting of roots, digging of trenches, removal of soil.
- (iii) the construction of buildings, roads or the carrying out of other engineering operations.
- (iv) the lighting of fires.
- (v) driving vehicles over the area below the spread of the branches of the tree; and
- (vi) the storing of materials or equipment.

REASON - In the interests of the visual amenities of the area and to safeguard the wellbeing of the tree(s) on the site.

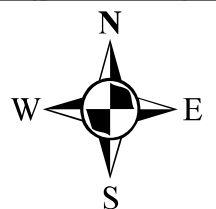
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Planning Ref No: 22/01025/FUL

DARLINGTON BOROUGH COUNCIL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1st February 2023

APPLICATION REF. NO:	22/00983/FUL
STATUTORY DECISION DATE:	3 rd February 2023
WARD/PARISH:	Mowden
LOCATION:	Beau Visage, 82 Fulthorpe Avenue DARLINGTON DL3 9XT
DESCRIPTION:	Change of use from beauty salon to tanning salon (Sui Generis) with replacement shop front (Retrospective Application) (amended plans received 11 November 2022)
APPLICANT:	Hartburn Tanning

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link:
<https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q82CFLPLCD00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a unit located within a shopping parade on Fulthorpe Avenue. The parade is a two storey building with a mix of retail/commercial units on the ground floor and apartments on the first floor. There are customer parking bays to the front of the parade. The shopping parade is located in a residential area with a flatted development to the north (Sandringham Court), dwellings to the east and west and the Model T Public House to the south.
2. The unit was last used as a beauty salon under planning permission ref no: 08/00918/CU dated January 2009.

3. This planning application is seeking retrospective planning permission for a replacement shopfront and to change the use of the unit from a beauty salon to a tanning salon. The shopfront has been installed but the change of use has not commenced.
4. The plans submitted in support of the planning application show a reception area to the front of the premises, with ten sunbeds (5 beds and 5 pods) and a staff area and wc to the rear. The proposed hours of operation would be
 - 10:00 to 21:00 Monday to Friday
 - 10:00 to 18:00 Saturday
 - 10:00 to 16:00 Sundays and Bank Holidays
5. The planning application originally involved the installation of an external extraction unit and fan, which had been installed without the benefit of planning permission but following concerns raised by objectors and the Council's Environmental Health Manager regarding noise emissions from the equipment, the extraction system has been removed from site and is now omitted from the planning application.

MAIN PLANNING ISSUES

6. The main planning issues to be considered here are whether the planning application is acceptable in the following terms
 - a. Impact on the Vitality and Viability of the Mowden Local Centre
 - b. Impact on the Visual Appearance of the Surrounding Area
 - c. Residential Amenity
 - d. Highway Safety
 - e. Access

PLANNING POLICIES

7. The following policies within the Darlington Local Plan 2016 – 2036 are relevant

DC1: Sustainable Design Principles and Climate Change

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

TC4: District and Local Centres

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Highways Engineer has raised no objections
9. Following the removal of the external extraction system from the development, the Council's Environmental Health Manager has raised no objections

RESULTS OF PUBLICITY AND NOTIFICATION

10. The Local Planning Authority received ten objections to the planning application in its original form, which included the external extraction system. The majority of the comments raised concerns over the noise emissions and visual appearance of the extraction system along with the following comments, which have been summarised

- *Is there a need for another sunbed business in this area with older, retired residents?*
- *There is already a tanning sunbed facility next door along with a barber (which advertises a sunbed)*
- *These changes have been done without the benefit of planning permission*
- *The car park is already overcrowded*
- *Will music be playing loudly?*
- *It will surely impact on other small established businesses with tanning facilities in them*
- *Adverse impact on property values*
- *High levels of heat emissions which contribute to climate change*
- *High levels of electricity usage contrary to Government edict to reduce fuel consumption*

11. Following the removal of the external extraction system, one of the residents withdrew their previous objection and two further objections were received which can be summarised as follows:

- *I am uneasy as to where the heat emission and fumes will go when no alternative eradication provision has been made or planned for*
- *High levels of heat emissions which contribute to climate change*
- *High levels of electricity usage contrary to Government edict to reduce fuel consumption*

PLANNING ISSUES/ANALYSIS

a) Impact on the Vitality and Viability of the Mowden Local Centre

12. Within the parade there is a Barber's shop which advertises a stand-up sun bed and a hairdresser in the unit next to the application site which also offers tanning booths. It is assumed that these are ancillary offers to the primary usage as barbers and hairdressers. The competitive impact that the proposed use would have on the other businesses already in operation is not a material planning consideration and the application cannot be determined on such a basis.
13. Policy TC4 of the Local Plan states "sui generis" uses are permitted in the Mowden Local Centre provided that they are physically integrated with the rest of the centre and will ensure that the vitality and viability of the centre is maintained.
14. Local Centres are important in meeting local needs, providing food shopping and a range of other local shops, services and leisure uses. They are accessible and help reduce the need to travel. These centres are generally healthy with exceptionally low

vacancy rates. National planning policy indicates that policies should guard against the unnecessary loss of valued facilities and services where this would reduce the community's ability to meet its day-to-day needs, and ensure that established shops and services are able to develop and modernise in a way that is sustainable, so they are retained for the benefit of the community

15. The unit was last used as a beauty salon and therefore the proposal would not result in the loss of a Class E retail shop within the parade. The proposed use would attract a very similar clientele to the previous use, and it would operate during daytime hours rather than just on an evening. The use would contribute towards the viability and vitality of the Local Centre as a whole in accordance with policy TC4 of the Local Plan

b) Impact on the Visual Appearance of the Surrounding Area

16. The external extraction unit which was installed on the north elevation (side) of the premises has now been removed and the wall will be made good.
17. The non-illuminated fascia sign shown on the submitted plan has advertisement consent (ref 22/00984/ADV).
18. The new shopfront is primarily all glazed which is in keeping with other existing shopfronts within the parade. The new shopfront will not have an adverse impact on the visual appearance of the shopping parade or the wider street scene. The development would accord with Policies DC1 and TC4 of the Local Plan in this regard.

c) Residential Amenity

19. The main source of concern that was raised by residents was the visual and residential amenity impact of the external extraction unit which had been installed on the north facing elevation without the benefit of planning permission. The extraction unit was in quite close proximity to and visible from the flats within Sandringham Court to the north of the shopping parade and from Fulthorpe Avenue itself
20. The Council's Environmental Health Manager visited the site to assess the noise emissions that the extraction unit would generate, and they were judged to be unacceptable. The applicant was advised that it was unlikely the noise from this particular extractor in this position on the building could be mitigated for to an acceptable level. As a result, the unit has now been taken down and removed from the premises and does not form part of this application.
21. The Council's Environmental Health Manager has no objections to the revised planning application.
22. It is considered that the proposed hours of operation are acceptable in these residential surroundings and would not lead to adverse amenity conditions for residents. The hours can be secured by the use of a planning condition.

23. Officers have been advised that the only reason for the external equipment was to extract heat from the premises, if necessary. The extraction unit was fitted as a precaution, but it may not have been required due to the size of the front door and the natural ventilation that the entrance would provide. The health and safety requirements for this proposed use would fall within the remit of the Council's Environmental Health Team and health and safety legislation would be used if any contraventions occurred and were found due to excessive heat in the premises. The applicant has been advised that if this application is approved, and there is a need for some form of external extraction system to be installed in the future, a planning application would be required, and planning permission must be sought prior to any installation taking place.
24. The matters raised with regard to property values, electricity and energy usage are not matters which can be considered as part of this planning application.
25. Overall, it is considered that the proposed use and the new shop front would not raise any adverse amenity issues and the amended planning application would accord with policies DC3 and DC4 of the Local Plan in this regard.

d) Highway Safety

26. The new use will make little material difference with regard to traffic generation and parking requirements over the previous use as a beauty salon. Parking is available to the front of the site, and it is not anticipated that there would be any highways impact. The Council's Highways Engineer has not objected to the planning application and the scheme is considered to comply with policies DC1 and IN4 of the Local Plan in this regard

e) Access

27. The shopfront has an accessible entrance and therefore it would accord with policy IN2 of the Local Plan in this regard

THE PUBLIC SECTOR EQUALITY DUTY

28. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The issue of disabled access to the premises is considered at paragraph 27.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

29. 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 AND RECOMMENDATION

30. The planning application has been amended following the removal of an extraction unit on the side elevation, which was the main source of concern for residents and the Council's Environmental Health Manager. Officers have been advised that the extraction unit was not a necessity, and the applicant has been advised that planning permission would be required to install such equipment if it is required in the future. The amended application would not have an adverse impact on the viability, vitality and visual appearance of the Mowden Local Centre, or highway safety or the general amenity of the surrounding area. The use and the shop front would accord with the local development plan. It is therefore recommended:

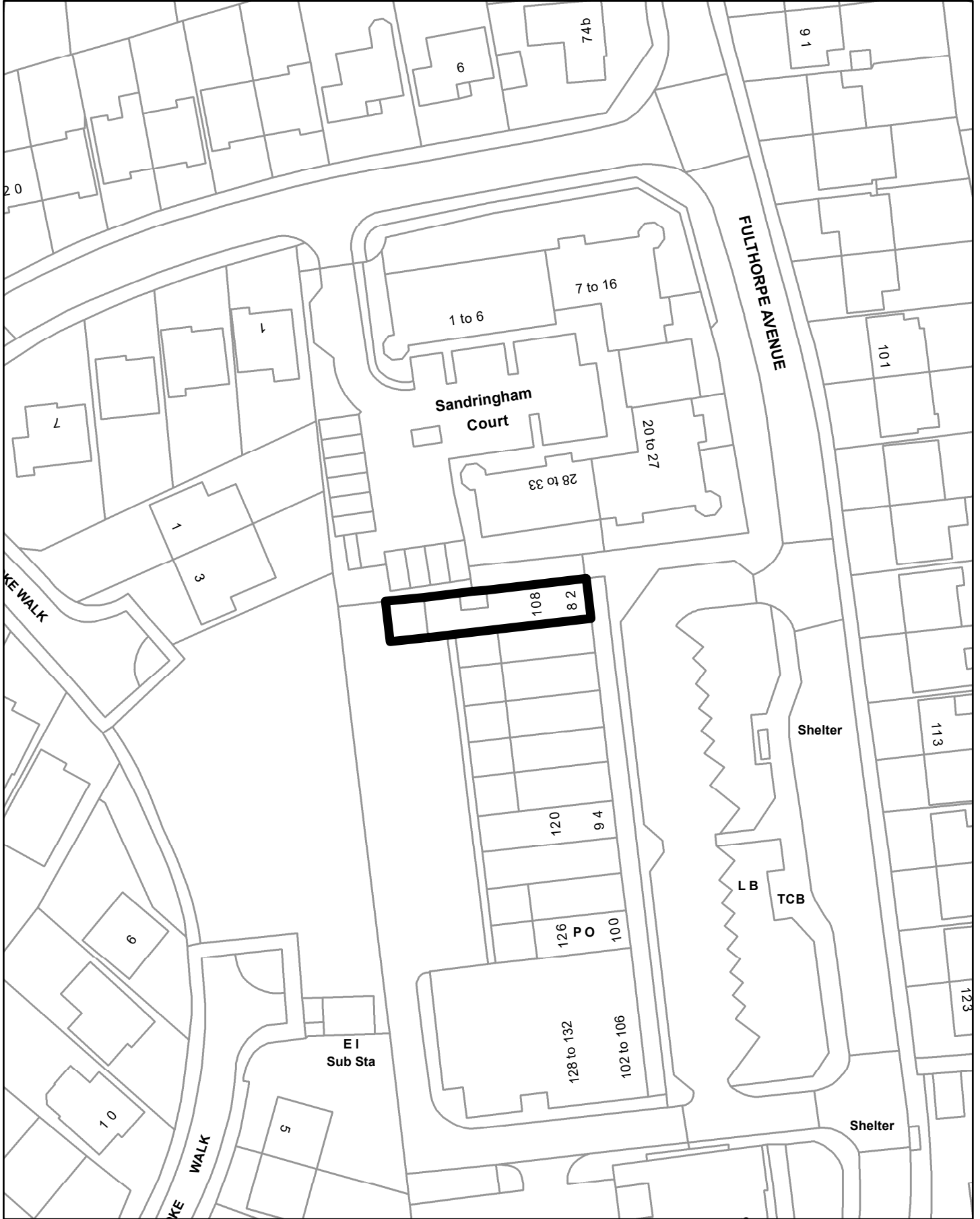
THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans and documents, as detailed below:
 - a) Drawing Number 2062 – 22 – 101 Rev C Proposed Details

REASON – To ensure the development is carried out in accordance with the planning permission

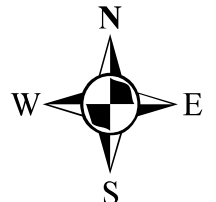
3. The use hereby approved shall not operate outside the hours of 10:00 to 21:00 Monday to Friday; 10:00 to 18:00 Saturday and 10:00 to 16:00 Sundays and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of the amenity of the surrounding area



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Planning Ref No: 22/00983/FUL



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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1st February 2023

APPLICATION REF. NO: 22/01086/FUL

STATUTORY DECISION DATE: 6th December 2022

WARD/PARISH: NORTHGATE

LOCATION: 82 Widdowfield Street

DESCRIPTION: Replacement of the ground floor bay window to the western elevation (erection of a single storey front extension to create a new bay window) together with the replacement of existing garage and associated works including rendering and the replacement of windows/door (Retrospective Application) (as amended by plans received 28/11/2022).

APPLICANT: Mr. D Carter

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS: (see details below).

Application documents including application forms; submitted plans; supporting technical information; consultations responses and representations received; and other background papers are available on the Darlington Borough Council website via the following link:-
<https://publicaccess.darlington.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICATION AND SITE DESCRIPTION:

1. This is a retrospective application for the replacement of the ground floor bay window to the western elevation of the property together with the erection of a replacement garage. Work has started on the bay window and replacement garage but has been paused pending consideration of this application. The application also proposes the rendering of the ground floor of the property and the installation of replacement windows and doors.
2. The front extension would be a replacement box bay window following the removal of the existing splayed bay window. It would measure approximately 2.3 metres wide by

0.48 metres with an overall height of approximately 3 metres. The base of the bay window has been constructed of blockwork which is to be rendered and a new UPVC window is to be installed with a stone cill at the base, beneath a GP covered flat roof with UPVC fascia. The replacement garage has been constructed of blockwork which will be rendered and measures approximately 3.3 metres wide by 5 metres deep. As constructed the garage has a height of approximately 3.2 metres, however in response to concerns regarding the impact of the garage on visual and residential amenity, amended plans have been submitted reducing the height to 2.7 metres, which is comparable to the height of the former garage.

3. The application property is a reasonably sized end of terrace house set within a moderately sized plot and is located on the southern side (north-facing) of Widdowfield Street on the corner of Widdowfield Street and Marshall Street with the principal elevation fronting onto Widdowfield Street. The property has an enclosed courtyard to the side of the property and vehicular access to the garage is gained off Widdowfield Street. The main dwelling is built in brick with UPVC windows. The street scenes consists predominantly of predominantly of terraced housing of a similar design and style that are finished in a mix of brick, render and pebble dash.

RELEVANT PLANNING HISTORY:

4. There is no planning history for the site.

MAIN PLANNING ISSUES:

5. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:-
 - a. Impact upon the character and appearance of the area
 - b. Impact upon neighbouring residential amenity.
 - c. Impact upon highway safety.

PLANNING POLICIES:

6. The Relevant Local Plan policies (Darlington Local Plan 2016-2036) include those seeking to ensure that new development: -
 - a. Will reflect the local environment in that the detailed design responds positively to the local context; in terms of its scale, form; height, layout; materials; colouring; fenestration and architectural detailing (Policy DC1a).
 - b. Protects the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (Policy DC4).
 - c. Will provide safe and secure space for vehicle parking within the site (Policy IN4).

RESULTS OF TECHNICAL CONSULTATION:

7. No objections in principle have been raised by the Council's Highways Officer.

RESULTS OF PUBLICITY AND NOTIFICATION:

8. Following the Council's publicity exercise relating to the original submission, six letters of objection were received which raised the following issues:
 - The replacement bay window will stick out in relation the rest of the bay windows within the street.
 - The garage is not a direct replacement as the overall height is taller and will interfere with the neighbour's light.
 - The proposed window (bay window) configuration is unlike the original configuration and is completely different to the other 81 properties on the street.
9. Following the receipt of a set of amended plans and the Council's publicity exercise relating to the amended plans, fifteen letters in support of the application have been received which can be summarised as follows:
 - The application is seeking to improve the visual appearance of the area.
 - The proposal will set a good impression within the area.
 - The works will set a good example for other property owners to modernise their properties.
 - This proposal will uplift the area.
 - The bay window is no bigger than the original bay window and will look excellent.

PLANNING ISSUES/ANALYSIS (Appraisal):

(a) Impact upon the character and appearance of the area

10. Policy DC1a seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
11. The application property sits on a corner plot on the junction of Widdowfield Street and Marshall Street. The house is a reasonably sized end of row terraced house set within a moderately sized plot and is located on the southern side of Widdowfield Street, with the principal elevation of the property facing Widdowfield Street.
12. The proposed replacement garage, as before, would be situated within the side courtyard of the application property. The former garage was brick built under a flat roof with access off Widdowfield Street. The replacement garage has been built on the footprint of this former garage although has been constructed of breezeblock and is to be rendered, and has been constructed higher at approximately 3.2 metres. Amended plans have been received reducing the height of the garage to 2.7 metres which is considered to be appropriate in terms of its impact on the character and appearance of the application property and surrounding streetscene.

13. The replacement bay window facing Marshall Street as constructed is a box bay window to replace an existing splayed bay window. Splayed bay windows are common features along Marshall Street. The box bay window will extend no further forward of the property than the existing splayed bay window although will be slightly wider accounting for the shape of the base of the window. The window will be no higher than the former bay window and will include the same stone cill with fascia detailing above, beneath a GRP coated flat roof.
14. This will be a relatively modest, although noticeable change in the streetscene. While there will be little change in the overall scale of the window, its form will differ to others within the street. As the property is located at the end of the terrace, any resultant change will be less prominent in terms of an interruption to the shape and form of the bay windows along the street. The proportions of the application property on its Marshall Street elevation differ slightly to those elsewhere on the street as the door is on the elevation facing Widdowfield Street, so the property can accommodate a modest degree of change. In the context of other incremental changes to the frontages of properties elsewhere on the street including window and door styles and materials and the use of render, it is not considered that the proposed box window would be so unacceptable as to warrant refusal of the application in terms of its impact on the character and appearance of the streetscene.
15. Although the surrounding properties are predominantly brick built, many have been rendered with either smooth cast render or pebbledash render, with some properties rendering the lower sections beneath the bay windows. The proposed rendering of the ground floor of the property from the proposed garage along its Widdowfield Street and Marshall Street elevations would not be out of keeping with other properties in the vicinity.
16. The proposed replacement windows are very minor in scale, consisting of the installation of replacement windows to the 1st floor to both the front and side/rear elevations. The proposed replacement windows will be UPVC and the design of the windows would be similar to the appearance of the existing windows which is considered appropriate.
17. Consequently the replacement garage, replacement bay window and additional replacement windows are considered to appear coherent with the application site and wider area. Therefore is considered to be in accordance with DC1a of the Darlington Local Plan 2016-2036 in regard to character and appearance of the area.

(b) Impact on Residential Amenity.

18. Policy DC4 seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.

19. The replacement garage has been built on the footprint of the former garage and amended in height from 3.2 metres as built to 2.7 metres to match the height of the former garage it has replaced. On this basis it is not considered that the garage will result in loss of light to or outlook from adjacent properties when compared to the previous garage.
20. The replacement bay window will be positioned in the same position to the previous bay window affording the same outlook and will not result in any additional overlooking of the adjoining property. The addition of 2 no. replacement windows to the front and side elevation will not result in any increased overlooking. Taking this into account the proposal would not have a significant harmful impact upon the residential amenity of surrounding properties and is considered to be in accordance with policy DC4 of the Darlington Local Plan 2016-2036 in regard to impact upon residential amenity.

(c) Highway and parking matters

21. The Council's Highways Engineer has been consulted on the application and has raised no objection. It is therefore deemed that the proposed development therefore accords with Policies DC1 and IN4 of the Darlington Local Plan 2016-2036.

PUBLIC SECTOR EQUALITY DUTY:

22. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998:

23. 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 AND RECOMMENDATION:

24. In conclusion it is considered that the proposed development, following the reduction in height of the garage, is of an appropriate design, scale and material palette as to respect the overall design of the application property and the character of the locality and the wider street scene. Additionally, the proposed development would not result in a detrimental impact to the residential amenity of adjacent occupiers by means of overlooking, loss of sunlight/daylight or overshadowing. The application is considered to

be in accordance with policies DC1a, DC4 and IN4 of the Darlington Local Plan 2016-2036 and is therefore recommended for approval subject to conditions.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

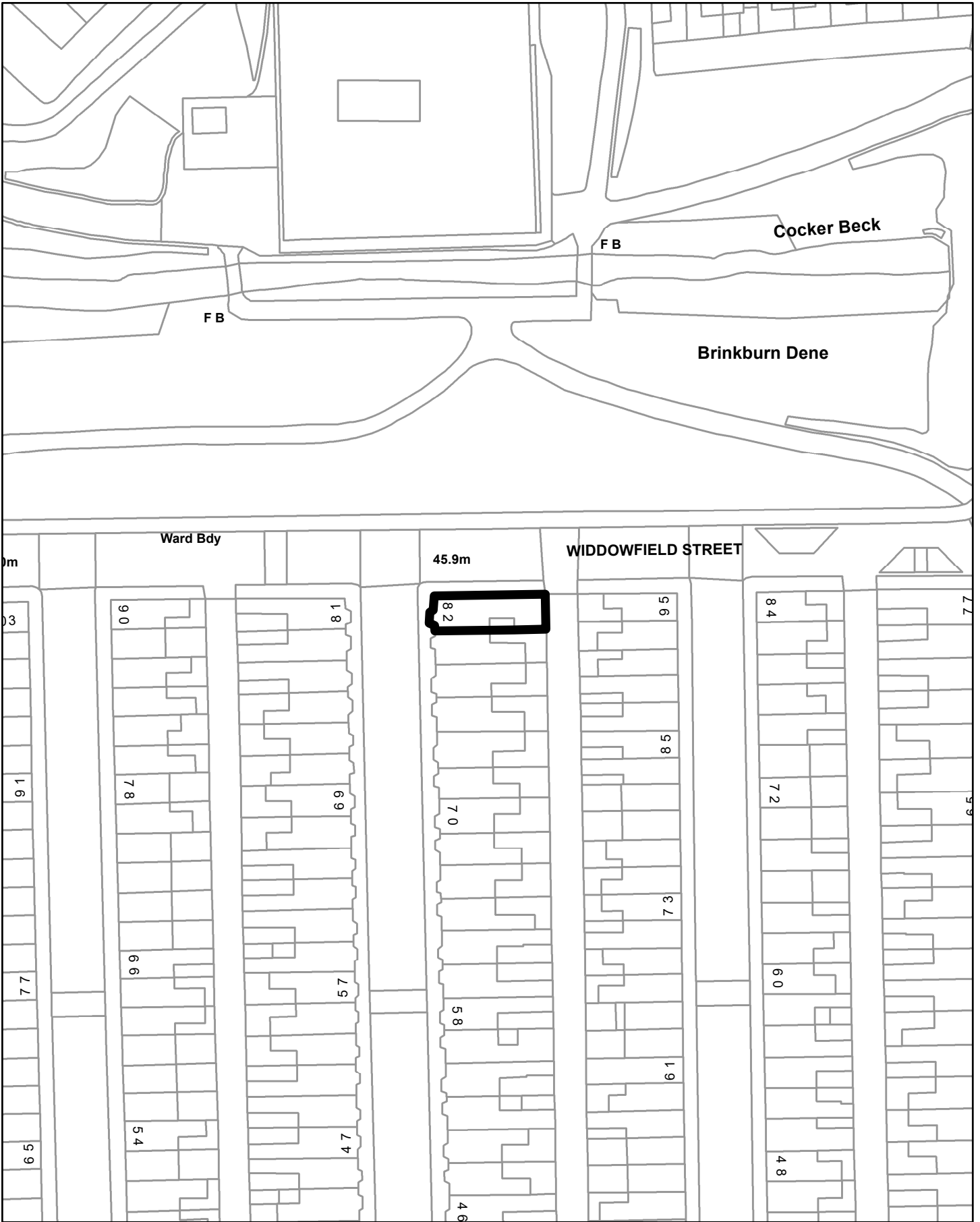
1. A3 - Implementation Limit (Three Years)
2. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application, unless otherwise agreed, in writing, with the Local Planning Authority.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036.

3. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below: -

(a) Drawing no. 22003 130 P02 – Proposed Elevations

REASON - To ensure the development is carried out in accordance with the planning permission.

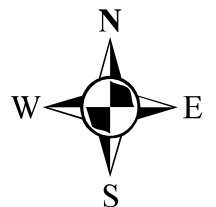


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Planning Ref No: 22/01086/FUL

DARLINGTON BOROUGH COUNCIL

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Appeal Decision

Site visit made on 22 November 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2022

Appeal Ref: APP/N1350/D/22/3306435

21A Merrybent, Darlington DL2 2LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr Sean Taylor against the decision of Darlington Borough Council.
 - The application Ref 22/00686/FUL, dated 21 June 2022, was refused by notice dated 10 August 2022.
 - The development proposed is the erection of a single storey double garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site accommodates a detached two-storey dwelling located within a row of other residential properties that are set back from the street with large garden areas to the front. There are some structures forward of the building line of the dwellings in other parts of Merrybent. However, the street where the appeal site is located comprises large front garden areas that are generally free from any built form which creates a sense of openness within the street scene. There is a clear and consistent pattern of development along this part of Merrybent despite the varying appearance and styles of some of the properties.
4. Due to the site's location adjacent the road and its positioning considerably forward from the host property against the front boundary, the proposed development would be highly visible when viewed from the footpath and main road including views on approaching the site along that road even taking into account the location of the bus shelter, layby and existing landscaping.
5. I appreciate that the external materials would match the existing property and that the hipped roof has been designed to reduce scale. However, the proximity of the proposed development to the front boundary along with the significant height, depth and width results in a bulky building that would extend considerably above the boundary wall. It would therefore be visually prominent within the street scene, appearing as inconsistent with the established pattern of development, eroding the existing open character and spaciousness of the front amenity areas. The introduction of additional planting

as suggested would not sufficiently mitigate against such harm by removing a positive feature of the street scene.

6. My attention has been drawn to a number of previous planning permissions for other garages with full details and plans provided. Whilst I accept that there are other buildings forward of the building line elsewhere in Merrybent, such properties are located on the other side of the road and are read differently when viewed as part of the immediate street scene. Additionally, they are set further back from the boundary and there are material differences between the plans provided and the appeal proposals before me and are therefore not directly comparable.
7. I visited the properties referred to during my site visit and note that the built context and relationship with other properties along the other side of Merrybent does indeed differ to that of the appeal site which as referred to above is generally free from any built form. Such a factor increases its overall effect.
8. For the above reasons, the proposed development would unacceptably harm the character and appearance of the surrounding area. It would be contrary to Policies DC1 of the Darlington Local Plan and Policy LCM8(e) of the Low Coniscliffe and Merrybent Neighbourhood Plan which together, amongst other things, requires development to respond positively to local context, in terms of its scale and form as well as respecting established building lines.

Other Matters

9. The garage has been informed by the Council's parking standards which ensure that the internal dimensions are sufficient to use as a double car parking space and I acknowledge the appellant's comments regarding natural surveillance. However, such matters have not affected my findings on the main issue.

Conclusion

10. The proposed development would conflict with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that outweighs the identified harm and associated plan conflict. I conclude that the appeal should therefore be dismissed.

N Teasdale

INSPECTOR



Appeal Decision

Site visit made on 22 November 2022

by **Sarah Manchester BSc MSc PhD MIEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 22 December 2022

Appeal Ref: APP/N1350/D/22/3307350

43 Paton Way, Darlington, DL1 1LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Claire Greenall against the decision of Darlington Borough Council.
 - The application Ref 22/00456/FUL, dated 15 August 2022, was refused by notice dated 9 September 2022.
 - The development proposed is 6ft fence around part of my garden which is currently open.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have adopted the description of the development from the application form in the banner heading above. It is described in the decision notice and the appeal form as erection of 1.8m fence to side and rear of property.
3. The appellant would be willing to amend the scheme to set the fence 2m from the footway, avoiding the service easement and telecoms cabinet and retaining the roadside landscape planting. Irrespective that this would be acceptable to Taylor Wimpey, and the neighbours have no objection, the appeal procedure does not provide the Council with the opportunity for further comment and the amended plans submitted with the appeal were not accepted. Consequently, I have determined the appeal on the basis of the plans that were considered by the Council.
4. The Procedural Guide: Planning appeals – England (December 2022) advises that the appeal process should not be used to evolve a scheme and if an applicant thinks that amending their proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal property is a modern 2 storey detached dwelling in a large plot on the corner of Paton Way and Weaving Lane. It is in a residential area comprising detached, semi-detached and terraced dwellings in similar designs

and materials including red brick and, as in the appeal property, painted render. While properties vary in their orientation and set back, one of the unifying features of the townscape is its openness with open frontages, rear and side garden enclosures set back from the street, and with pockets of formal landscaping in the form of trees and shrubs including to the rear of footways and in raised beds with low brick walls.

7. The appeal site comprises the dwelling, its enclosed rear garden, and the open land to the side which is bisected by a brick wall that extends from the rear of the dwelling towards Weaving Lane. The proposed fence would be along part of the western and northern boundary, enclosing the part of the side garden between the brick wall level with the rear building line of No 43 and the open boundary of the neighbouring property to the rear.
8. The tall brick walls to the south and east of the proposed fencing are part of the design of the housing estate and they harmonise with brick dwellings and walls elsewhere. While there are occasional timber gates and fences in the area, these are generally modest and unobtrusively sited away from the road. In contrast, by virtue of its prominent siting, its height and length, the proposal would be a dominant and visually obtrusive feature. It would be incongruous, poorly related and it would not be assimilated by the surrounding built environment. The significant enclosure in proximity to the footway, in a prominent and open corner location, would be out of keeping and it would diminish the spacious and open townscape character. It would not make a positive contribution to local distinctiveness or sense of place.
9. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policies DC1a and DC4 of the Darlington Local Plan 2016-2036 Adopted February 2022. These require, among other things, that proposals respond positively to local context, sense of place and distinctive character and that it should be acceptable in terms of visual dominance and overbearing effects.

Conclusion

10. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
11. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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