



**DARLINGTON**  
Borough Council

# Planning Applications Committee Agenda

1.30 pm, Wednesday, 14 June 2023  
Council Chamber, Town Hall, Darlington DL1 5QT

**Members of the Public are welcome to attend this Meeting.**

1. Introductions/Attendance at Meeting
2. Appointment of Chair for the Municipal Year 2023/2024
3. Appointment of Vice Chair for the Municipal Year 2023/2024
4. To consider the times of meetings of this Committee for the Municipal Year 2023/2024 on the dates agreed in the Calendar of Meetings by Cabinet at Minute C258/Feb/23
5. Declarations of Interest
6. To Approve the Minutes of the Meeting of this Committee held on 22 March 2023 (Pages 5 - 8)
7. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 9 - 10)
8. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 11 - 12)
  - (a) Copse Haven, Roundhill Road (22/01194/FUL) (Pages 13 - 22)
  - (b) Copse Haven, Roundhill Road (22/01160/FUL) (Pages 23 - 28)

- (c) 4 Kendal Close (Pages 29 - 38)
  - (d) 61 Pinewood Crescent (Pages 39 - 50)
9. 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
10. Questions

## PART II

### 11. Notification of Decision on Appeals –

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

Dismissed the appeal by Cornerstone against this Authority's decision to refuse permission 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, Abbey Road, Darlington (21/01445/PA) (Copy of Inspector's decision enclosed)

Dismissed the appeal by MBNL against this Authority's decision to refuse permission for the 'telecommunications installation of a 20.00m High H3G Phase 7 Monopole and associated ancillary works' at Coniscliffe Road, Opposite the New Grange Hotel, Coniscliffe Road, Darlington, DL3 7HZ. (22/01112/PA) (Copy of Inspector's decision enclosed).

**RECOMMENDED** – That the report be received.  
(Pages 51 - 62)

### 12. Notification of Appeals –

The Chief Executive will report that :-

Mr David Williams has appealed against this Authority's decision to refuse permission for Construction of a carport within front boundary (Retrospective Application) at 26A Gate Lane, Low Coniscliffe, Darlington (22/01064/FUL)

Vivid Outdoor Media Solutions (B) Ltd has appealed against this Authority's decision to refuse permission for the Display of 1 no. free standing internally illuminated LED digital advertisement display unit at Harrowgate Sports and Social Club, Salters Lane North, DARLINGTON, DL1 3DT (23/00043/ADV)

Mr Nick Cooper has appealed against this Authority's decision to refuse permission for the Erection of porch to front elevation (re-submission) at 37 Leach Grove, Darlington DL3 0TW (23/00068/FUL)

**RECOMMENDED** – That the report be received.

### **PART III**

#### **EXCLUSION OF THE PUBLIC AND PRESS**

13. 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.
  
14. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 2nd June 2023 (Exclusion Paragraph No. 7) –  
Report of Director of the Chief Executive  
(Pages 63 - 72)
  
15. 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
  
16. Questions



**Luke Swinhoe**  
**Assistant Director Law and Governance**

**Tuesday, 6 June 2023**

**Town Hall**  
**Darlington.**

#### **Membership**

Councillors Ali, Allen, Anderson, Bartch, Cossins, Haszeldine, Kane, Laing, Lawley, Lee, McCollom, Robinson, Tostevin and Wallis

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](mailto:paul.dalton@darlington.gov.uk) or telephone 01325 405805

This page is intentionally left blank

## PLANNING APPLICATIONS COMMITTEE

Wednesday, 22 March 2023

**PRESENT** – Councillors , Allen, Cossins, Haszeldine, Heslop, C L B Hughes, Johnson, Mrs D Jones, Laing, Lee, Marshall, McCollom and Sowerby.

**ABSENT** – Councillors Tait.

**ALSO IN ATTENDANCE** – Councillor Crudass.

**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).

### PA74 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

### PA75 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 1 MARCH 2023

**RESOLVED** – That the Minutes of this Committee held on 1 March 2023 be approved as a correct record.

### PA76 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

#### PA77 44 MERRYBENT, DARLINGTON

**23/00056/FUL** - Change of use of the detached garage building from garages with home office above to garages with business office above (Retrospective Application).

(In making its decision, the Committee took into consideration the Planning Officer's report (previously circulated), the views of the Council's Highway Development Control Officer, the Council's Environmental Health Officer and the Parish Council, three objections received, and the views of the Applicant, two Objectors and the Ward Councillor, whom the Committee heard).

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

1. Approved Plans and Statement

The development hereby permitted shall be carried out in accordance with the approved plans and statement as detailed below:

Reference Number	Date
OFFICE LAYOUT	18 January 2023
PLANNING STATEMENT	18 January 2023
LOCATION PLAN	24 January 2023

**Reason** - To ensure the development is carried out in accordance with the planning

permission.

2. Personal Permission

This permission shall be personal to John Bates only and shall not enure for the benefit of the land provided that it shall not be a breach of this condition for JBL Services Ltd to operate from the premises whilst John Bates is both the owner of the residence known as 44 Merrybent and a director of JBL Services. In the event of either John Bates no longer being the owner of 44 Merrybent or no longer being a director of JBL Services Ltd the use shall revert back to the use as a home office space as part of the 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 John Bates no longer owning the premises or being a director of JBL Services Ltd.

3. Restriction on Business Works

No servicing, repairs or maintenance in association with the hereby approved business is to take place in either the hereby approved office space or ground floor domestic garage.

**Reason** - To control the level of development for the avoidance of any doubt and to safeguard the amenities of adjacent residential occupiers.

4. Staff Numbers

The levels of staff working at the hereby approved office, shall be no more than 3 members of staff at any one time, as indicated on drawing 'OFFICE LAYOUT' (dated 18.01.2023).

**Reason** - To control the level of activity and for the avoidance of any doubt.

5. Operation Hours

The hereby approved office use shall not be open for business outside the hours of 8:30am - 6:00pm Monday to Friday. Deliveries associated with the use shall not take place outside of the permitted hours of operation.

**Reason** - In order to control the level of activity and to safeguard the amenities of adjacent residential occupiers.

6. No Deliveries to the site of plant or machinery associated with the business, including its storage shall take place at any time.

**Reason** - To ensure that vehicle movements to and from the site do not affect the residential amenities of nearby residents.

The Chief Executive reported that :-

Mr Glenn McGill had appealed against this Authority's decision to refuse permission for removal of 2 No. radio masts (non-retractable) and erection of 1 No. (retractable) telescopic sliding radio mast to rear at 28 Neville Road, Darlington (22/01121/FUL).

**RESOLVED** – That the report be received.

**PA79 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.

**PA80 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 10 MARCH 2023 (EXCLUSION PARAGRAPH NO. 7)**

Pursuant to Minute PA73/Mar/2023, the Chief Executive submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 10 March 2023.

**RESOLVED** - That the report be noted.

This page is intentionally left blank

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 (to a maximum of **five** minutes);
- Members may question applicant/agent;
- Up to **three** objectors may speak (to a maximum of **five** minutes each);
- Members may question objectors;
- Up to **three** supporters may speak (to a maximum of **five** minutes each);
- Members may question supporters;
- Parish Council representative may speak (to a maximum of five minutes);
- Members may question Parish Council representative;
- Ward Councillor may speak (to a maximum of five minutes);
- 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.

This page is intentionally left blank

**BOROUGH OF DARLINGTON**

**PLANNING APPLICATIONS COMMITTEE**

**Committee Date – 14 June 2023**

**SCHEDULE OF APPLICATIONS FOR CONSIDERATION**

**Background Papers used in compiling this Schedule:-**

- 1) Letters and memoranda in reply to consultations.**
- 2) Letters of objection and representation from the public.**

---

**Index of applications contained in this Schedule are as follows:-**

---

<b>Address/Site Location</b>	<b>Reference Number</b>
Copse Haven, Roundhill Road	22/01194/FUL
Copse Haven, Roundhill Road	22/01160/FUL
4 Kendal Close	22/01122/FUL
61 Pinewood Crescent	23/00189/FUL

This page is intentionally left blank

## 1DARLINGTON BOROUGH COUNCIL

### PLANNING APPLICATIONS COMMITTEE

**COMMITTEE DATE: 14<sup>th</sup> June 2023**

---

**APPLICATION REF. NO:** 22/01194/FUL

**STATUTORY DECISION DATE:** 26<sup>th</sup> December 2022

**WARD/PARISH:** HURWORTH

**LOCATION:** Field at Copse Haven Roundhill Road  
Hurworth Moor DARLINGTON  
DL2 1QD

**DESCRIPTION:** Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 5 (appointments/clients) attached to planning permission 20/00910/CU (Change of Use from private field to commercial dog exercise area) to permit a change in wording to allow only one booking at any one time, and to set out the number of adults and dogs permitted in the park at any one time (see supporting information)

**APPLICANT:** MISS FIONA LENNOX

---

**RECOMMENDATION: GRANT PLANNING 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/applicationDetails.do?activeTab=documents&keyVal=RKM49VFP0BM00>

#### APPLICATION AND SITE DESCRIPTION

1. The application site is former agricultural land associated with an existing dwelling, situated on the east side of Roundhill Road, Hurworth. The site sits close to a complex of converted barns, which now consist of three dwellings, with the original Roundhill

Farm farmhouse, situated to the south. Planning permission was granted in February 2021 for the change of use of the field to a commercial dog exercise area (20/00910/CU).

2. Condition five of the above permission states:

*The number of appointments or clients visiting the site shall be restricted to no more than three appointments at any one time with no more than three dogs present per client at the same time during the permitted hours of operation.*

*REASON - In the interests of residential amenity.*

3. This application now seeks planning permission to amend the wording of the condition as follows:

*Use of the facility shall be restricted to one booking/appointment at any one time, during the permitted hours of operation, and complying with the following rules: -*

- *3 Adults maximum can bring 1- 6 dogs*
- *2 Children maximum (under the age of 14) can attend with each booking only if accompanied with adults*

*REASON - In the interests of residential amenity.*

4. The application states that this is due to the requirements of customers, which has become apparent through experience while running the business. Several examples are given of customers and their needs as part of the supporting information which are considered further below which would not be permitted under the existing condition.
5. The applicant has stated that she hopes that the new proposal is seen as preferential in the interests of residential amenity and an improvement compared to a mix of different groups and dogs not known to each other in terms of the permitted use, which allows three bookings at any one time, together with the advantages of less traffic movements to and from the site. The supporting information submitted with the application states:

*'In the original planning permission application in 2020, we requested, and were subsequently granted, to allow three bookings or appointments at any one time, during the permitted hours of operation. We were at that time intending to open out several booking slots each week to allow for dog mixing and socialising, meaning 2 or 3 separate customers (bookings) could bring up to three dogs each for the same session/time slot. So far, however, we have not done very much of this, as since opening the park in January 2022, it has become apparent that customers mostly want sole use of the space, not to share with other people or dogs, so all our appointments are currently only available as single bookings. There have been people who have asked for socialising sessions, but currently we do not offer these mixed groups at all, it is all single booking per time slot and the website booking system reflects this exactly'.*

*'The majority of customers that wish to book the facility currently are 1-3 people with 1-6 dogs and arrive in one or two vehicles at the same time, but, importantly, they all know each other. Professional Dog walkers are obviously interested in using the field too and we would like to be able to offer this service, as we are a commercial dog field, but it would follow the proposed rules on numbers. It is rare that nine dogs are ever in the field at one time currently, even a dog walker usually only has around 6 or 7 dogs, so in the interest of residential amenity we are now proposing to accept only six dogs in the park at one booking (if the single slot proposal is accepted).'*

*'Another key point for us is around children coming to the field as many customers love to bring their kids or grandchildren with them, and we believe it is good for children to see their dogs running about and to take an interest in the training and exercising of their dog(s); it is supporting the promotion of a healthy lifestyle and taking ownership of their pet. Often the dog is the dog of the child and obviously they need a parent or carer to bring them along. We would therefore like to allow max two children under 14 to attend, when accompanied by adults. This will be more at the weekends when children are not at school or during school holidays but does not happen very often.'*

## **MAIN PLANNING ISSUES**

6. It is important to note, that the applicant's fallback position is the existing permission, which allows the limits set out above in paragraph 2 and therefore the principle of the use of the field for approved use, is not at issue. The only issues for consideration in the determination of this application is (1) the acceptability or otherwise of the amended condition in terms of whether it is sufficiently precise, enforceable and reasonable, (2) any consequences in terms of the impact on neighbouring occupiers in terms of residential amenity or (3) highway safety.
7. In terms of point one, the amended condition is sufficiently precise and unambiguous and provides a sound basis for enforceability / monitoring should any issues arise.

## **PLANNING POLICIES**

8. Relevant Local Plan policies include those seeking to ensure that new development:
  - The proposal is sited, designed, and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (policy DC4).
  - The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements (policy DC1 and IN4).

## **RESULTS OF TECHNICAL CONSULTATION**

9. No objections in principle have been raised by the Council's Highway's Engineer and Environmental Health Officer.

## RESULTS OF PUBLICITY AND NOTIFICATION

10. Three letters of objection have been received, raising the following concerns:

- Impact on residential amenity, noise and disturbance; loss of privacy.
- Increase in activity in the field.
- Proposal to allow more use by dog walking businesses.
- Owner does not monitor the use of the field.
- Highway safety.
- Applicant has flouted the current condition on several occasions.

## PLANNING ISSUES/ANALYSIS

### (a) Impact on residential amenity

11. As detailed in the committee report for the original application, the application site is very closely related to neighbouring properties, and it was considered by members in determining the original application, that for this reason, the use needed to be controlled by planning conditions.
12. Since that time, there have been several occasions where the neighbouring residents have complained to the Local Planning Authority regarding the loss of amenity associated with the use. This has however been in the context of the existing condition, the wording of which has provided some confusion to both the applicants and the neighbouring residents and has provided a challenge to officers in terms of monitoring compliance.
13. When the original application was granted, which allows only one person to attend per booking with up to three dogs, but up to three of those appointments at any one time (equivalent to three people and nine dogs), and the applicant had the experience of running the business for a prolonged period, it became apparent that in order to comply with the condition, the owner was having to turn away customers that had relatively simple requirements. As an example, a couple coming together to walk their one dog, does not technically adhere to the condition, which required only one person per appointment (notwithstanding that in this scenario, the applicant was allowed to take two additional bookings at the same time, with up to two people and six dogs).
14. The applicant has provided some additional examples of requested bookings as follows:
- *Male customer who owns six dachshunds wishes to bring them all together on his own and not always with his girlfriend, they are his dogs, he is not a dog walker*
  - *One person – could allow professional dog walkers with up to six dogs to attend on their own*
  - *2 people – could allow a husband/wife to attend with their family dog(s) vs currently only 1 person allowed if up to 3 dogs, most people like to attend with their*

*partner/friend, and some enjoy bringing their kids or grandchildren too, e.g. my friend Steph and her husband Mike who love to come on a Sunday and have Amber the grey hound have a really good run around, also there is an older couple who love coming with their 2 grandchildren to exercise their dog.. We also have a couple who have two large German Shepherds and they prefer both there to manage their large dogs.*

- *2-3 people – I have a lady who wants to bring her 12-year-old daughter who is the owner of the puppy and wishes to walk round the park with her and the puppy, obviously the mum must drive them to us, but she does not want to sit in the car whilst her young daughter exercises the pup*
  - *A customer who is partially sighted and does not drive, who has requested that she can come and walk their dog Luca, with her husband, who she relies on for assistance. The current condition excludes anyone who has any form of disability that cannot drive but wishes to enjoy the outdoors and experience their family pet running free in a secure environment.*
15. Whilst, if the scenarios above were allowed over and above the limits set by the existing permission, they would result in an intensity of the use, in order to set a limit on the use, the applicant now seeks that in order to facilitate the above types of situations, that the change in wording limits the use to one booking at a time instead of three. This would result in a natural reduction in vehicles to the site (only one traffic movement at any one time instead of a maximum of three) and a reduction in the number of dogs.
16. It is considered that in approving the original condition, it was never the intention of the Planning Committee to provide undue restrictions on the business, rather the condition was worded based on the information put forward by the applicant on how she considered the business would run, however in practice, it has not been possible to comply with the condition and the requirements of customers.
17. The applicant has stated that if this application is approved, the compliance with the condition will be monitored and that Dog Haven website will be updated to reflect the new condition, with a simple booking structure stating “maximum of 3 people with maximum of 6 dogs” per 25 mins or 55 mins slots. Terms and conditions of use of the park (as agreed to by customers at booking stage) will be updated and will also state that no dogs should ever be left on their own in vehicles. The website will reiterate to potential customers that the facility would not offer the three appointments at one time and the mixed groups; and would continue to only offer one booking per time slot, based on the limits set out in the condition.
18. Whilst the concerns from neighbouring residents are noted, the proposed amended wording provides a net reduction in activity and would therefore reduce impact on amenity currently allowed by the existing permission. The Environmental Health Officer has raised no objections. In view of the above, the proposed change of wording is acceptable in the context of policy DC4.

## **(b) Highway Safety**

19. The original planning permission application submitted in 2020, requested, consent to for up to three bookings or appointments at any one time, during permitted hours. The requested change to the extant permission is informed by customer demand given that the site has now been up and running for some time and the applicant now has experience of what the market requires. The proposed changes would enable groups of friends/associates to make exclusive use of the site under one booking. The proposed changes do not demonstrate an increase in the permitted number of clients or intensification of use, rather they seek to make better use of the facility and enable groups of friends/families to use the site. The proposed variation is not considered significant regarding highway safety or traffic generation over the extant permission and will result in a natural reduction in vehicles entering the site at any one time. The Highways Engineer has raised no objections and the proposal is considered to comply with Policy DC1 and IN4 in this regard.

#### **PUBLIC SECTOR EQUALITY DUTY**

20. 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.

#### **CONCLUSION AND RECOMMENDATION**

21. The proposed variation of wording of condition will result in a net reduction in activity against the permitted allowances set out in the existing condition. Subject to the additional conditions set out in the original approval (including the personal permission, hours of operation and restrictions in respect of overnight kennelling) the amended proposal is considered to comply with the relevant policies of the Local Plan.

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

1. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:

Site Location Plan

REASON – To define the consent

2. This permission shall be personal to Miss Fiona Lennox and family only and shall not enure for the benefit of the land. In the event of their vacating the premises the use shall revert to the use for agricultural purposes.

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 use in the event of Miss Fiona Lennox and family vacating the premises.

3. The use hereby permitted, shall operate from the site only between the hours of 08:00-18:00 Monday to Sunday (including Bank and Public Holidays).

REASON – In the interests of residential amenity.

4. There shall be no kennelling of dogs overnight on the application site.

REASON - In the interests of residential amenity.

5. Use of the facility shall be restricted to one booking/appointment at any one time, during the permitted hours of operation, and complying with the following rules: -

- 3 Adults maximum can bring 1- 6 dogs
- 2 Children maximum (under the age of 14) can attend with each booking only if accompanied with adults

REASON - In the interests of residential amenity.

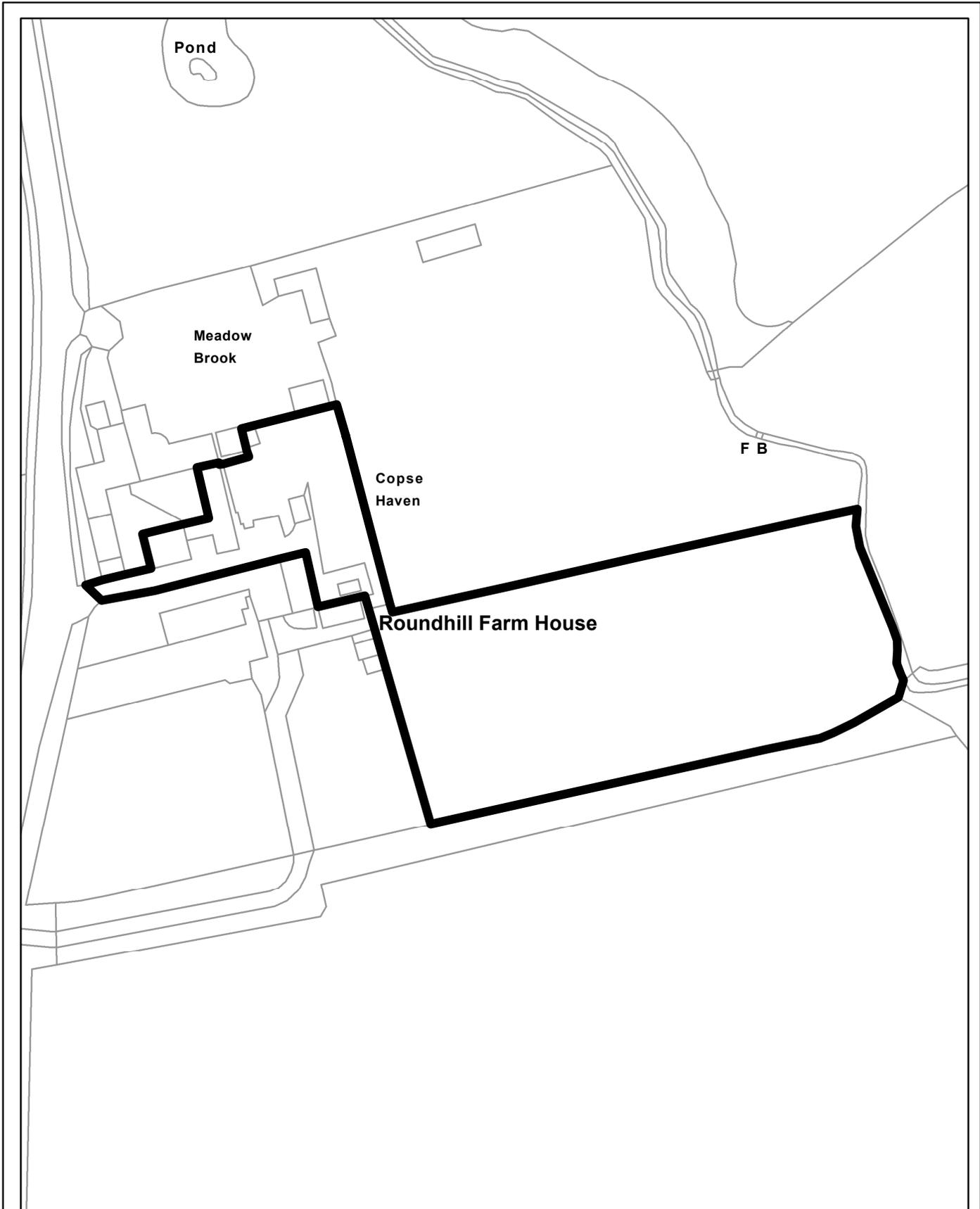
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development within Schedule 2, Part 4, Classes A to B of that order shall take place without the prior written consent of the Local Planning Authority.

REASON – In the interests of visual and residential amenity.

7. The existing customer parking and boundary treatment shall be permanently retained and maintained unless otherwise agreed in writing by the Local Planning Authority.

REASON - In the interests of visual and residential amenity.

This page is intentionally left blank

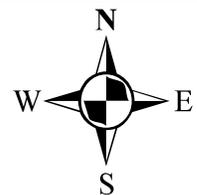


© Crown copyright All Rights Reserved Licence Number 100023728 2023

**Planning Ref No: 22/01194/FUL**

DARLINGTON BOROUGH COUNCIL

Page 21



SCALE 1:1250

This page is intentionally left blank

## DARLINGTON BOROUGH COUNCIL

## PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14<sup>th</sup> June 2023

---

<b>APPLICATION REF. NO:</b>	22/01160/FUL
<b>STATUTORY DECISION DATE:</b>	21 <sup>st</sup> December 2022
<b>WARD/PARISH:</b>	HURWORTH
<b>LOCATION:</b>	Field at Copse Haven Roundhill Road Hurworth Moor DARLINGTON DL2 1QD
<b>DESCRIPTION:</b>	Construction of an open front timber shelter (retrospective) within northeast corner of dog walking field together with the provision of a movable bench, dog house (both retrospective) and dog agility ramp
<b>APPLICANT:</b>	MISS FIONA LENNOX

---

**RECOMMENDATION: GRANT PLANNING 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/applicationDetails.do?activeTab=documents&keyVal=RK93W8FPOC800>

**APPLICATION AND SITE DESCRIPTION**

1. The application site is former agricultural land associated with an existing dwelling, situated on the east side of Roundhill Road, Hurworth. The site sits close to a complex of converted barns, which now consist of three dwellings, with the original Roundhill Farm farmhouse, situated to the south. Planning permission was granted in February 2021 for the change of use of the field to a commercial dog exercise area (20/00910/CU). One of the conditions attached to the permission was that planning permission would be required for any additional structure on the site, even if they were

only to be placed on the site for a temporary period. This was in place to protect the visual amenities of the locality.

2. Since the original planning permission, the applicant has erected several structures, which comprise an open front timber shelter with seating area in the northeast corner of the field and the use of a small doghouse which is placed in various positions on the site. The applicant would also like to use an agility ramp. This is a part retrospective application, and the applicant has noted that not applying for planning permission in advance was an error. This application seeks to therefore regularise the development.
3. The applicant has advised that the need for the timber shelter to the northeast corner of the field is to allow customers to shelter whilst exercising their dogs, during inclement weather conditions. The other structures are provided for the enjoyment of the dogs during exercise.

#### **MAIN PLANNING ISSUES**

4. The main issues for consideration are:
  - a) Impact on visual and residential amenity.

#### **PLANNING POLICIES**

5. Relevant Local Plan policies include those seeking to ensure that new development:
  - Reflects the local environment and creates an individual sense of place with distinctive character (DC1).
  - Protects the natural quality of the rural landscape (ENV3).
  - The proposal is sited, designed, and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (policy DC4).

#### **RESULTS OF TECHNICAL CONSULTATION**

6. No technical objections.

#### **RESULTS OF PUBLICITY AND NOTIFICATION**

7. Three letters of objection have been received, raising the following concerns:
  - Plans do not show gradient of the land.
  - Any structures that can be climbed on by children or adults should not be approved.
  - Current boundary treatment offers no privacy.
  - Issues with current boundary treatment being maintained.
  - Location of field shelter doesn't make sense.

- There should be limits on the amount of people able to use the field at any one time to prevent impact on residential amenity.
- Field is not monitored so applicant cannot control customers climbing on the structures.
- Constitutes escalation of use.
- Overlooking from field and consequent loss of privacy.

## **PLANNING ISSUES/ANALYSIS**

### **(a) Impact on visual and residential amenity**

8. It should be noted that the number of people and dogs has been conditioned on the original application (20/00910/CU) application and a revised application is dealt with elsewhere on this agenda under 22/01194/FUL, so the issue raised by objection regarding numbers of people / dogs is not an issue that can be considered as part of this application which specifically relates to the structures. This application cannot also consider the principle of the use of the field as a dog exercise area, as a planning permission is already in place.
9. In view of the above, whilst it is noted that some issues raised by objection relate to perception of being overlooked by the dog exercise area, and impact of traffic and any noise or disturbance as a result of the use, any such issues can only be considered where they relate to the presence of the structures that are the subject of this application.
10. The field shelter has been sited in the northeast corner of the field, limiting its impact on visual amenity beyond the site itself. It is of a modest scale, at some 2.7m at its highest point (the front) reducing to 2.1m to the rear, with a depth and width of 3.66m. Whilst it is noted that this is close to the boundary with the objector residing at Meadowbrook, the applicant has recently made good any repairs to the boundary treatment caused by the wind over the winter months and has undertaken to do some limited tree planting in that corner of the field adjacent to the boundary. The retention and maintenance of the boundary treatment is required as a planning condition on the original approval and so any issues relating to that in the future would be dealt with separately. The presence of the field shelter makes it no more possible for a member of the public to see above the existing fence than previously, and less possible than if a member of the public was standing in an open field, as the boundary treatment comes just below the highest part of the open end of the shelter.
11. Whilst it is noted that the presence of a shelter means that customers could congregate, any activity here is governed by condition 5 of the original permission (with a variation to that dealt with elsewhere on this agenda) which intends to control the number of people / dogs on the field at any one time to maintain control over the intensity of the use.
12. The doghouse and agility ramp are of such a scale that given the permitted use of the land, raise no additional visual or residential amenity issues.

13. Overall, the proposed structures are acceptable in terms of visual and residential amenity and are compliant with policies DC1, DC4 and ENV3 in this regard.

#### **PUBLIC SECTOR EQUALITY DUTY**

14. 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.

#### **CONCLUSION AND RECOMMENDATION**

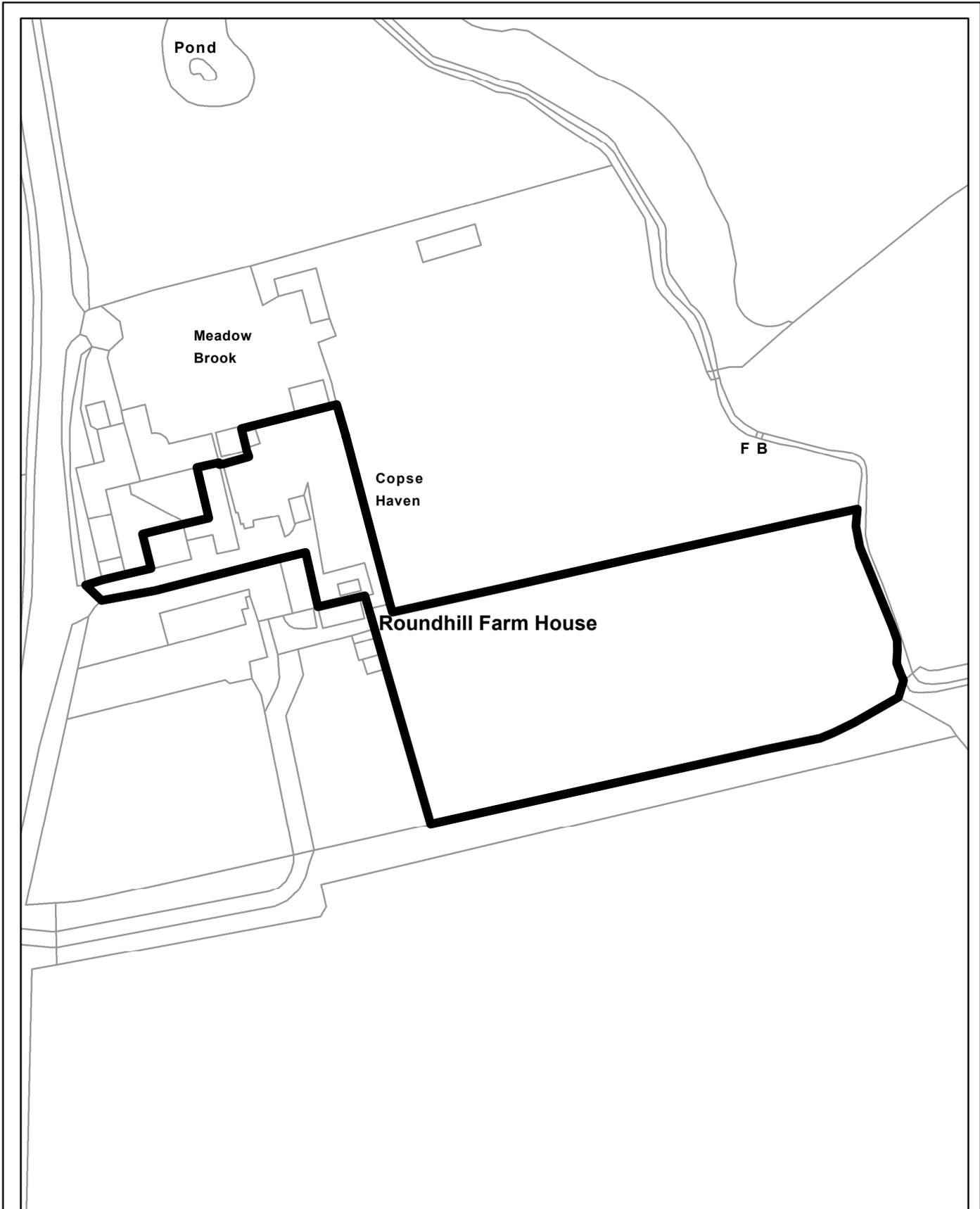
15. The proposed structures are acceptable in terms of their impact on visual and residential amenity and comply with the relevant policies of the local plan.

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

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

Site Location Plan

REASON – To define the consent

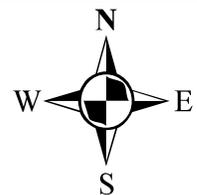


© Crown copyright All Rights Reserved Licence Number 100023728 2023

**Planning Ref No: 22/01160/FUL**

DARLINGTON BOROUGH COUNCIL

Page 27



SCALE 1:1250

This page is intentionally left blank

## DARLINGTON BOROUGH COUNCIL

## PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14<sup>th</sup> June 2023

---

<b>APPLICATION REF. NO:</b>	22/01122/FUL
<b>STATUTORY DECISION DATE:</b>	09 <sup>th</sup> January 2023 Extension of Time Agreement 19 <sup>th</sup> June 2023
<b>WARD/PARISH:</b>	Park West
<b>LOCATION:</b>	4 Kendal Close Darlington DL1 5NS
<b>DESCRIPTION:</b>	Removal of existing conservatory and rear laundry extension, erection of extension to rear with alterations and enlargement to roof including dormer extension to rear, partial conversion of garage and associated works (as amended by plans received 13/03/2023)
<b>APPLICANT:</b>	Mr Graeme Wilson

---

**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/applicationDetails.do?activeTab=documents&keyVal=Q82CFLFPLCD00>

**APPLICATION AND SITE DESCRIPTION**

1. The application property is a detached bungalow located on Kendal Close, to the west of Grange Road (A167), within the West End Conservation Area. The property is constructed of stone under a tiled roof and is enclosed by a stone boundary wall to its front elevation. It occupies a slightly elevated position above Kendal Close. The surrounding area is residential in character bordered by properties on Kendal Close to its north and south sides, and on Upsall Drive and Grange Road to the west and East. The Esso Petrol Filling Station is located to the northeast of the application property.
2. An existing conservatory and a rear laundry extension are to be removed and planning permission is sought for a number of elements including: -
  - Erection of an extension to the rear to form to an open plan kitchen dining room measuring approximately 6m in depth and 9.0m wide
  - An increase in the height of the ridge at the southern end of the property over the existing garage and proposed rear extension to 5.51m to facilitate the erection of a dormer

extension to the rear elevation. The dormer extension will project out from the roof by approximately 4m, will be approximately 2m in height and will be approximately 5.2m wide. It will be set in from the outside edge of the roof by approximately 0.9m and the eaves by approximately 0.6m.

- The partial conversion of the rear of the garage to form part of the open plan kitchen/dining area formed from the proposed rear extension
  - Addition of two roof lights to side roof slope
3. The rear extension is to be constructed from matching stone and tiles, with the walls of the dormer extension will be clad with Redland hung plain tiles to match the existing roof.
4. The application has been amended since it was first submitted to address concerns raised regarding the scale and design of the proposed extensions. The ridge height of the extension has been reduced and the scale and design of the dormer extension has also been amended. A number of windows and doors have been omitted from the extension and the proposed dormer extension is to be constructed of matching materials rather than timber cladding as originally proposed.

### **MAIN PLANNING ISSUES**

5. 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) Other Matters

### **PLANNING POLICIES**

6. 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 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

National Planning Policy Framework, 2021

West End Conservation Area Character Appraisal

Revised Design of New Development Supplementary Planning Document, 2011

### **RESULTS OF TECHNICAL CONSULTATIONS**

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

### **RESULTS OF PUBLICITY AND NOTIFICATION**

8. A total of 4 objections were received in response to the original scheme which can be summarised as follows:
- *Loss of privacy from the addition of the dormer window*
  - *Out of character and not in keeping with the area which is primarily bungalows*
  - *Detrimental impact on character of area*
  - *Will set a precedent for any of the adjoining properties*
  - *Significant increase in ridge height will impact outlook from our property and garden and would result in a loss of light into house and garden*
9. A further 4 objections were received in response to the amended scheme which raised the following additional comments:
- *Amendments do not overcome original objections*
  - *Aesthetic improvement but will still be in full view of the rear of neighbours' property and visible from all rooms in their property*

## **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). The above considerations are echoed by policy ENV1 of the Local Plan.

16. The submitted Heritage Statement describes the application property as a modern bungalow (post 1968) which is clad in rubble stonework with ashlar quoins, a stone slate roof covering and with white UPVC window frames, doors and facias and which is bounded by stone walls and piers. The statement sets out the bungalow does not have any particular architectural or historic interest which could contribute to the significance of the West End Conservation Area and states that changes to the property will have a neutral impact given that it is a modern bungalow which sits within a largely modern suburban setting.
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 is not within one of the three distinct character areas as outlined in the West End Conservation Area Character Appraisal (March 2010), nor does the property form a key view or vista.
18. The application site lies on Kendal Close which comprises four individually designed bungalows accessed from both Grange Road and Blackwell Lane. The property sits at the head of the junction with Grange Road and whilst it is visible from this main road, it is not overly so being set back over 40m. To the one side of this junction is the Esso Petrol Filling Station whilst to the other is a large Victorian property which has been converted into flats.
19. To facilitate the erection of the rear extension an existing conservatory and UPVC clad extension are to be demolished. The footprint of the bungalow will not be increased significantly increased by the proposed extension, although the southern end of the property will be extended vertically with the enlargement of the roof and dormer extension that will require the ridge height to be increased by approximately 0.9metres to 5.51 metres.
20. The proposed alterations and extension to the roof, including the upper part of the dormer extension, will be visible from both Kendal Close and Grange Road. The rear extension and dormer extension will be largely screened from these aspects by the existing bungalow and surrounding properties. Overall, the proposed extension and alterations to property in their amended form are considered to be appropriate in terms of their design, scale and use of materials, in the context of both the application property and surrounding area, including the West End Conservation Area.
21. It is considered that the proposed extensions and alterations, including the addition of the roof lights 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) Impact on Residential Amenity**

22. The property is bound to the north by 2a Kendal close, to the south by 6 Kendal Close and to the west by 3 Upsall Drive. A 3 metre high brick boundary wall forms the western boundary of

the property. A lower brick boundary wall forms the southern boundary of the property, with a 2m boundary wall and an existing extension to the northern end of the property separating this property from the neighbouring property at 2a Kendal Close.

23. The increase in ridge height and proposed rear extension have the potential to impact upon 6 Kendal Close in terms of light and outlook given that the properties are separated only by a low-level brick wall and the presence of windows in the north elevation of this property which face the gable end of the application property. Outlook from these windows is however currently impacted by the application property. There is a separation distance of approximately 5.5 metres between the respective gable ends of both properties which will be maintained.
24. The extension has been designed with a sloping pitched roof which rakes away from the boundary which will minimise its bulk, height and overall massing of the extension. There will be no increase in the existing eaves height of the property. The proposed rear extension complies with the 45-degree code in respect of this property and as such it is not considered that the proposed extensions will unacceptably impact upon light to or outlook from the neighbouring property at 6 Kendal Close. There will be no unacceptable impact on privacy levels to this property arising from the proposed rooflights, dormer extension or windows in the ground floor of the proposed extension.
25. Given the distance of the proposed extensions from the neighbouring property to the north, 2a Kendal Close, and the presence of an existing extension to the northern end of the application property adjacent to the common boundary between the two properties, the proposal will not impact upon light or outlook to this property. Although there would be some overlooking of the rear garden of this property from the proposed dormer extension, at a separation distance of approximately 13.5 metres from the extension to the common boundary, this is not considered to be so unacceptable as to warrant refusal of the application on these grounds. No comments have been received from the occupants of either 2a Kendal Close or 6 Kendal Close as part of the consultation exercise.
26. Concerns have been raised however regarding loss of privacy due to overlooking and loss of outlook to the neighbouring property at 3 Upsall Drive to the west of the application property. The two properties are separated by a 3m high brick boundary wall which will limit lower views of the proposed extension and prevent any overlooking from ground floor windows. The upper parts of the extension, including the dormer window will however be visible above the boundary wall. The presence of the extension and the oblique relationship between the two properties will not however result in an acceptable loss of light to or outlook from this property.
27. There will however be some overlooking of this property from the proposed dormer window. Any direct views from the dormer window would however be into the applicants' rear courtyard and across the roof of the application property. Views of the rear of 3 Upsall Drive and its garden area would be indirect at a distance of approximately 10 metres from the common boundary. In these circumstances it is considered that the separation distances between the properties is adequate to maintain appropriate privacy levels.
28. 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) Impact on Highway Safety and Parking Provision**

29. No highway objection has been raised to the proposal, given that despite the partial garage conversion the dwelling will retain sufficient in-curtilage parking and on this basis, the proposal would accord with policies DC1 and IN4 of the Local Plan in this regard.

### **d) Other Matters**

30. In regard to concerns raised that approving the proposal would set a precedent, each planning application is considered on its own merits.

### **THE PUBLIC SECTOR EQUALITY DUTY**

31. 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**

32. 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**

33. The proposed alterations and extensions to the property, including the dormer extension and the addition of the rooflights, 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. Nor are they considered to have an unacceptable impact on highway safety or upon the amenities of neighbouring properties in terms of loss of light or outlook or privacy to these properties. The proposal therefore complies with relevant Local Plan Policies and the NPPF.

### **ACCORDINGLY, IT IS RECOMMENDED 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. 2205 DBA XX XX GA Z 101 Rev B dated 24/02/2023

Proposed First Floor Plan Drawing No. 2205 DBA XX XX GA Z 102 Rev B dated 24/02/2023

Proposed Roof Plan Drawing No. 2205 DBA XX XX GA Z 104 Rev B dated 24/02/2023

Proposed Front & Rear Elevations Drawing No. 2205 DBA XX XX GA Z 202 Rev B dated 24/02/2023

Proposed Side Elevations Drawing No. 2205 DBA XX XX GA Z 203 Rev B dated 24/02/2023

Proposed 3D Views Drawing No. 2205 DBA XX XX GA Z 400 Rev B dated 24/02/2023

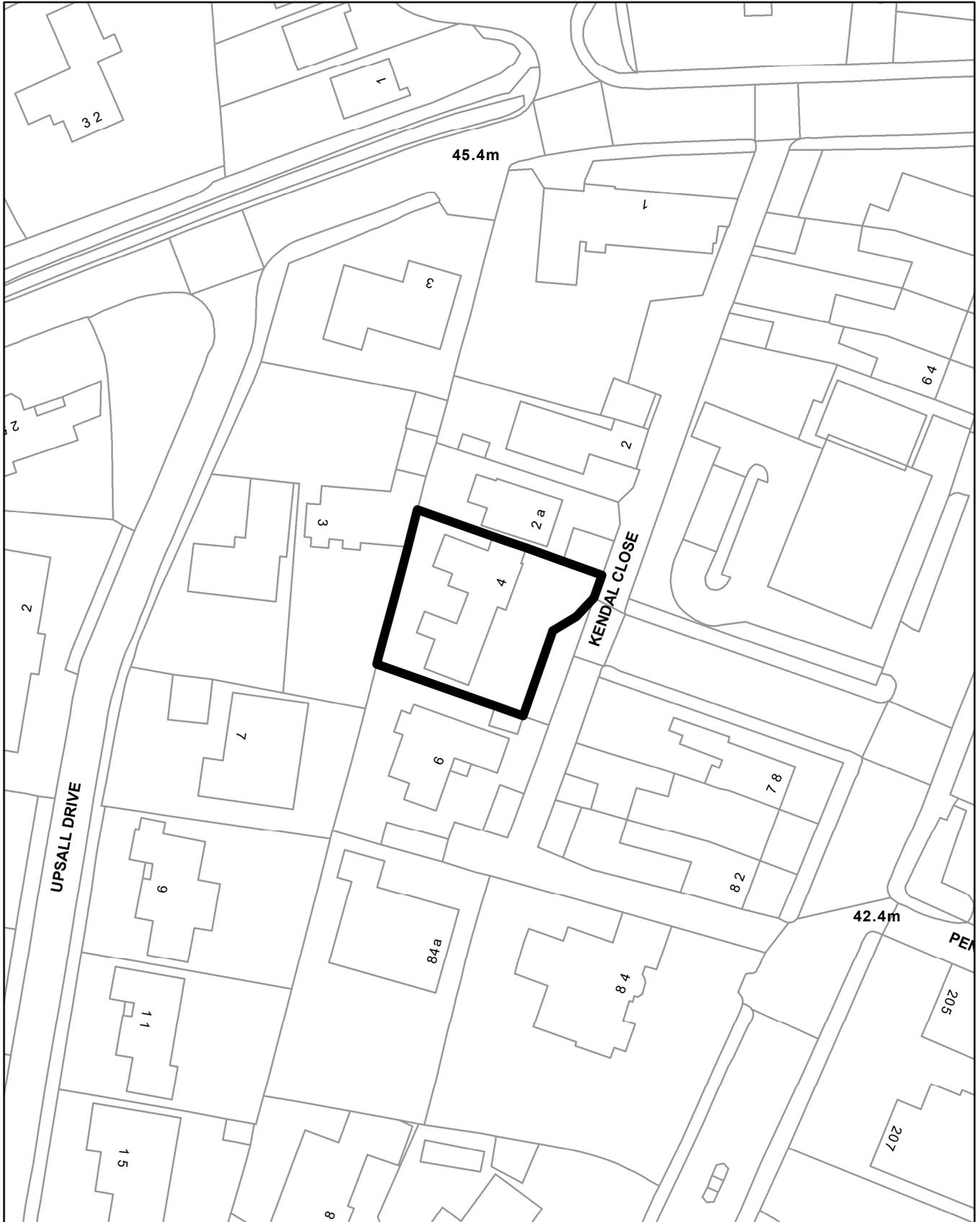
Proposed 3D Views Images Drawing No. 2205 DBA XX XX GA Z 401 Rev B dated 24/02/2023

3D Concept View Realistic Drawing No. 2205 DBA XX XX GA Z 402 Rev B dated 24/02/2023

3D Concept Views & Courtyard Plan Drawing No. 2205 DBA XX XX GA Z 403 Rev B dated 24/02/2023

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

This page is intentionally left blank

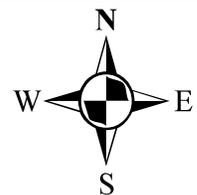


© Crown copyright All Rights Reserved Licence Number 100023728 2023

**Planning Ref No: 22/01122/FUL**

DARLINGTON BOROUGH COUNCIL

Page 37



SCALE 1:750

This page is intentionally left blank

## DARLINGTON BOROUGH COUNCIL

## PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 14 June 2023

---

<b>APPLICATION REF. NO:</b>	23/00189/FUL
<b>STATUTORY DECISION DATE:</b>	14 <sup>th</sup> April 2023 Extension of Time Agreed 19 <sup>th</sup> June 2023
<b>WARD/PARISH:</b>	Heighington And Coniscliffe
<b>LOCATION:</b>	61 Pinewood Crescent Heighington Newton Aycliffe DL5 6RR
<b>DESCRIPTION:</b>	Change of use of integral garage (Use Class C3) to a home working hairdressing business (Use Class E) including alteration to garage door and to regularise first-floor window to side elevation (part retrospective) (additional Planning Statement 13/03/2023 and amended plans and extractor fan details received 24/03/2023)
<b>APPLICANT:</b>	Mrs Kim Gibson

---

**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 property is a large, detached northwest facing property on the south side of Pinewood Crescent in Heighington. The property has previously been extended by the addition of a single storey extension to the rear and a first-floor side extension. Planning permission has also recently been granted for the erection of a two-storey side extension which provided an integral garage with external pedestrian access from the side elevation, small utility and cloakroom and an open plan kitchen on the ground floor

and a bedroom with en-suite at first floor. This planning permission has been implemented (21/01190/FUL).

2. This application seeks full planning permission for the change of use of the integral garage approved under the 2021 permission (Use Class C3) to a hairdressing business (Use Class E). The submitted planning statement sets out that the opening hours would be as listed below, and that the business would operate on an appointment only basis with no drop-in appointments allowed.

Monday – Friday 9am until 6pm  
Saturdays 8am until 2pm  
Sundays and Bank Holidays Closed

3. The statement also sets out that there would be a 15-minute break between appointments and a 1-hour lunch break would be scheduled into the working day. A typical working day would average between 4 and 6 customers, with between 1 and 4 customers on Saturdays depending on the service required and assuming a full appointment book.
4. The integral garage would be refurbished for use as a hairdressing salon to be used by the applicant only and would comprise a hair wash station and salon chair. The garage door would be replaced by a pedestrian door with glazed panels to either side, one of which will contain an opening window to provide ventilation. To the rear of the garage, a separate wc would be provided for customers to use. An extractor fan is to be ducted through the existing wc and will be positioned on the rear elevation facing south, below the height of the shared boundary wall.
5. A total of 3 parking spaces are proposed to the front of the property to serve the dwelling and hairdressing business.
6. The application also seeks to regularise a window which has been installed in the side elevation of the property at first floor.

## MAIN PLANNING ISSUES

### 7. Site History

- 02/00522/FUL Construction of conservatory to rear of dwelling GWC 11.07.2002
  - 20/01189/FUL Erection of two storey side extension with integral garage GWC 01.02.2021
  - 21/01190/FUL Erection of two storey side extension with integral garage (revised scheme) (as amended by plans received 03/11/2021) GWC
8. The main issues to be considered here are whether the proposed use is acceptable in terms of its impact on the following:

- a) Impact on the Character and Appearance of the Area
- b) Residential Amenity
- c) Highway Safety
- d) Other Matters

## PLANNING POLICIES

9. The following policies are relevant to consideration of the application:

### **Darlington Local Plan (2016:2036)**

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

IN4: Parking Provision including Electric Charging Points

The National Planning Policy Framework 2021

## RESULTS OF TECHNICAL CONSULTATION

10. The Council's Highways Engineer and Environmental Health Manager have no objections to the principle of the development. Heighington Parish Council have not commented on the proposal.

## RESULTS OF PUBLICITY AND NOTIFICATION

11. Sixteen letters of objection have been received as a result of the consultation and publicity exercise, and the comments received can be summarised as follows:

- *Proposed frontage not in keeping with look of a residential property*
- *Possible intensification of use (additional employee)*
- *Proposal would result in an increase in traffic which would have an impact on highway safety, given that the property is situated close to a busy three-way junction (visibility problems for pedestrians) and a children's play area*
- *Increase in additional on street parking given that Clients will choose not to park on driveway and are more likely to park on the roadside/pavement which would result in driveways being blocked*
- *Concerns regarding safety of young children who wish to play out*
- *Due to the narrow depth of the driveway large vehicles will overhang onto footway causing further obstructions*
- *Increase in traffic will have an environmental impact and increase the health risks of residents and would impact the quiet residential area*
- *Residential homes should not be next to a commercial property offering services*
- *Sufficient shops and amenities within the village, residential properties do not need to be converted*
- *Would set a precedent and potentially open the floodgates for other people wanting to convert to mixed uses within Class E*
- *Approved two storey extension with downstairs wc was for domestic use not commercial*
- *Extractor fans will emit perfumed and chemical treatments into our garden and the noise output would be unacceptable*

- *Nearby occupants would not have bought their properties if they had known a commercial property was being opened up*

12. Five letters of representation have also been received and the comments can be summarised as follows:

- *Salon would be an excellent addition to the village*
- *Adequate parking within site will stop parking on the roadside*
- *It is not a 'commercial property' it is one person who simply wishes to work from home which should be encouraged*
- *Proposal would not impact residential amenity or the local environment*
- *Proposal would align with the principles of sustainability*

13. The comments received also include concerns regarding the impact the change of use would have on the value of the neighbouring residential properties, and competition with other businesses within the village. Neither are material planning considerations.

## **PLANNING ISSUES/ANALYSIS**

### **a) Impact on the Character and Appearance of the Area**

14. The application property is a large, detached property on Pinewood Close on a modern residential development which is close to the junction with Greenhill Road, Burnbeck Place and St Michael's Crescent.
15. This proposal seeks full planning permission to change the use of an integral garage to a hairdressing salon which will involve a minimal external change with the garage door being replaced with a pedestrian door with glazing to either side. The proposed replacement door has been amended since the proposal was first submitted and is now considered to be visually acceptable and will not adversely impact on the character and appearance of the area.
16. Planning permission is also sought to regularise a first-floor top opening side window which measures 1m in height by 0.5m wide and which is opaque glazed. This window was approved under the previously planning permissions. The approved plans did not show a top opening window, however as installed this is no larger than the approved window and will not have any particular impact on the character and appearance of the surrounding area.
17. It is accepted that the running of a hair salon differs to that of the residential area in which it is located. The planning statement submitted with the application sets out how the business is to be run, by the applicant as the owner and sole employee of the business on an appointment only basis, during defined opening hours Monday to Saturday. Given the size and scale of the proposed salon within an existing single garage measuring approximately 2.6 metres by 3.8 metres internally and comprising a

hair wash station and salon chair, the activities of the salon, are not considered to be inappropriate for this wider residential area.

18. The impact of the proposed use on the amenities of nearby residential properties and on parking and highway safety will be considered in the next sections of this report, however overall it is not considered that the proposed change of use would adversely impact upon the character of the area and would be in general compliance with Local Plan Policy DC1. This is also taking into account a number of conditions that could be attached to limit its impact on the surrounding area in terms of opening hours, limiting the use to a hairdressing salon only, and making the permission personal to the applicant.

#### **b) Residential Amenity**

19. The application property is a detached dwelling with some separation from the neighbouring properties either side. Pinewood Crescent slopes from east to west, and due to this change in levels neighbouring properties either side and opposite the application property are orientated in such a way that they do not look directly onto one another. The neighbouring property to the east, 32 St Michael's Crescent, faces in an easterly direction, with the neighbouring property to the west, 39 Westwood Avenue, facing west, with the two properties separated by a detached double garage block.
20. Due to the detached nature of the property and the spatial relationship of neighbouring properties it is not considered there would be significant noise transmission from the salon within the garage, given the small-scale nature of the proposal to be run by the applicant as the sole employee.
21. While there would be additional comings and goings to the property over and above that associated with normal visits to a residential property, the proposed hours of opening are during day time hours when a higher level of background noise is expected and when most people are out at work. There would be no evening opening and the salon would only open until 2pm on a Saturday, with no opening on a Sunday or Bank Holiday. Furthermore, the salon would run on an appointment only basis with an average of 4 – 6 clients per day, limited by the small-scale nature of the proposed salon.
22. It is considered that overall, the proposal the amenities of the neighbouring residential properties would not be significantly harmed by the coming and goings of customers or vehicles, subject to planning conditions limiting the hours of opening and ensuring the permission is personal to the applicant only.
23. Concern has been raised regarding the proposed extractor fan in the rear (south) elevation of the property and the potential for this to emit smells from perfumed and chemical treatments and that the noise output would be unacceptable. Products will be required to carry out the services offered (hair dyes & hair sprays) and the submitted planning statement sets out that these products are available to the general public, and

a ducted extractor fan is to be installed in line with Health & Safety Executive (HSE) standards which will allow fresh air to circulate through the salon. Furthermore, the proposed window on the front elevation can be opened to allow fresh air into the room, whilst the opening of the door will create a 'purge ventilation'.

24. The Council's Environmental Health Manager has considered the submitted information regarding smells and noise output from the extractor fan and based on consideration of this technical information advises that it will not give rise to any concerns regarding residential amenity.
25. In regard to the regularisation of the first-floor window on the side elevation which looks out from the en-suite and is obscure glazed. The window will not raise any amenity issues given that it is obscure glazed in perpetuity and will remain so in perpetuity and this will be secured by planning condition.
26. Subject to the planning conditions outlined, the use of the integral garage as a hairdressing salon will not result in unacceptable noise, nuisance and disturbance to the amenities of neighbouring dwellings and the proposed use would accord with Local Plan Policy DC4.

### **c) Highway Safety**

27. The submitted site plan indicates that the site will have 3 parking spaces which would occupy the full width of the frontage, and the plan demonstrates how the parking will be arranged. There are also no on-road restrictions on Pinewood Crescent.
28. The Tees Valley Design Guide advises that dwellings of four or more bedroom should have 3 in-curtilage parking spaces in order to prevent an overspill onto the public highway. Whilst the dwelling has sufficient parking to meet the residential needs of the household there are no specific standards for hairdressing salons within the design guide, instead engineering judgement must be applied.
29. Concerns have been raised that the driveway will not accommodate larger vehicles which would overhang into the footway. Spaces 1 & 3 measure 5.4m in length and as such can accommodate large cars without any overhang, whilst the middle space is smaller at 4.5m there is space for a large car to use this space if parked on an angle and which therefore result in no overhang.
30. In regard to patron parking, the applicant has provided a detailed explanation on how bookings will not overlap and as such only one parking space will be required at one time and the residential needs of the dwelling would not exceed two spaces at any one time.
31. Whilst a number of concerns have been raised in regard to highway safety, DBC's Highways Engineer has conducted a review of accident history which suggests there are no inherent safety issues at or near to the application site, or that the very minor traffic

generation associated with the proposal would have a detrimental impact on highway safety. Although it may be relatively unusual to have a commercial business within a residential estate, other significant traffic generators such as schools and leisure centres are often located within housing estates without resulting in an unacceptable impact on highway safety or residential amenity. Whilst acknowledging that minor incidents often go unrecorded, a review of the most recent five-year period demonstrates that only one 'minor' personal injury collision has been recorded within the whole village.

32. In regard to concerns with regard to parking on or within close proximity of the nearby junctions and that clients may block neighbouring driveways. It is the responsibility of all drivers to park safely and responsibly in accordance with the Highway Code.
33. Whilst acknowledging that the proposal will create some additional parking demand and vehicle movements, the increase is not so significant as to have a detrimental impact in regard to the environment or the health risks of residents. The Highway Engineer considers that provided the business operates within the scope of what is set out in the submitted planning statement, and in accordance with the suggested planning conditions, there is no evidence to recommend refusal on highway safety grounds, or impact on residential amenity from insufficient parking or additional traffic. It is also worth noting that to warrant a refusal under the NPPF guidance the increase in traffic generated by the change of use would have to result in a 'severe impact'.
34. Overall and on balance the proposal would accord with Policy IN4 of the Local Plan in this regard.

#### **Other Matters**

35. Whilst the wc does not comply to current Building Regulation Standards as set out in Approved Document M for disabled access, any patrons who cannot access the toilet would be offered a home visit service.
36. In regard to concerns raised that approving the proposal would set a precedence, each planning application is looked at on its own merits.

#### **THE PUBLIC SECTOR EQUALITY DUTY**

37. 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**

38. 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**

39. The proposal for a hair salon within the garage as part of a mixed use of the property is considered to be acceptable in principle and would not unduly harm the character of the wider area or the amenity of the neighbouring occupiers, subject to planning conditions to safeguard the amenities of the surrounding residential area. It is also considered that the proposal would not have an adverse impact upon highway safety. The proposal is considered to meet relevant Local Plan policies and accordingly it is recommended that:

### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. 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 carried out in accordance with the approved plan, as detailed below:

- Existing & Proposed Floor Plans & Elevations Drawing Number 2819-1F dated 24/03/2023
- Proposed Parking Plan and Building Regulations Drawing Number 2819-2C dated 24/03/2023

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

3. This permission shall be solely operated for the benefit of the applicant, Mrs Karen Gill and shall not run with the land. Mrs Gill should be the sole employee of the business. In the event of Mrs Gill vacating the premises the integral garage shall revert to residential use.

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 use in the event of Mrs Karen Gill vacating the premises.

4. The hair salon hereby approved shall not be open for business outside the hours of 9.00am – 6.00pm Monday to Friday, 9.00am – 2.00pm on Saturdays and there shall be no opening on Sundays or Bank Holidays.

REASON – In the interest residential amenity

5. The integral garage shall be used only as a hair salon and for no other purpose (including any other use in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any Order revoking and re-enacting that Order).

REASON – The Local Planning Authority is satisfied that the use hereby approved would not result in detriment to adjoining properties but would wish to control future changes of use within the same class in the interests of amenity.

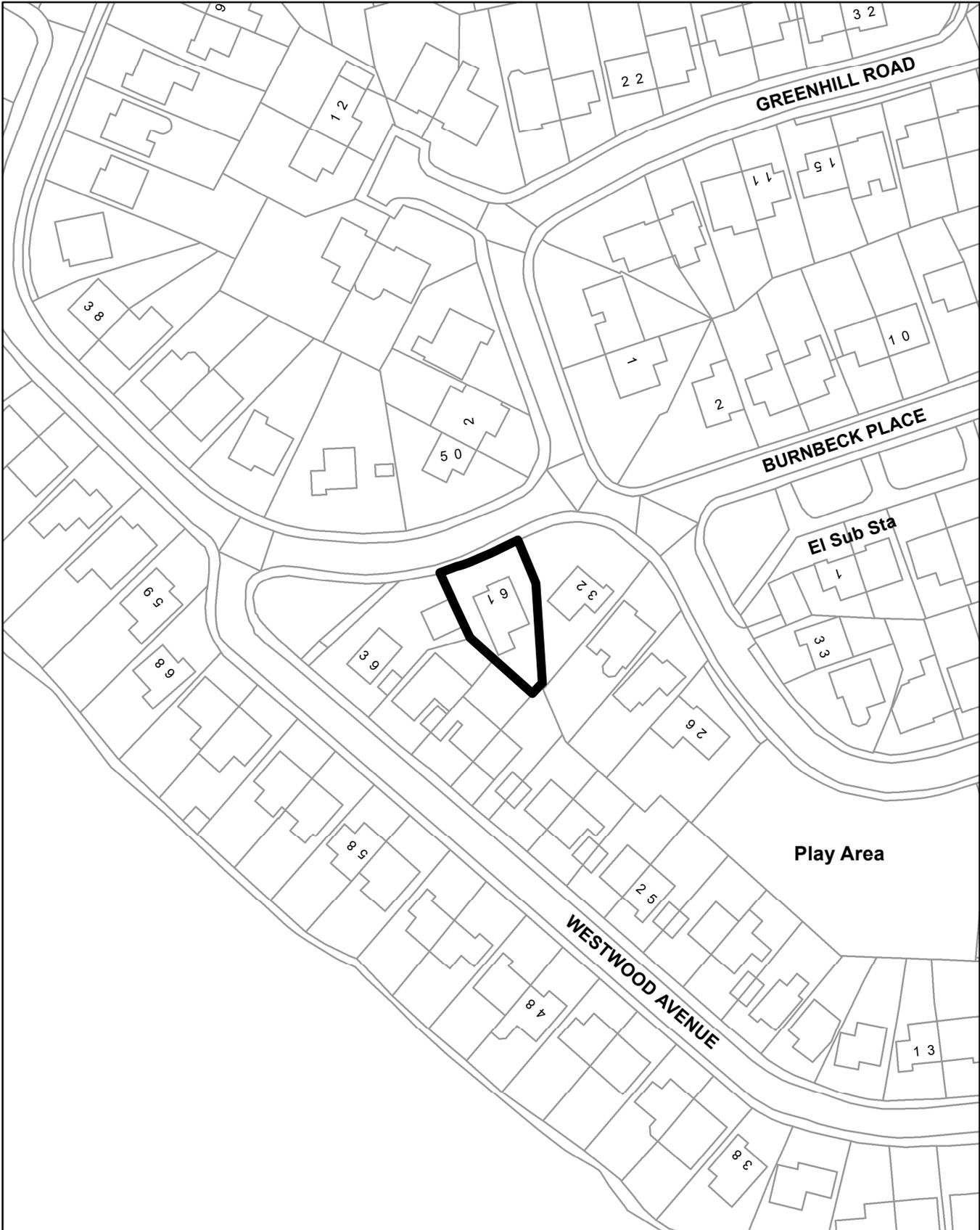
6. The use hereby approved shall not operate until the full width driveway has been provided in accordance with the details as shown on drawing number 2819-2C dated 24/03/2023 entitled 'Proposed Parking Plan and Building Regulations Drawing'.

REASON – In the interest of highway safety

7. The window formed in the first-floor side elevation (east) shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.

This page is intentionally left blank

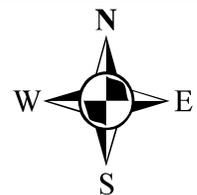


© Crown copyright All Rights Reserved Licence Number 100023728 2023

**Planning Ref No: 23/00189/FUL**

DARLINGTON BOROUGH COUNCIL

Page 49



SCALE 1:1000

This page is intentionally left blank



---

## Appeal Decision

Site visit made on 14 February 2023

**by H Jones BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 March 2023**

---

**Appeal Ref: APP/N1350/W/22/3308961**

**Land at Abbey Road Sports Field, Darlington DL3 8HL**

**Grid Ref Easting: 427962, Grid Ref Northing: 514444**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (hereafter the 'Order').
  - The appeal is made by Cornerstone against the decision of Darlington Borough Council.
  - The application Ref 21/01445/PA, dated 9 December 2021, was refused by notice dated 12 April 2022.
  - The development proposed is 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).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. During the determination of the application the height of the mast proposed was reduced from an original 20m to 17.5m. The description of the development proposed was consequently amended. Accordingly, the description in the banner heading above reflects this amendment.
3. The provisions of paragraph A.3(4) of the Order require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.

### Planning Policy

4. Part 16 of the Order establishes that the proposal is permitted development. Furthermore, there is no requirement to have regard to the development plan as there would be for any development requiring planning permission.
5. Nevertheless, Policy IN7 of the Darlington Local Plan 2016-2036, adopted in 2022 (LP) is a material consideration as it relates to issues of siting and appearance. In particular, the policy states that telecommunications infrastructure will be permitted where its siting and appearance seeks to minimise its impacts on the character and appearance of the area whilst it should not cause unacceptable effects on, amongst other matters, conservation areas. Furthermore, Policy IN7 states that, in respect of new mast proposals,

the applicant should demonstrate that options to erect apparatus on existing buildings, masts or other structures have been explored.

6. Similarly, the National Planning Policy Framework (the Framework) is also a material consideration, and this includes sections on supporting high quality communications, achieving well-designed places, and conserving and enhancing the historic environment.

### **Main Issues**

7. The main issues are the effect of the siting and appearance of the installation on:
  - The outlook of the occupiers of 41 Abbey Road;
  - the character and appearance of the area, including West End Conservation Area; and
  - if any harm would occur, whether this is outweighed by the need for the installation to be sited as proposed taking into account any suitable alternatives.

### **Reasons**

#### *Effects upon the occupiers of 41 Abbey Road*

8. To one side the appeal site is bordered by a hedge which forms the boundary with the rear garden of 41 Abbey Road. No 41 is a large property set within a spacious plot including a large rear garden. Mature trees are located within the front and rear gardens of No 41, including those protected by virtue of tree preservation orders. Properties to the north of No 41, on the opposite side of Abbey Road, are set well back within their plots. To the west of No 41, is the sports field whilst residential gardens border to the south. No 41 therefore benefits from having a relatively verdant setting and separation from buildings in several directions.
9. Although there are mature trees within the rear garden of No 41, they are set away from the proposed siting of the mast. Immediately adjacent to the proposed position of the mast there is the boundary hedge. Whilst the mast has been reduced in height, at 17.5m, it would nevertheless be substantially taller than the section of hedge which would separate it from the garden of No 41. By reason of its girth and the inclusion of antennas the mast would also appear bulky. Given this scale, appearance and proximity, the proposed mast would appear as a dominant utilitarian structure which would tower over the rear garden of No 41, particularly the more southern sections of the garden.
10. From other sections of the rear garden of No 41 and from within the rooms at the back of the property the mast would be positioned farther away, at an angle, and, together with some more effective screening afforded by the trees, the visual effects of the mast would be less pronounced than those described above. The introduction of the mast would nevertheless be quite transformative in these views and cause some harm, albeit not to the same extent as that which would be experienced from within the more southern sections of the garden.
11. Consequently, I find the proposed mast would constitute a harmful dominating feature when viewed from the neighbouring property at No 41, particularly

from sections of the rear garden. The development would therefore adversely affect the living conditions of the occupiers of the property.

*Character and appearance including West End Conservation Area*

12. Within West End Conservation Area (CA) there are many large and traditionally designed residential villas often set within spacious plots. There is extensive tree coverage owing to the many mature garden trees, tree lined streets, and areas of parkland. I find that the verdant character and large residential villas contribute positively to the character and appearance of the CA and its significance.
13. Although sections of the Abbey Road Sports Field where adjacent to Abbey Road are within the CA, most of the sports field including the appeal site is located outside of the boundary of the CA but closely beside it. Being a part of a larger open space, views across the sports field inclusive of the appeal site from both Abbey Road and Cleveland Terrace of areas within the CA are available. I find that the openness of the sports field contributes to the setting of the CA, in particular the extensive tree coverage and some of the large residential villas within the CA can be readily appreciated in views across it.
14. Proposed within an open space and being such a tall structure of utilitarian appearance, the mast would appear unduly prominent and would jar with the architectural merit of many of the residential properties within its surrounds. I accept that a monopole design as proposed is quite commonplace within urban areas and I also acknowledge that there are large mature trees including those between Cleveland Avenue and the sports field which would be in the backdrop in some views from Abbey Road. However, the design and appearance of the mast would nevertheless be at odds with, and thereby detract from, the verdant character created by the extensive tree coverage. The proposed grey colour finish of the mast may help moderate its visual effects when viewed against the sky, particularly on cloudier days, but against the backdrop of trees it would serve to make the mast more conspicuous. Although there are street lights, CCTV and railings within the area, the mast would be substantially taller and appear clearly dissimilar to such features. The adjacent sports pavilion is a single storey building with a low-slung appearance. As a result, the presence of such existing structures would do very little to help assimilate the mast into its proposed location.
15. The appellant has put to me that Abbey Road is a busy route into Darlington town centre and that therefore the views of the proposed development would be fleeting ones from drivers of passing vehicles. However, being sited within a residential area, closely situated to schools, parkland and the town centre, Abbey Road will likely be frequently used by pedestrians and cyclists as well.
16. Therefore, the development would create an incongruous feature which would be at odds with the open nature of the sports field, the architectural merit of nearby residential buildings and also detract from the verdant character of the area. I acknowledge that there may not be other designs more appropriate which would meet the technical and coverage requirements of the site, but this does not alter that for the above reasons the proposal would result in harm. The proposed equipment cabinets being relatively small in size and finished in green would not be prominent in the area nor cause any harmful visual effects. However, this does not alter that the mast itself would be harmful.

17. For these reasons, I conclude the proposed development would have adverse visual effects upon the character and appearance of the area. The architectural merit of the surrounding residential properties and the verdant character of the area are elements which contribute positively to the character and appearance of the CA. The development would be harmful in views from within the CA, would adversely affect these positive elements and, accordingly, would also cause less than substantial harm to the character and appearance of the CA, to which I give great weight.
18. In accordance with the Framework, the harm to the designated heritage asset must be weighed against the public benefits of the proposal. I shall return to this later in my decision.

*The availability of alternatives*

19. The Framework is clear that the need for an electronic communications system should not be questioned nor should competition between different operators be prevented. However, and having regard to paragraph 117 of the Framework, the requirement for the development to be sited in the location and form proposed should be justified.
20. To this end the appellant has submitted details of the technical constraints affecting the site search together with details of the sites and proposals which have been considered as alternatives to this development. The alternative sites presented, but discounted, include the exploration of site sharing and alternative new mast installations. The sites are discounted for a range of reasons including that they would fail to fulfil the operator's technical requirements, that site sharing would be unfeasible for structural reasons, and that tree coverage would inhibit the signal. I note that the Council have not disputed these conclusions and I have no reason to disagree.

**Other Matters**

21. As the appellant submits, given Part 16 of the Order establishes that the proposal is permitted development, there is an acceptance of the development in principle by virtue of the legislation. Nevertheless, this is subject to conditions, and this includes that the development is subject to the prior approval procedure which is an essential component embedded in the permitted development right. In this particular case, and for the above reasons, I have identified that the proposed siting and appearance of the development would cause harm.
22. I note the submissions of the appellant in regard to the highways related effects of the development and, in particular, the infrequent vehicular trips which would arise from the proposal. I accept that the proposed development would also not cause any harm to the significance of any listed buildings. However, the absence of harm in relation to these matters is a neutral factor in my determination.
23. I note that pre-application consultation exercises took place. I also note that the proposal would also meet the International Commission guidelines on non-ionising radiation protection. Again, however, these factors weigh neither for nor against the appeal proposal.
24. As submitted by the appellant, the effect of a development upon a private view is not a matter to which I would attribute any significant weight but, in the

main issues, I have identified that harm to living conditions and to character and appearance would result, which both differ from the matter of private views.

25. The appellant has drawn my attention to a number of appeal decisions which, in their view, provide support for the appeal proposals. Firstly, only the appeal decisions are before me rather than the full details of each case and, as a result, it is not possible to draw accurate comparisons between those schemes and that proposed in this appeal. Secondly, and notwithstanding this, from the details before me there are material differences between the cases. In some, the effects of the siting and appearance of the infrastructure proposed upon a designated heritage asset or upon living conditions was either not a main issue or the Inspector identified no harm in that regard. In other cases, the development either involved masts of a considerably lower height than in this case or involved roof mounted antennas. In such circumstances the various appeal decisions submitted in evidence are not a strong influence in my decision.

### **Balance and Conclusion**

26. The appellant has drawn to my attention a number of benefits which the telecommunications infrastructure would bring and in doing so draws upon a range of documentation and publications within their submissions. This includes, but is not limited to, the Code of Best Practice for Wireless Network Development in England (March 2022) and the Tees Valley Digital Strategy. Furthermore, the appellant has put to me that they are under obligation to meet the reasonable demands of customers and that this includes a 5G service.
27. The proposed installation would improve the digital mobile communication service provision within the area. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Without it, a constraint would be placed upon the potential for future innovation, productivity and growth. The availability of reliable indoor service coverage supports the operations of a range of commercial sectors as well as flexible working practices such as home working within residential areas, such as that the appeal site is within, all of which is at a time that recovery from the COVID-19 pandemic continues.
28. The appellant has put to me that the Council have not given due weight to the public benefits of the proposal. Given the matters I outline above, I do attribute significant weight to the benefits the proposed telecommunications infrastructure could deliver. General support for the public benefits which such proposals can bring are clearly set out in the Framework. Content within the LP similarly offers support, in principle, to digital infrastructure expansion. Furthermore, the absence of suitable alternative sites weighs strongly in favour of the proposal as this indicates that, without the implementation of the proposal, no improvement to the digital mobile communication service provision within the area will take place.
29. However, in the second main issue I have identified that harm to the character and appearance of the area would result, and this would extend to less than substantial harm to the character or appearance of the CA. The Framework confirms that great weight should be applied to the conservation of designated heritage assets, and this applies even when, as in this case, the harm identified is less than substantial.

30. Given the harm that I have identified to the designated heritage asset and despite the economic and social benefits of the development proposal, having regard to paragraph 202 of the Framework, these benefits would be insufficient to outweigh the great weight that I must attribute to the less than substantial harm to the heritage asset.
31. Furthermore, I have identified in the other main issue that harm upon the living conditions of the occupiers of 41 Abbey Road would result and, together with the harm to the designated heritage asset, there would be a totality of harm which would not be outweighed by the benefits of the development. For these reasons, the appeal is dismissed.

*H Jones*

INSPECTOR



## Appeal Decision

Site visit made on 7 February 2023

**by K Williams MTCP (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 April 2023**

---

**Appeal Ref: APP/N1350/W/22/3312986**

**Coniscliffe Road, Opposite the New Grange Hotel, Coniscliffe Road, Darlington DL3 7HZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by MBNL against the decision of Darlington Borough Council.
  - The application Ref 22/01112/PA, dated 27 July 2022, was refused by notice dated 1 December 2022.
  - The development proposed is described as 'telecommunications installation of a 20.00m High H3G Phase 7 Monopole and associated ancillary works'.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant name, address and description in the banner heading has been taken from the planning application form, rather than the Council's decision notice or the appeal form. No evidence has been provided that a change was agreed.
3. The submitted drawings show existing equipment, which is to be removed. This is located within a grass verge on Coniscliffe Road. However, the relocation of equipment and installation of a new 20m monopole would be across from this site on the public footway, adjacent to Westcliffe Court on the B6280. However, the Council has considered the application on the basis of the site address in the banner heading and so shall I.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
5. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. Nevertheless, Policies IN7 and ENV1 of the Darlington Local Plan 2016 – 2023 (the Local Plan) are material considerations as they relate to issues of siting and appearance. In particular they refer to telecommunications masts, and heritage assets. Similarly, the National Planning Policy Framework is also a material consideration, and this

also includes a section on supporting high quality communications and heritage assets.

6. It has been suggested that the proposed cabinets do not require prior approval. Nevertheless, they are shown on the submitted plans and included in the description of development. Therefore, I have considered them as part of the appeal scheme.
7. The appeal site is within the Darlington West End Conservation Area (CA) and within the setting of the Grade II listed building. Section 72 of The Act requires me to pay special attention to the desirability of preserving or enhancing the character and appearance of that area. As noted above, the Framework is also a material consideration in respect of heritage assets.

### **Main Issues**

8. The main issues are the effect of the siting and appearance of the proposed installation on the character and appearance of the area, including the effect on designated heritage assets.

### **Reasons**

9. The immediate area is dominated by the Grange Road Roundabout the Grade II listed building, Hotel Bannatyne, formerly the Grange Hotel. There is a gradual incline from the A167 where it joins the B6280 Coniscliffe Road to where the hotel is prominently sited. The appeal site is located within the public footway in front of Westcliffe Court and close to the hotel. This is a mixed-use area, comprising nearby shops and services with a key transport route.
10. The significance of the CA is derived from its high-density suburban character including villas in substantial grounds as well as its tree coverage and open spaces. The Council's CA appraisal identifies that as the CA is principally either side of two major routes into town, which meet at the Grange Road roundabout, it makes a significant contribution to the wider character of the town. The appeal site being sited close to the roundabout from these main routes thus displays similar attributes to contribute to the CA. To my mind, the significance of the hotel lies in its architectural quality, siting and spacious frontage, scale and prominent position.
11. The monopole mast and the equipment cabinets would be positioned adjacent to the back edge of the footway in front of a substantial brick wall. This wall separates the footway from Westcliffe Court. On the opposing side of this smaller road are mature trees, which continue within the grounds of the Grade II Listed Hotel.
12. Whilst, the hotel is a substantial building, and there are trees beyond Westcliffe Court, these are separated from the appeal site creating a space around it. The submitted drawings show the height of the monopole would be significantly taller than nearby trees, which therefore would not provide full screening. Thus, given the 20m height, the monopole would appear highly visible, prominent and isolated in its setting.
13. The presence of signage, street light columns, trees, cctv equipment and the roundabout, despite their utilitarian appearance would not mitigate the visual impact of the proposal. Although the monopole would be of a slim design, and the antennas would not be as bulky, as they would not combine or share with

other operators, there would still be little in the area to visibly relate or mitigate the height of the mast proposed here.

14. I do not find the positioning or number of base cabinets to be visually harmful. However, the proposed monopole would clearly be visible in views within the CA. I also observed on site that there would be views towards the hotel as well as from within its grounds and the wider public domain. Insofar as is relevant to the proposal, the utilitarian appearance of the monopole would harmfully contrast with the traditional appearance of the listed building and undermine its open and prominent setting as well as interfering with experiencing the listed building within its grounds. Therefore, the proposal would harm the significance of the listed building by adversely affect its setting.
15. The main open frontage and setting of the listed building would therefore be affected. As this aspect of its significance makes a contribution to the character and appearance of the CA, for the same reasons I therefore find that the proposal would not preserve or enhance the character of the CA and character and appearance of the area.
16. Overall, the effect of the proposed development on the area would be harmful and adversely affect the significance of the listed building and the CA. This level of harm would be less than substantial. The Framework<sup>1</sup> states that 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. These are also matters which are also similarly required by the Council's policies.

### **Other Matters**

17. I noted the proposal was to be sited within the pavement, with smaller shrub type trees behind the brick wall. I can also see that the monopole would be higher than trees and as described by the appellant surrounding clutter to secure suitable coverage. Thus, I find the threat to substantial nearby trees here would be limited. However, as I have dismissed the appeal for other reasons, the impact on trees could be a future consideration on any alternative proposal before the Council.

### **Planning Balance and Conclusion**

18. There is a clear need for, and importance of, the rollout of the 5G network. The Framework<sup>2</sup> is clear that the provision of high-quality communications infrastructure is essential for economic growth and social well-being. It also outlines that the expansion of electronic communications networks, including next generation mobile technology, should be supported. The proposal would facilitate 5G coverage and I have had regard to the public benefits of this upgraded connectivity and technology would have to residents and businesses in the area. Cumulatively, these factors and public benefits weigh in the scheme's favour significantly.
19. The Framework<sup>3</sup> also advises that applications for electronic communications development should be supported by the necessary evidence to justify the proposed development. The appellant contends that the proposal seeks to keep

---

<sup>1</sup> Paragraph 202

<sup>2</sup> Paragraph 114

<sup>3</sup> Paragraph 117

the amount of development to a minimum, that the height is required for clearance, and that the existing equipment and site cannot be removed until new provision is made. Whilst this is supported by the Framework<sup>4</sup>, herein it also provides guidance that equipment should be sympathetically designed and camouflaged where appropriate. Whilst the mast is slim, for the reasons above I have found the proposal would not be sympathetic to its context.

20. The appellant did notify the Council and key stakeholders. However, it is not evident what the extent of the constrained search area is. The appellant asserts in the submitted Site Specific Supplementary Information (SSSI) that no alternative site options have been investigated citing that the location was agreed by the Council as the most appropriate location when the original installation was approved, and thus the principle of the siting is already established. I have no substantive evidence if this was for the appeal site. Nor do I have details of this previous consent, the sites considered or the Council's response. The appellant considers that this site is beneficial given the remaining residential character of the area. However, the site is in close proximity to large supermarkets and the town centre. Without substantive evidence explaining the search area I can only attribute this aspect limited weight.
21. Whilst I note the provision of further documents from the appellant in respect of health and public exposure, I am also guided by the advice within the Framework which requires consideration of planning grounds only or set health safeguards different from the International Commission guidelines for public exposure, for which a certificate has been provided. Accordingly, this is a neutral factor in my assessment.
22. I do not consider the existing mast to be removed is comparable in terms of scale and location or mitigation. This is said by the appellant to be the minimum size possible to accommodate multiple-generation technologies. I acknowledge that telecommunications equipment are now a common place, and the appellants have advised suitable colours for the equipment could be the subject of a condition to aid in its integration of the streetscape. However, the Order does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. In any event as I have found that the proposal would harm the character and appearance of the local area and the significance of a designated heritage assets, this would not mitigate the harm.
23. The appellants state the proposal has not received objections from the Council's Highway Engineer or Environmental Health. I also do not find that the monopole, or associated cabinets would affect highway safety. The appellant contends that the proposal has been sited to minimise impact on neighbouring residents, which I agree with. The absence of harm in this respect of these matters is a neutral factor.
24. Whilst the provision of the telecommunication apparatus would seek to improve mobile phone coverage in the area, with clear associated economic and social benefits, these benefits would not outweigh the less than substantial harm that would be caused to the character and appearance of the CA and the listed building, having regard to the great weight that I must attach to their conservation.

---

<sup>4</sup> Paragraph 115

25. Although, there are benefits arising from the development. Having regard to all relevant considerations including national planning policy, I do not consider that the benefits of the installation in terms of the enhancement of the telecommunications network outweigh the harm that would arise to the character and appearance of the area, the CA and the Listed Building.

26. For the reasons given above, I conclude that the appeal should be dismissed.

*K Williams*

INSPECTOR

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank

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

Document is Restricted

This page is intentionally left blank