



DARLINGTON
Borough Council

Planning Applications Committee Agenda

1.30 pm

Wednesday, 19 November 2025

Council Chamber, Town Hall, Darlington DL1 5QT

Members of the Public are welcome to attend this Meeting.

1. Introductions/Attendance at Meeting
2. Declarations of Interest
3. To approve the Minutes of the Meeting of this Committee held on 24 September 2025 (Pages 5 - 12)
4. Introduction to Procedure by the Assistant Director, Law and Governance's Representative (Pages 13 - 14)
5. Applications for Planning Permission and Other Consents under the Town and Country Planning Act and Associated Legislation (Pages 15 - 16)
 - (a) 2 Meadowbank Close, Hurworth Place, DL2 2HZ (Pages 17 - 32)
 - (b) 11A Brinkburn Road And 2,4,6 Chandos Street, Darlington, DL3 6DR (Pages 33 - 42)
6. SUPPLEMENTARY ITEM(S) (if any) which in the opinion of the Chair of this Committee are of an urgent nature and can be discussed at this meeting
7. Questions

PART II

8. Notification of Decision on Appeals –

The Executive Director, Economy and Public Protection will report that, Inspectors, appointed by the Secretary of State for the Environment, have :-

Dismissed the appeal by Mr Darren Peckitt (DANAP Properties Ltd) against this authority's decision to refuse permission for change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (Sui Generis) (Retrospective application) at 3 Parkland Drive, Darlington DL3 9DT (Ref No 25/00259/CU) (copy of Inspector's decision enclosed).

RECOMMENDED – That the report be received.
(Pages 43 - 52)

9. Notification of Appeals –

The Executive Director, Economy and Public Protection will report that :-

Vnouchkov Group has appealed against this Authority's decision to refuse permission for Change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis) (Provisional Nutrient Certificate and Nutrient Calculator received 24 April 2025) at 45 Greenbank Road, Darlington, DL3 6EN (24/01178/CU).

RECOMMENDED – That the report be received.

PART III

EXCLUSION OF THE PUBLIC AND PRESS

10. 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.

11. Complaints Received and Being Considered Under the Council's Approved Code of Practice as of 7 November 2025 (Exclusion Paragraph No. 7) –

Report of Executive Director, Economy and Public Protection
(Pages 53 - 64)

12. 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

13. Questions

A handwritten signature in black ink, reading 'A. Wennington', with a horizontal line underneath.

Amy Wennington
Assistant Director Law and Governance

Tuesday, 11 November 2025

Town Hall
Darlington.

Membership

Councillors Ali, Allen, Anderson, Bartch, Beckett, Cossins, Haszeldine, Holroyd, Kane, Laing, Lawley, Lee, McCollom and Tostevin

If you need this information in a different language or format or you have any other queries on this agenda please contact Hannah Miller, Democratic Officer, Resources and Governance 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: hannah.miller@darlington.gov.uk or telephone 01325 405801

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PLANNING APPLICATIONS COMMITTEE
Wednesday, 24 September 2025

PRESENT – Councillors Haszeldine (Chair), Allen, Anderson, Bartch, Beckett, Cossins, Holroyd, Lawley and McCollom

APOLOGIES – Councillors Ali, Kane, Laing, Lee and Tostevin

ALSO IN ATTENDANCE – Councillor Snedker

OFFICERS IN ATTENDANCE – Lisa Hutchinson (Interim Head of Planning Development Management), Arthur Howson (Engineer (Traffic Management)), Andrew Errington (Lawyer (Planning)), Andrew Harker (Planning Officer) and Hannah Miller (Democratic Officer)

PA26 DECLARATIONS OF INTEREST

There were no declarations of interest reported at the meeting.

PA27 TO APPROVE THE MINUTES OF THE MEETING OF THIS COMMITTEE HELD ON 27 AUGUST 2025

RESOLVED – That the Minutes of this Committee held on 27 August 2025 be approved as a correct record.

PA28 APPLICATIONS FOR PLANNING PERMISSION AND OTHER CONSENTS UNDER THE TOWN AND COUNTRY PLANNING ACT AND ASSOCIATED LEGISLATION

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.
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PA29 LAND TO THE REAR OF 35 ABBEY ROAD, DARLINGTON

25/00107/FUL – Demolition of existing garage and erection of 1 no. self -build residential dwelling and integral double garage within existing rear garden, new pedestrian and vehicular access, landscaping and associated works.

(In making its decision, the Committee took into consideration the Planning Officer’s report (previously circulated), the views of the Council’s Highway Engineer, Environmental Health Officer, Ecology Officer and Arboricultural Team Leader. The Committee also considered the views of Durham County Council Archaeology team, the Council’s heritage consultant, Northern Gas Network and Natural England. Eight letters of objection were taken into consideration, alongside the views of the agent and the Ward Councillor whom the Committee heard).

RESOLVED – That planning permission be granted subject to the following conditions:

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans (other than the erection of the 0.8m screen on the east, south and west boundary walls shown on the submitted plans), as detailed below:
 - a) Drawing Number 0001 Location Plan
 - b) Drawing Number PR1008 Proposed North Elevation
 - c) Drawing Number PR1007 Proposed West Elevation
 - d) Drawing Number PR1006 Proposed East Elevation
 - e) Drawing Number PR1005 Proposed South Elevation
 - f) Drawing Number PR1004 Proposed Roof Plan
 - g) Drawing Number PR1003 Proposed First Floor Plan
 - h) Drawing Number PR1002 Proposed Ground Floor Plan
 - i) Drawing Number PR1001 Proposed Site Plan
 - j) Drawing Number PR1001 Proposed Site Plan inc Drainage
 - k) Drawing Number WArb.TPP.35 Abbey Rd V1 – Tree Protection Plan

For the avoidance of doubt, the 0.8m screening on the boundary wall does not form part of the approved development.

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

3. Prior to any demolition works and/or the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 - b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
 - c. Details of Hours of Construction
 - d. Details of Hours of Deliveries
 - e. Construction Traffic Routes, including parking areas for staff and visitors, if required
 - f. Details of construction traffic access point into the site
 - g. Details of site compound
 - h. Details of wheel washing.

- i. Road Maintenance.
- j. Warning signage.

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

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

- 4. No building shall be constructed above damp proof course until precise details of all external materials to be used in the construction of the dwelling and rear boundary wall have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include, but not be limited to, external cladding, doors, windows, brick work, guttering and drainpipes, hard landscaping and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and to safeguard the significance of the West End Conservation Area

- 5. No building shall be constructed above damp proof course until precise details of an Electric Charging Vehicle socket have been submitted to and approved in writing, by the Local Planning Authority. The minimum requirement would be a single phase 13-amp socket. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of encouraging the use of sustainable modes of transport in accordance with policy IN4 of the Darlington Local Plan 2016 – 2036.

- 6. No building shall be constructed above damp proof course until precise details of two integrated swift boxes and a single integrated bat roost feature have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details and the agreed features shall remain in situ for the lifetime of the development

REASON – In order to encourage biodiversity within the site.

- 7. No building shall be constructed above damp proof course until precise details of measures to reduce the need for energy consumption and make the development energy efficient have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of achieving a development with suitable sustainable design principles which are resilient to climate change.

- 8. No building shall be constructed above damp proof course until precise details of the means of enclosure to be erected within and around the site and between the site and No 35 Abbey Road have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in

complete accordance with approved details and the means of enclosure shall be in place prior to the first occupation of the dwelling.

REASON – To safeguard the amenities of the future occupants of the dwelling and in the interests of the visual appearance of the development and local area.

9. No building shall be constructed above damp proof course until a landscaping scheme, including details of the green roof, have been submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of 30 years to the satisfaction of the Local Planning Authority.

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

10. Prior to their installation, precise details of the entrance gates shall be submitted to and approved by the Local Planning Authority. The submitted details shall include the materials, design, dimensions, colour scheme and mechanisms to ensure that the gates do not open outward over the public highway. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and in the interests of vehicular and pedestrian safety.

11. Prior to the first occupation of the dwelling hereby approved, a countersigned Final Allocation Agreement shall be submitted to the Local Planning Authority.

REASON – To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

12. The dwelling hereby approved shall be constructed as a self build and custom dwelling within the definitions of self build and custom house building in the 2015 Self Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act):

- a) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling.
- b) The Council shall be notified, in writing, of the persons who intend to take up first occupation of the dwelling at least two months prior to the first occupation.

REASON – To ensure that the development complies with the self build and custom house building definition and to ensure that the development is an exempt from the mandatory net gain in biodiversity requirements set out in local and national development plans.

13. Within 12 weeks of the date of the decision (below) a certificate / receipt for the purchase of 0.48 off site habitat units from a Habitat Bank, shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of Ecology, to comply with policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

14. The parking spaces shown on the approved plans shall be in place and available for use prior to the first occupation of the dwelling hereby approved. Once created these spaces must be maintained clear of any obstruction and retained for their intended purpose at all times for the lifetime of the development.

REASON – To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

15. The bin store shown on the approved plans shall be in place and available for use prior to the first occupation of the dwelling hereby approved. The bin store shall be retained for the lifetime of the development.

REASON – In the interest of general amenity of the development and local area.

16. Provision for cycle parking within the garage shall be in place and available for use prior to the first occupation of the dwelling hereby approved. The cycle parking provision shall be retained for the lifetime of the development.

REASON – To encourage the use of sustainable modes of transport.

17. For the avoidance of doubt, no construction or demolition activities, including the use of plant and machinery, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interests of residential amenity.

18. The dwelling hereby approved shall be constructed to meet building regulation M4(2) (Accessible and Adaptable Dwellings) as a minimum.

REASON – To ensure that new dwellings provide quality living environments for residents both now and in the future in accordance with policy H4 of the Darlington Local Plan 2016 – 2036.

19. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted document entitled “35 Abbey Road Pre-Development BS5837 Arboricultural Implications Assessment Arboricultural Method Statement V1” dated April 2025 and produced by Woodsman Arboricultural Consultancy.

REASON – In the interests of the visual amenity of the development and local area.

20. No additional flank windows or other glazed openings shall be formed at ground or first floor level of any of the walls of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

REASON – To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

21. The glazed openings formed in the east and west elevations of the first floor projection shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON – To prevent overlooking of the nearby properties.

22. The ground floor, high level slot openings formed in the east and west elevations (as shown on Drawing Number PR1002) shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON – To prevent overlooking of the nearby properties.

23. 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 (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A - F of Part 1, Schedule 2 of the Order shall be carried out on the dwellinghouse hereby permitted.

REASON – In the interests of the visual appearance of the development and to safeguard the amenities of the neighbouring dwellings.

PA30 NOTIFICATION OF APPEALS

The Executive Director, Economy and Public Protection reported that :-

- a) Mr Jijhar Singh has appealed against this Authority's decision to refuse permission for Display of 1 No. internally illuminated fascia sign to front elevation and 1 non-illuminated vinyl sign to side elevation (retrospective application) at 318 North Road, Darlington, DL1 3BH (25/00583/ADV).
- b) Mr Jason Bertuccelli has appealed against this Authority's decision to refuse permission for erection of front boundary wall up to 1.84m high and detached outbuilding/store within the front boundary, extension to the west elevation of the existing garden store and installation of an additional first floor window into existing side elevation of dwelling (part retrospective) at 21 Lanethorpe Road, Darlington, DL1 4SG (25/00258/FUL).

RESOLVED – That the report be received.

PA31 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.

PA32 COMPLAINTS RECEIVED AND BEING CONSIDERED UNDER THE COUNCIL'S APPROVED CODE OF PRACTICE AS OF 12 SEPTEMBER 2025 (EXCLUSION PARAGRAPH NO. 7)

Pursuant to Minute PA25/Aug/2025, the Executive Director, Economy and Public Protection submitted a report (previously circulated) detailing breaches of planning regulations investigated by this Council, as at 12 September 2025.

RESOLVED - That the report be noted.

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

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

- Chair introduces Agenda item;
- Officer explains and advises Members regarding the proposal;
- Applicant or agent may speak (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.

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BOROUGH OF DARLINGTON

PLANNING APPLICATIONS COMMITTEE

Committee Date – 19 November 2025

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:-

Address/Site Location	Reference Number
2 Meadowbank Close, Hurworth Place, DL2 2HZ	25/00255/FUL
11A Brinkburn Road And 2, 4, 6 Chandos Street, Darlington, DL3 6DR	25/00913/FUL

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DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 November 2025

APPLICATION REF. NO:	25/00255/FUL
STATUTORY DECISION DATE:	19 th May 2025 (Extension of Time until 20 th November)
WARD/PARISH:	Hurworth / Hurworth Parish Council
LOCATION:	2 Meadowbank Close, Hurworth Place, Darlington
DESCRIPTION:	Erection of part single storey, part two storey extension to front elevation
APPLICANT:	Mr Nigel Jeffries

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=SSR6TPFPG9W00>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a detached dwelling located at 2 Meadowbank Close, Hurworth Place within Darlington. Adjacent to the North is 1 Meadowbank Close and adjacent to the South is 3 Meadowbank Close. The frontage of this application site faces Westward, onto the shared access for the properties located on Meadowbank Close. Furthermore, the application site is located within flood zones 2 and 3.
2. Planning permission is sought for the erection of a part single storey and part two storey front extension. The current frontage has an existing projecting element, from which the proposed two storey extension would project 3m from this part of the building. The proposed single storey extension would also project 3m from the main front elevation, but the canopy section to go over the new front door, would tie in with the front aspect of the two storey element.
3. It should be noted that the drawings have been revised to omit a previously approved loft conversion which was shown on the plans. However, this loft conversion and associated

dormer windows were not implemented, and the period of time in which to carry out these works has expired. Therefore, the plans have been updated for accuracy purposes, as it is understood that the loft conversion shown on the original submission was an error. In addition, the applicant also decided to update the style of the proposed bi-fold doors to double doors. The design of which is considered very similar to the previous submission. The plans were also recently updated to remove the two ground floor side windows serving the lobby area, in order to address neighbour concerns.

SITE HISTORY

Application Reference	Description	Decision	Decision Date
20/00126/FUL	Conversion of integral garage into a habitable room including replacing garage doors with bi-folding doors	Granted with Conditions	09.04.20
20/00862/FUL	Erection of single storey garden room/gym extension and single storey store extension to rear elevation and relocation of existing pergola (as amended by plans received 18.11.20)	Granted with Conditions	03.12.20
21/00619/FUL	Conversion of loft into habitable accommodation including the insertion of dormer and velux windows	Granted with Conditions	16.07.21
21/00798/CU	Change of use from open space to domestic curtilage with erection of 1.8m high boundary fence to rear of property (Retrospective Application)	Granted with Conditions	29.10.21

4. Further to the change of use application (Ref; 21/00798/CU), it is noted that the additional land that was approved as domestic curtilage is not included in the red edge for this application. However, as the works relate to the frontage of the property, the red edge on this occasion is considered suitable to demonstrate both the application site and where construction access can be obtained from. Therefore, in this instance, it was not considered necessary to revise the red edge for this application.

MAIN PLANNING ISSUES

5. The main planning issues are whether the proposed works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Amenity
 - (c) Highway Safety
 - (d) Flood Risk
 - (e) Residual Matters

PLANNING POLICIES

6. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:

- Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).
 - New development will be focused in areas of low flood risk (Flood Zone 1). In accordance with National Policy a site specific flood risk assessment will be required. Development proposals will be expected to mitigate and adapt to climate change, designed to ensure they are safe over the lifetime of the development and to ensure that flood risk is not increased elsewhere (*Policy DC2*).
 - 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*).
 - Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
 - Adheres to the separation distances within the guidance set out in the Design of New Development SPD (*Policy DC4*).
 - Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).
7. The application has also been considered alongside the Darlington Design of New Development SPD.

RESULTS OF TECHNICAL CONSULTATION

8. No objections have been raised by the Council's Highway Engineer as the proposed development is not considered to create additional parking demand or impact upon existing parking arrangements.
9. No objections were raised by the Parish Council.

RESULTS OF PUBLICITY AND NOTIFICATION

10. Multiple objection comments have been received by three neighbouring properties and a further three properties within the wider area have also submitted objection comments; a total of six properties raising objection comments.
11. These comments have been reviewed and summarised below. These comments and their associated documents and photographs can be viewed in full online at the link given at the start of this officer report. It should be noted that the applicant also submitted two response letters which are available for public viewing.
12. A total of three objectors raised the following concerns on the originally submitted scheme:

- Impact upon character
 - Overdevelopment
 - Overbearing and overshadowing impacts
 - Impact upon light
 - Loss of outlook
 - Impact upon privacy
 - Increased noise levels
 - Impact upon views
 - Restrictive covenants / Housing management company restrictions
 - Construction noise, dust and general disturbance
 - Construction safety concerns
 - Construction could damage neighbouring driveways/ properties
 - Additional construction traffic creating a nuisance
 - Impacts to a nearby protected tree
13. Revised plans were submitted in May to show the correct onsite situation i.e. no loft conversion or associated dormers. The revisions also showed a change in style of the proposed doors to the front of the extension; from bi-fold doors to double doors. A re-consultation was carried out on these revised plans and in response, five objectors sent letters of objection which highlighted some of the above issues as well as raising the following additional issues:
- Consultation to the wider area should have been carried out
 - Flood/ Drainage impacts
 - Development would set a precedent
14. In August revised plans were submitted to show the removal of the proposed two ground floor side windows serving the lobby area of the proposed extension. A re-consultation was later carried out and in response, three objectors provided further objection comments. These again raised issues previously highlighted above, with further comments raising the following additional issues:
- The approved plans and design and access statement of the original planning approval for this housing site (Ref; 13/01001/FUL) should be taken into consideration (documents attached / referred to within the objection comment). The comments state that the development breaches these character and design principles.
 - The Flood Risk Assessment and Environment Agency conditions from planning approval 13/01001/FUL and 21/00288/FUL (to create a gated access at this housing site along with other associated works) should be taken into consideration (documents attached/ referred to within the objection comment)
 - Permitted development rights are limited.
 - 45 degree rule would be breached.

PLANNING ISSUES/ANALYSIS

(a) Character

15. Local policy DC1 seeks to secure good design and that proposals reflect the local environment and creates an individual sense of place with distinctive character. Detailed

design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing.

16. The scale of the development is considered to be proportionate to the main dwelling, and the materials are to be of a similar appearance as the host dwelling. The roof would be of a pitched roof design and would remain at a lower height than the main ridgeline. Whilst the proposed fenestration would be different to the existing situation, it is considered to generally follow the character of the main front dwelling. The proposed front fenestration would also not appear significantly out of context for a modern domestic dwelling. Therefore, on balance, the proposed works are not considered to significantly harm the character of the building or wider area and it is thereby in accordance with local policy.
17. Objections have been raised regarding the impact upon the character of the plot and wider street scene. Such comments have stated that the development would not follow the character of the area and it would re-position the host dwelling to the front by creating a significant forwards projection, thereby impacting upon the uniform design of the application site and neighbouring dwellings. A concern was also raised regarding the reduced front garden area and that further information should be submitted to assess this impact.
18. However, the submitted scaled drawings are considered sufficient to make an informed judgement on these proposed works. Whilst the front extension is of a notable scale, it is noted that the host dwelling and surrounding properties are large in nature and so it is considered that these properties are capable of accommodating large extensions where appropriate. Nevertheless, the frontage of the host dwelling is not being re-positioned, it is being extended via a forward projecting extension. This proposed extension would not extend beyond the main building line of this street and therefore the development is not considered to appear overly prominent.
19. Objections have stated that the proposed extension would create an L-shaped design, which would be out of character for this housing site. They consider that the two end properties are L-shaped in design and it would therefore be inappropriate to introduce this design to this host dwelling. However, it is noted that the extension would not go beyond the main building line for this street and the extension is considered to be of a suitable scale. As such, the proposed extension is not considered to appear significantly out of character in this regard.
20. Objection comments go on to say that the host dwelling is in a recessed position and has been designed in that way as part of the original housing site design. They consider that anything beyond these design principles should be refused due to an impact upon character for the area. However, the Design and Access Statement to which the objectors refer, was submitted with a previous planning application (Ref; 13/01001/FUL), to inform a planning decision at that moment in time. It does not therefore set a 'blueprint' for future developments; any future development proposals are assessed against relevant planning policies in force at that time and this development has been assessed accordingly.

21. The overall design of the proposed development is considered to be reflective of the host dwelling character and wider street scene. It is also noted that the properties on this street do vary in design slightly. Consideration is had for the Northern neighbouring property which does have a projecting element. Whilst it is noted that this is situated within a cul-de-sac setting, the application site is the next property adjacent to this and therefore is considered to be set in a location that is not highly prominent. Nevertheless, the proposed front extension does not project beyond the main building line for this housing site and is not therefore considered to result in a prominent form of development that would be out of character for both this plot and street scene.
22. Concerns have been raised regarding the window/ door design to the frontage as they have been increased in width. However, the proposed openings are considered proportionate to the main dwelling and would generally follow the character of the main dwelling. It should also be noted that there are no permitted development rights removed from the property, so the existing front openings of the host dwelling could be changed to full height openings. As such the frontage of this application site could be altered, regardless of this planning application. This change is not considered to appear so out of character as to warrant a reason for refusal.
23. Reference was made about the development resulting in overdevelopment of the site. It is noted that there have been various planning works at this application site over the years. However, given the extent of the previous works and the nature of this scheme, it is not considered to result in overdevelopment of the site. The previously proposed loft conversion approval has since expired and cannot therefore be implemented in conjunction with this application. In addition, it should be noted that the front garden area would be reduced, but would not need to be completely removed, thereby retaining a degree of openness to this front elevation. The development is also situated within the application site and no encroachment onto third party land would occur.
24. With regards to the proposed extension and its proximity to No. 3 Meadowbank Close, the driveway of 3 Meadowbank Close creates a separation between this neighbouring property and the host dwelling. As such, upon completion of the proposed front extension, there would be an approximate remaining separation distance between the two properties of about 3.8m. This is considered a sufficient distance to not create a terracing impact between the two properties. And as the development would be roughly in line with the front of this neighbouring property, it is not considered to significantly 'close-off' of this area of street scene, to the detriment of the character of this area.
25. Concerns were raised that this development would set a precedent for other properties to extend their frontages. In the event of such development requiring planning permission, any proposals would be treated on their own merits in light of the situation prevailing at that time. However, this application is being considered on its individual merits with regard to the relevant planning policies and material planning considerations.

26. Concerns have been raised regarding an adjacent protected tree and any associated damage from the development. However, whilst the nearby tree is formally protected via a TPO, it is located approximately 20 metres away from the proposed development. Also the tree canopy of this tree does not overhang onto the application site. Overall, it is not considered that further information needs to be provided on this occasion to assess the impact of the tree or to provide tree protection measures, as this can be sufficiently conditioned.

(b) Amenity

27. Local policy DC4 has regard to protecting the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. New development will be supported in regard to amenity, where it is suitably located and is considered acceptable in terms of impacts on amenity and privacy.
28. The development is not considered to create an adverse overbearing or overshadowing impact due to the siting of the development in relation to the siting and orientation of neighbouring properties. This argument is also applicable when assessing privacy and loss of outlook impacts, which will be discussed in more detail below. But in summary and on balance, the proposed works are not considered to significantly harm residential amenity levels, and the development is therefore considered to be in accordance with local policy.
29. Objections have raised concerns in regard to overbearing and overshadowing impacts. The development would be sited approximately 3.8m away from No. 3 Meadowbank Close and the development would be sited approximately 7.4m away from the nearest part of the building of No. 1 Meadowbank Close. These distances are considered sufficient to not create an adverse overbearing and overshadowing impact, especially taking into account that the development is set to the front. As such, front garden areas and driveway areas of these neighbouring properties are not considered to be areas whereby private amenity space is used, and therefore, it is not considered to create an impact upon amenity in this regard. The development is considered to be situated at a sufficient distance to both of these neighbouring properties to not create an adverse overbearing / overshadowing impact to the external areas of these neighbouring dwellings.
30. It is noted that No. 3 Meadowbank Close has a ground floor side window facing over the driveway area. Upon a site visit to this property, it can be confirmed that this ground floor side window looks onto part of the host dwelling of the application site and its front garden area. This ground floor window serves as a secondary room window, for a living room area. The window design and size is narrow in nature.
31. Again, it is considered that the distances would be sufficient to not create an adverse overbearing impact. With regards to overshadowing, due to the sun's orientation, it is not considered that the development would create an overshadowing impact. Nevertheless, any overshadowing that may occur, is already present from the positioning of the host dwelling, in which this proposed extension is not considered to significantly worsen this current impact, as to warrant a reason for refusal.

32. Further objection comments regarding No.3 have stated that the proposed extension would breach the 45-degree guidance and they have applied this calculation to their secondary ground floor window. This is not considered to be applicable as this calculation within the guidance is used to assess the scale of the development rather than any impact upon outlook. Therefore, their calculation suggests no breach for this side window, when applying the guidance for its intended purposes. For the avoidance of doubt, when applying the 45-degree rule from the centre of the front window at 3 Meadowbank Close the extension does not breach this 45 degree angle.
33. With regards to this ground floor neighbouring side window (at No.3), it is acknowledged that viewpoints from this window would change. Whilst their view over their own driveway would remain, their view over the applicant's front garden/ driveway and then street scene, would be altered upon the completion of this front extension. But it is considered that due to the siting of this neighbouring window, that it would achieve oblique views over the wider frontage of this street scene. However, whilst the proposed extension would block some viewpoints as described above, it is not considered to result in a harmful loss of outlook. This is taking into account the viewpoints that can still be achieved and that this window serves as a secondary window. The primary window is not considered to be impacted by this development and overall, it is not considered that a significant impact upon a loss of outlook would occur.
34. No. 3 Meadowbank Close has stated that their outlook from their rear garden area would be impacted upon. It is agreed that when stood within their rear garden, looking towards the frontage/ driveway area, that the extension would be visible. However, it is not considered that this front extension would significantly impact upon the loss of outlook from the rear garden, because viewpoints and openness is still achieved to the North, East and South of that garden. Therefore, the development is not considered to adversely impact upon a significant loss of outlook for the rear garden area of this neighbouring property.
35. In regard to the concerns for right to light, this is not a material planning consideration and cannot be considered under this planning application because it is a matter for property law. However, impacts through overbearing, overshadowing and loss of light and outlook are material and have been assessed in full as detailed above.
36. Neighbouring objection comments have also raised privacy concerns as being another potential impact of the proposed development. However, viewpoints can already be achieved from the existing host dwelling frontage and the proposed openings are considered to achieve similar views as the existing. Notwithstanding, the implementation of the front extension would create oblique angles from the new openings, thereby resulting in views to these neighbouring frontages becoming more oblique as opposed to direct vantage points. Nevertheless, these are front garden areas and driveways, which as already noted are not considered to be main private amenity spaces.

37. Whilst there is a balcony at the front of No. 1 Meadowbank Close, it is considered that sufficient distances would remain, along with the fact that a degree of overlooking already occurs from the existing frontage of this host dwelling.
38. A concern was raised regarding the proposed ground floor side windows creating an impact upon privacy for No. 1 Meadowbank Close. The drawings have been amended to remove these two ground floor windows, which is considered to negate any privacy concerns in this regard.
39. Overall, the development is not considered to create an adverse impact upon privacy as to warrant a reason for refusal.
40. A comment was raised that larger openings within the development will increase noise levels from the main property. The new openings are considered to achieve a similar situation as the existing and not necessarily exacerbate existing noise levels from this current host dwelling.
41. With respect to the comments received regarding construction noise, dust and general disturbance from these activities, it must be recognised that the potential for noise and disruption during construction work is inevitable whilst works are being carried out. A request was also made to ask that the hours of construction be controlled by way of a condition. Whilst understanding, this is not normally controlled by way of planning conditions for domestic applications because there is separate legislation to monitor and enforce noise occurring at unsociable hours. However, given the domestic nature of the works it is not expected that there would be a need to work during unsociable hours.

(c) Highway Safety

42. Local Planning Policy IN4 seeks to ensure that new development will provide safe and secure vehicle parking. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide.
43. The development has been reviewed by the Council's Highway Engineer, and it has been considered that the proposed development would not create additional parking demand or impact upon existing parking arrangements for this dwelling. Therefore, the proposed works are not considered to create a highway safety issue.
44. Objections have been raised regarding additional construction traffic creating a nuisance and that there is insufficient space for construction materials and construction vehicles. Given that the proposed works are for a domestic extension, it is considered that this will be managed via the applicant/ construction company. As such, the planning department cannot control where vehicles park.

(d) Flood Risk

45. Local policy DC2 states that new development will be focused in areas of low flood risk (Flood Zone 1) and that in accordance with National Policy, a site-specific flood risk

assessment will be required. An objection comment has requested that an exception test be carried out for this development in regard to flood risk. However, whilst local policy DC2 does reference the Sequential and Exception Tests, paragraph 176 of the NPPF (National Planning Policy Framework), states that minor developments are not subject to the sequential test nor the exception test, but they do require a site-specific flood risk assessment where appropriate.

46. The application site is located within flood zones 2 and 3, but as the development is considered minor and based on the Environment Agency's (EA) standing advice, there is no requirement to consult the EA on householder applications. Instead, the Local Planning Authority are expected to use the EA's standing advice based on the applicants submitted flood risk information.
47. A Flood Risk form has been submitted in conjunction with this application. It states that the application site is set at a higher ground level than the street scene/ access into this estate. In addition, it sets out that the proposed extension floor levels will be set at the same height as the existing dwelling and will use the same construction methods to protect and prevent the house from flooding. This is considered to be in line with the EA's standing advice. This information is considered sufficient to demonstrate that the development will not be at risk of flooding and neither will it result in an increased risk of flooding elsewhere.
48. Notwithstanding the above assessment, it is understood from the objections that there is a concern that the extension (along with past historic building works) will displace surface water and flood water, to the detriment of the wider community. Therefore, in an attempt to address this matter further, the Local Planning Authority contacted the Lead Local Flood Authority (LLFA) for further advice. In summary they raised no objection regarding flood risk of the proposed development.
49. The LLFA commented that currently, in the area where the extension is proposed, rainwater will run off block paving, run off into garden areas or find its way into the site drainage. But, if the extension is to be built, it will have gutters and downpipes that will lead rainwater into the sewer. As such the LLFA argue that there would be no difference in surface water flood risk and that there is likely to be an improvement in terms of creating 'positive drainage'.
50. In addition to the above assessment, paragraph 182 of the NPPF states that applications which could affect drainage, should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposal. As this is a domestic extension, the use of gutters and downpipes are considered to be proportionate for the extent of this development.
51. On balance, it is considered acceptable for the Local Planning Authority to use the standing advice which has been deemed acceptable for this development. Notwithstanding, further advice has been sought from the LLFA who have confirmed that it is unlikely to create a flood risk to the wider community as to warrant a reason for refusal.

52. Furthermore and as noted, no permitted development rights were removed at the time of the approval for this housing site (Ref; 13/01001/FUL). As such, had it been necessary in terms of wider flood risk, the permitted development rights to extend the buildings or carry out hardstanding would have been removed as part of that planning decision. As this has not been done, it suggests that flood risk for this area was not such a concern as to prohibit future domestic building works. Whilst it is accepted that this proposed extension does not benefit from permitted development rights, it is considered to be a helpful indication, in that it was not considered necessary to remove any future building capability in the interests of wider flood risks.

(e) Residual Matters

53. The numerous comments submitted raise a number of matters that are not planning matters and cannot therefore be considered or assessed as part of this planning application. Such matters are not material to the determination of the application, but for completeness, these matters are set out and responded to as follows:
54. In relation to those concerns about the impact upon views, this is not a material planning consideration and has not therefore been considered as part of the determination of the application.
55. Concerns have been raised, stating that there are restrictive covenants/ a local housing management restriction regarding the types of works that can be carried out on these properties. However, covenant issues and private housing restrictions are not a planning matter and therefore cannot be considered further as part of this application.
56. There is no evidence to suggest that the construction or completion of this domestic development would result in damage to neighbouring driveways or properties. It should be noted that the proposed works will need to be built to current building standards and so it is considered that the development can be built to appropriate standards without having to impact upon third party properties.
57. Concerns were also raised regarding the safety of construction, but this is not a planning matter and cannot be considered further. It should also be noted that scaffolding cannot be erected onto third party land without that landowner's consent.
58. A comment was raised asking for details of the construction and length of time of construction. This is not a matter that is assessed or controlled by the planning department and so these details have not been requested. Likewise, it should be noted that whilst planning permission is granted for 3 years (for the works to be implemented), once works have started, the planning department cannot control how quickly the development is completed.
59. A comment stated that wider consultation to the area should have been carried out. However, under the planning processes, only neighbours that adjoin the site are required to be consulted for domestic works.

THE PUBLIC SECTOR EQUALITY DUTY

60. 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

61. 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

62. The development is considered to be acceptable with regards to any impacts upon character, amenity, highway safety and flood and drainage matters. The development is considered to be acceptable in regard to these matters and would comply with both national and local planning policy. Therefore, it is recommended that the application be approved with conditions for the reasons specified above.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Time Limit
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 (as amended).
2. Approved Plans
The development hereby permitted shall be carried out in accordance with the approved plans as detailed below:

Plan Reference Number	Date
914-01	20 March 2025
914-02 A	6 May 2025
914-04 A	6 May 2025
914-05 A	6 May 2025
914-03 D	8 August 2025

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

3. Materials

The materials used in the construction of the external walls and roof of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

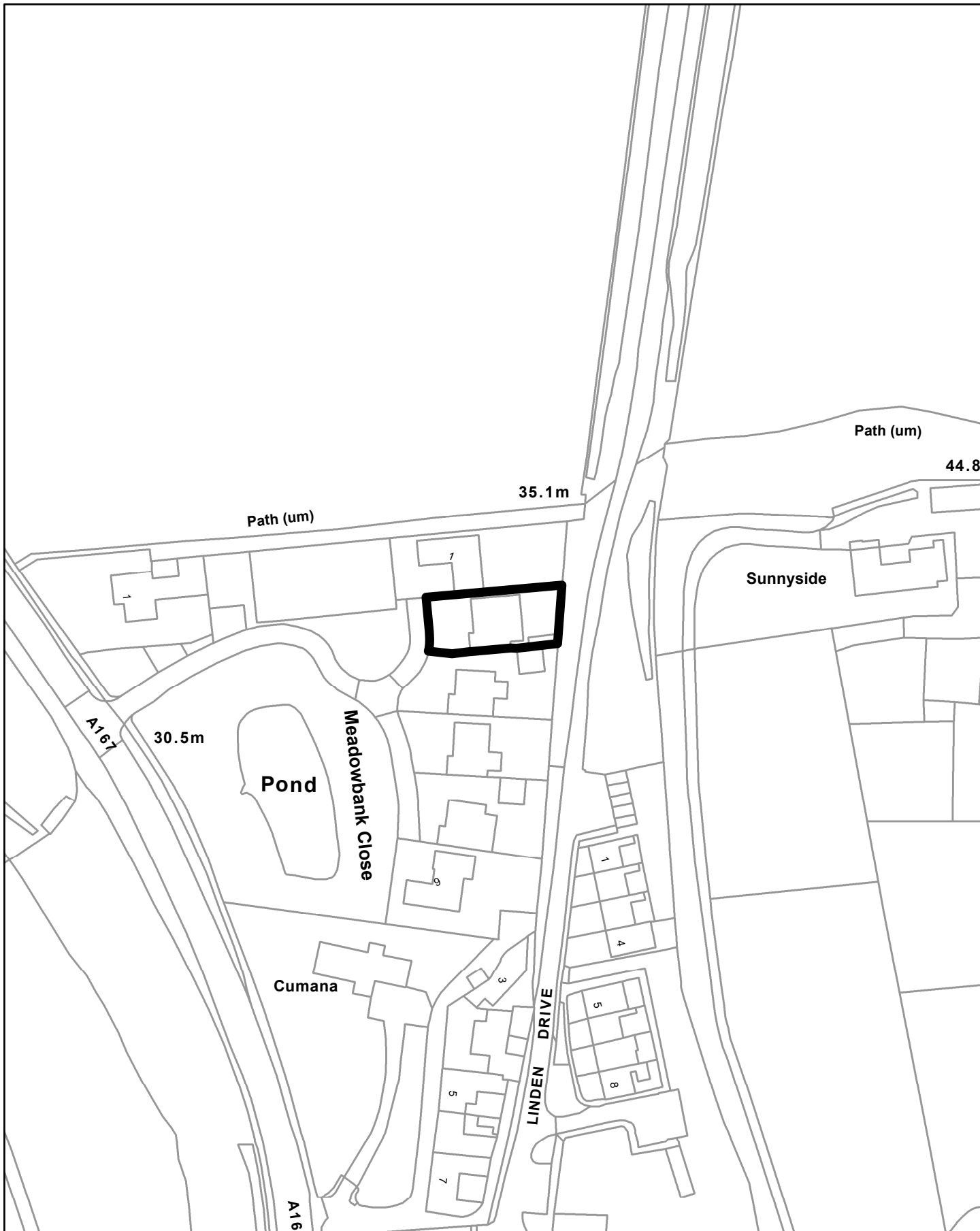
4. Adjacent Protected Tree - Prohibited Works

There shall be an exclusion zone in the form of a 5m radius around the adjacent existing mature tree (T4), in which the following shall not be permitted within this exclusion zone;

- No construction activity is to take place which may cause compaction or contamination in the rooting areas near the tree
- No equipment, materials or machinery shall be placed within this 5m radius and shall not be attached to or supported by the mature tree
- No mixing of cement or use of other materials or substances shall take place within this 5m radius or within proximity where seepage or displacement of those materials or substances could cause them to enter this zone.
- No unauthorised trenches shall be dug within the 5m radius

Reason: To protect the existing tree adjacent the application site, which the Local Planning Authority consider provides important amenity value in the locality.

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Planning Ref No: 25/00255/FUL

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DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 November 2025

APPLICATION REF. NO:	25/00913/FUL
STATUTORY DECISION DATE:	26 November 2025
WARD/PARISH:	Pierremont
LOCATION:	11A Brinkburn Road And 2, 4, 6 Chandos Street
DESCRIPTION:	Replacement of 1 No. roller shutter to shop front (Brinkburn Road) together with the installation of 3 No. condensing units to rear elevations at first floor level (Revised Application) (Retrospective)
APPLICANT:	Mr Jaskaran Singh

RECOMMENDATION: REFUSE PLANNING PERMISSION

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=summary&keyVal=T1PG8VFPJ2I00>

APPLICATION AND SITE DESCRIPTION

1. The application site is a convenience store located on the corner of Brinkburn Road and Chandos Street. The surrounding area is primarily residential in character interspersed with retail and hot food outlets on some of the junctions of Brinkburn Road and the connecting streets. Customer access into the store is from Brinkburn Road and this entrance is flanked on both sides by a solid frontage with panels advertising goods for sale within the store. There is also a section of panelling on the Chandos Street elevation, also advertising goods for sale.
2. This is a retrospective planning application to retain a replacement roller shutter over the shop front on the Brinkburn Road frontage of the premises and for the installation of three condenser units on the rear elevation.

3. In November 2024 planning permission (ref no 24/00863/FUL) was granted to enlarge the internal floor area of the existing shop and for external alterations including a single storey rear extension, a new shop front and entrance, the removal of bricked up bay windows, a new front access door for first floor flat on Chandos Street, the removal of chimneys, the rendering of the building and the relocation of three existing refrigeration units onto rear elevation at first floor level.
4. In March 2025, a Non-Material Amendment application (ref no 25/00232/NMA) was approved to retain the shop entrance in its original position within new shopfront on the Brinkburn Road frontage.
5. In June 2025, a retrospective Non-Material Amendment application (ref no: 25/00495/NMA) was approved to substitute the glazing within the shopfront with panels with solid blockwork behind.
6. Advertisement consent for the signage on the premises was approved under application reference number 25/00436/ADV
7. A retrospective planning application (reference number 25/00576/FUL) for the installation of a roller shutter on the Chandos Street elevation of the premises, the installation of a replacement roller shutter on the Brinkburn Road frontage together with the installation of the three condensing units to rear elevation at first floor level was refused for the following reason:

In the opinion of the Local Planning Authority, the replacement and new roller shutter and its external housing by reason of their scale, form, design and materials has resulted in a form of development at odds with the character and appearance of this part of Brinkburn Road and Chandos Street, with resultant adverse impacts on the visual appearance of the application property and immediate surroundings. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.

8. This is a revised application which seeks to retain the roller shutter on the Brinkburn Road elevation only together with the 3 no. condensing units which have been installed to the rear at first floor level. The details of both elements remain unchanged from the previously refused application 25/00576/FUL.

MAIN PLANNING ISSUES

9. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Impact on the Visual Appearance of the Building and the Street Scene

- c) Highway Safety
- d) Residential Amenity
- e) Security Concerns.

PLANNING POLICIES

10. The relevant local development policies are:

- a) H3 Development Limits
- b) DC1 Sustainable Design Principles and Climate Change
- c) DC3 Health and Wellbeing
- d) DC4 Safeguarding Amenity
- e) IN1 Delivering a Sustainable Transport Network

11. The National Planning Policy Framework 2024 (NPPF) is also relevant with the key principles relating to shop fronts being of a high-quality design, which has been designed to respect the character of the building and the wider street scene, with consideration given to materials, proportion and layout. The NPPF aims to achieve places that are safe and accessible, considering security measures and their impact on the quality of life and community cohesion.

RESULTS OF TECHNICAL CONSULTATION

12. The Council's Highways Engineer and Environmental Health Manager (Commercial) have raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

13. Thirteen Neighbour notification letters were issued. Six letters of support have been received from four different properties. The comments can be summarised as follows:

- *This is a replacement shutter*
- *The shutter is required to keep the premises and neighbourhood safe and secure*
- *The shutter has no impact on anyone*
- *The owner has a right to protect his shop and employees*
- *It is important to protect local shops*
- *The shutter will deter crime; protect public safety and safeguard a valuable local community asset*
- *The shutter will reinforce security and strength of shop entrances and frontages*
- *There have been numerous cases of burglary, vandalism and arson in the neighbourhood*

14. Councillor Durham has also submitted a letter of support, and the comments can be summarised as follows:

- *A number of residents have reached out to me, as this is a well-used local amenity. Its new front although different to the previous is in keeping with modern looks. They would much rather have this well-maintained building offering a service to the community than something rundown, or ever worse a HMO*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

15. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2024) supports the plan led system providing that planning decisions should be “genuinely plan-led” (NPPF para 15).
16. The application site is within the development limits as identified on the Policies Map of the Darlington Local Plan. Policy H3 of the Local Plan states that development within limits will be acceptable subject to compliance with other relevant national and local policies

b) Impact on the Visual Appearance of the Building and the Street Scene

17. The application site is in a prominent location on the corner of two residential streets which primarily consist of terraced properties. The main customer entrance to the convenience store is on Brinkburn Road with additional solid frontage/display panels on Chandos Street. The panels have blockwork behind, and they display produce and items that would be sold from the premises. There are four panels on the Chandos Street frontage and six on the Brinkburn Road frontage (two to the left hand side of the store entrance and four to the right hand side). The panels were approved under the retrospective Non-Material Amendment application mentioned in paragraph 5 of this report.
18. Three additional condensing units have been added to the rear elevation, at first floor level. These condensing units do not have an adverse impact on the visual appearance of the building or wider street scene due to their location on the building and the presence of existing units in the same location. This form of external equipment is commonly found on commercial properties such as convenience stores.
19. The shutter, which is the subject of this application, covers the full width of the shopfront on Brinkburn Road and is coloured dark grey to match the shutter box above and runners down either side.
20. There has previously been a solid roller shutter and box on the Brinkburn Road shop front which was removed as part of the recent refurbishment works to the premises (planning permission ref no: 24/00863/FUL) and subsequently replaced with the security measures that are the subject of this planning application. The local planning

authority are unaware of when the previous roller shutter was installed as there is no record of a planning approval for it, but it appears to have been in place since 2009 at least.

21. Chandos Street is a residential street consisting of terraced dwellings whilst Brinkburn Road is a mix of terraced dwellings and commercial properties. A modern housing development is to the north of the application site on the opposite side of Brinkburn Road.
22. It is acknowledged that this frontage has previously had a roller shutter and that this form of security is not new to this elevation. However the shutter and roller box, which are subject of this application, are replacements and therefore require planning permission. The application must therefore be considered in accordance with the local development and all other material planning considerations. It should be noted that the retention of the roller shutter on this elevation has been the subject of a recent planning application, 25/00576/FUL, which was refused for the reason set out in paragraph 7 of this report.
23. The roller box and runners are externally mounted to the Brinkburn Road frontage rather than being integrated into the new shop front and the runners are quite significant visual additions to either side of the frontage. The roller box projects approximately 0.4m beyond the shopfront below. The roller shutter would be in a closed position when the store is shut overnight and for part of the early morning (between 9pm and 7am) creating a visually dead, visually unattractive frontage during these hours, which would be heightened by the use of a solid, dark shutter. The fact that the shutter would be in a closed position mainly during evening hours does not lessen the unacceptable visual impact of them.
24. Whilst a security shutter has been in place before, that fact is not outweighed by the visual harm that is caused by this replacement security measure. The roller shutter, when closed, would have a negative and adverse impact on the visual appearance of this elevation of the application property and the wider street scene along Brinkburn Road by virtue of its design, colour and width across the frontage. The projecting shutter box and runners also have an adverse visual impact by virtue of their design, projection, bulk and method of attachment to the building. The fact that the shutters and box and runners are dark grey exacerbates their dominant visual appearance when viewed against the light grey rendered finish of the building. The solid nature and design of the shutter give an almost industrial appearance to ground floor of the property which is not considered to be appropriate in a residential location.
25. The external roller shutters, roller box and runners are therefore once again contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.
26. Whilst this application has been considered on its own merits, Members are advised that the Local Planning Authority has recently refused retrospective planning

applications for solid roller shutters at No 36 Cockerton Green (a Pizza shop) and No 33 West Auckland Road (a Nail Bar). The shutters have been removed from No 36 Cockerton Green and planning permission was subsequently granted for an amended shopfront. The applicant for No 33 West Auckland Road has lodged a planning appeal with the Planning Inspectorate and a decision is awaited. These applications are being mentioned to demonstrate a consistent approach to this form of development.

27. Members are also advised that the applicant has not lodged an appeal against the refusal of planning application reference number 25/00576/FUL and discussions have begun with the Local Planning Authority regarding the removal of the existing roller shutter on the Chandos Street elevation as that is now unauthorised development.

c) Highway Safety

28. There are no highway objections to the planning application and therefore it would accord with policy IN1 of the Local Plan.

d) Residential Amenity

29. When considering planning application reference number 25/00576/FUL, the Council's Environmental Health Manager (Commercial) advised that having reviewed the fan specification submitted in support of that application the units would not give rise to noise complaints. This consideration and response remain unchanged.
30. Whilst the application site is in a residential area and can be seen from neighbouring dwellings, the shutter would not have such an adverse impact on these properties in terms of outlook or noise, for the planning application to be refused on such grounds. The application would accord with policies DC3 and DC4 of the Local Plan.

e) Security Concerns.

31. The fear of crime is capable of being a material planning consideration when determining a planning application. However, the fear of crime must be objectively justified; have some reasonable basis and must relate (in planning terms) to the proposed use and site and not be based on assumptions in order to carry sufficient weight to influence the recommendation and determination of a planning application.
32. The Design and Access Statement submitted in support the planning application advises that the applicant requires the roller shutters to provide security and prevent potential burglaries, vandalism and antisocial behaviour when the shop is closed. Subsequently, the applicant has advised that the proposed roller shutter along Brinkburn Road, is in place as a request from their insurance company to provide additional security.
33. The applicant has also subsequently provided screenshots taken from Police.UK crime map which highlights hotspots in the local area and gives a loose idea of where reported

crimes have happened on a particular month of the year. This data shows where crimes have been reported in the local area of the application site.

34. During the determination of planning application reference number 25/00576/FUL, the local planning authority contacted Durham Constabulary, and they advised that there had been instances of antisocial behaviour in the wider area of the application site, but the records showed that none of those incidents explicitly related to the convenience store and this is an important material consideration.
35. The data on Police.UK crime for August 2025 also does not highlight incidents that relate to the application site. It is acknowledged that the data will only show reported crimes and the local planning authority acknowledge that crimes do go unreported, including possibly at the application site, but this is the only data that can be used in the consideration of whether there is a strong enough justification and reason for the premises to install the security measures that are the subject of this planning application. It is clear that various crimes have occurred in the local area, as they do elsewhere in the Borough, but not in relation to the application site and the convenience store.
36. As mentioned in this report, the new shopfront has very limited areas of glazing, unlike the previous shopfront, which had fully glazed display areas either side of the customer entrance door. Having considered the comments made by the applicant along with the letters of support, the officers are sympathetic to the reasons that have been presented but the security measures that have been installed are an excessive response to the security concerns for this property and the supporting information that has been provided does not outweigh the visual harm caused by the shutter on the application building and street scene that has been identified and set out in paragraphs 16 to 24 of this report.

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.

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 replacement roller shutter, housing and runners, by reason of their scale, form, colour, design and materials has resulted in a form of development at odds with the character and appearance of this part of Brinkburn Road with resultant adverse impacts on the visual appearance of the application property and immediate surroundings, contrary to Local Plan Policy DC1 of the Local Plan and the NPPF 2024. The local planning authority has considered the security reasons that have been presented to support the retention of the shutter, but they do not outweigh the visual harm caused by the security measures.
40. The retention of the 3 no. condenser units does not give rise to any significant issues regarding visual or residential amenity. Nevertheless, in view of the above considerations regarding the retention of the roller shutter, it is recommended:

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. In the opinion of the Local Planning Authority, the replacement roller shutter and its external housing and runners has resulted in a form of development at odds with the character and appearance of this part of Brinkburn Road with resultant adverse impacts on the visual appearance of the application property and immediate surroundings by reason of their scale, form, colour, design and materials. The proposal is therefore contrary to Policy DC1 (Sustainable Design Principles and Climate Change) of the Darlington Local Plan (2016-2036) and the National Planning Policy Framework 2024.

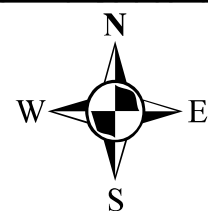


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DARLINGTON BOROUGH COUNCIL

APPEAL AGAINST REFUSAL OF PLANNING PERMISSION

APPLICATION REF. NO:	25/00259/CU
APPEAL REF. NO:	APP/N1350/W/25/3369312
LOCATION:	3 Parkland Drive, Darlington, DL3 9DT
DESCRIPTION:	Change of use from residential dwelling (Use Class C3) to short stay/holiday let accommodation (sui generis) (Retrospective Application)
APPLICANT:	Mr Darren Peckitt

PLANNING OFFICER: CHRISTINA MCALPINE

BRIEF SUMMARY:

1. This appeal follows the refusal of planning permission for the change of use of a resident dwelling to short stay/holiday let accommodation. The application was considered by the Planning Applications Committee and Members considered that the amenity impacts as a result of increased noise and disturbance from activities were not considered usual for a residential area, and the application was refused for the following reason:
2. *In the opinion of the Local Planning Authority the development would have an adverse impact upon residential amenity in terms of noise, nuisance and disturbance from activities that are not usual in a residential area, contrary to Policy DC4 of the Darlington Local Plan (2016 - 2036).*

KEY POINTS TO NOTE:

3. The appeal property is a large, detached dwelling which has recently been extended and altered, located on a corner plot on Parkland Drive, surrounded by other residential properties. The application was submitted as a result of an enforcement enquiry and sought to regularise the use of the property as short stay/holiday let accommodation.

APPEAL DISMISSED:

4. The inspector noted that Parkland Drive is within a well-established suburban area, with the surroundings being of a 'calm and settled residential community'. They also stated that the character of residential estates, is one whereby properties are generally positioned close to one another.
5. Given the large plot of 3 Parkland Drive and its corner plot positioning, the inspector concluded that the application site was in close proximity to nearby residential dwellings

and that the garden being to the side and rear, would be 'readily overlooked' from the street level.

6. The Inspector noted that the short-term let accommodation was geared towards a mix of business and leisure trips, with the majority of stays being of a short period, and they argued that this pattern was likely to continue. Consequently, guest turnover at the property would be high, along with cleaners also attending the property in-between visits. This would therefore create higher noise and disturbance levels through the guest turnover and associated vehicle movements.
7. Guests for leisure purposes were also considered more likely to 'engage in more exuberant behaviours' and there would be more likelihood of late returns to the property.
8. The garden was also considered to be 'well-appointed' in that it has a decked area, seating and other garden furniture and activities that would make it attractive for guests to use. Therefore, it was considered likely that guests may use the garden into the late evening hours and as they are short term guests, they would be more likely to disregard house rules.
9. The Inspector considered that a longer-term occupation would likely result in occupants that would be more considerate of the area, and they would likely have fewer vehicles. They did not agree that the fall-back position of a HMO weighs in favour of the scheme, because they did not consider that occupants of a HMO would result in high guest/vehicular turnover or for such occupants to regularly act in high spirited or 'exuberant' behaviours.
10. Some commercial/business guests were shown to have multiple parked vehicles and therefore associated vehicle movements, in which the opening and closing of such vehicle doors (for commercial vans, and potentially some with plant equipment) would create a disturbance beyond a quiet residential setting.
11. The applicant submitted evidence of the property's CCTV coverage and two booking documents, but when comparing that evidence to neighbouring evidence, it was found that there were discrepancies. For example, neighbouring evidence showed booking dates that were not covered within the applicants booking documents and that parking numbers were lower than what was proven via neighbouring evidence.
12. It was noted that the applicants statement of case referred to a problematic booking of the 28th February 2025 and to address this matter house rules were provided. However, in the applicants final comments during the appeal process, they referred to other events on the 2nd March 2025. This indicated to the inspector that these bookings caused disturbance to neighbouring properties and they were within a short period of time.
13. It was not considered that conditions could adequately address the impacts for noise and disturbance and the suggested personal planning permission/ condition, was not considered sufficient to address the collective issues for this case.

14. Overall, the inspector dismissed the appeal because the holiday let was found to create noise and disturbance that would be 'sufficiently different, greater and more disturbing to neighbouring occupiers than otherwise would take place'.

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Appeal Decision

Site visit made on 16 October 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2025

Appeal Ref: APP/N1350/W/25/3369312

3 Parkland Drive, Darlington DL3 9DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Darren Peckitt (DANAP Properties Ltd) against the decision of Darlington Borough Council.
- The application Ref is 25/00259/CU.
- The development is the change of use of a dwellinghouse (C3) to short stay/holiday let accommodation under a sui generis use.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The change of use of 3 Parkland Drive (No 3) to the short stay/holiday let accommodation cited in the banner heading above has already taken place. Therefore, I have determined the appeal on a retrospective basis.

Main Issue

3. The main issue is the effect of the development upon the living conditions of neighbouring occupiers, with particular regard to the levels of noise, disturbance and activity which would arise from it.

Reasons

4. Parkland Drive is a residential street, situated on the outskirts of Darlington, within a well-established suburban area. The surroundings of the appeal site convey the character of a calm and settled residential community. Situated within an area characterised by suburban estates, residential properties are generally positioned quite close to one another.
5. No 3 is a larger property than many of the neighbouring houses and bungalows. It is served by a large driveway, while a garden wraps around its side and rear. Owing to this layout, and the property's position beside a bend in the road, much of the garden can be readily overlooked from the street. No 3's garden is partly bordered by the back gardens of neighbouring houses, while the side elevation of 5 Parkland Drive, including a conservatory, is also positioned closely beside it. Owing to this arrangement, and reflective of the suburban area generally, the relationship between No 3 and its nearest neighbouring properties is quite an intimate one.

6. During my visit, I noted that No 3's garden contains a decked area, a feature semi-circular seating area with lighting, a chiminea and multiple electrical sockets. Consequently, the garden is very well-appointed.
7. The evidence before me indicates that the short-term let accommodation is geared towards a mixed clientele, including business and work-related trips, but also for leisure purposes such as those visiting family or attending weddings. The evidence also suggests that occupiers generally stay for brief periods, and that longer holiday stays are the exception rather than the norm, and that this pattern is likely to continue. Darlington is not a holiday hot-spot, therefore, the shorter duration of visitor stays suggested by the evidence is entirely plausible.
8. Given the typical short duration of stays, guest turnover associated with the development is likely to be high with new arrivals and departures occurring frequently. In turn, since cleaning is required between guest stays, the property's cleaners will also be attending the property frequently. Therefore, the character of the use will generate generally high volumes of comings and goings with associated noise including from vehicular movements.
9. By their nature certain leisure-related visits, such as those associated with weddings or other gatherings, have the propensity to entail a concentration of fun-filled activity, for guests to be in the mood and spirits that would make them more likely to engage in more exuberant behaviours, and for late returns to the property to arise. Furthermore, the well-appointed garden will be attractive to guests, it is liable to be well-used because of this and also likely to create an expectation amongst some guests that it is appropriate for use late into the evening.
10. Since the development the subject of the appeal has already taken place, I have divergent submissions before me from the Council and neighbouring residents, and the appellant in relation to how the development has assimilated into the area thus far. Neighbouring objectors refer to various effects including disturbances caused by guest behaviour, inconsiderate parking and from No 3's external lighting. The appellant has submitted evidence which seeks to demonstrate that the development has integrated successfully into the area, would continue to integrate, and that the types of problems cited in representations have been relatively few and far between, and generally have been overstated. The appellant's submissions include detailed responses to the individual submissions of local residents, snapshots of the property's CCTV coverage and 2 booking documents.
11. The appellant's statement of case and booking documents acknowledge a particularly problematic booking of 28 February 2025. The statement of case explains that since then measures have been deployed to prevent a reoccurrence such as a requirement for guests to adhere to the house rules.
12. However, the appellant's submissions at final comments stage refer to other events, described as being regrettable, which took place on 2 March 2025. Therefore, this evidence indicates to me that 2 bookings within a very short space of time resulted in disturbing activities for neighbouring occupiers. Furthermore, I have before me photographic evidence of a guest within No 3's garden at 00:15 on 2 March 2025, yet the booking documents indicate no booking covering that date, and the nearest bookings either side of that date suggest no garden usage. This undermines the credibility of the booking documents' evidence.

13. A neighbour refers to, and has provided photos of, events taking place across 14 and 15 August 2025 involving a form of photoshoot including within the garden. The appellant's submissions acknowledge that women were using the garden and, indeed, that this was captured by the CCTV. However, the 2 booking documents present a contrasting picture. One booking document suggests the property was vacant on both days, while the other sets out that it was occupied by wedding guests on the 14th and a separate booking by a group visiting family on the 15th with no garden usage reported associated with either booking. Again, this calls into question the accuracy of the booking documents.
14. Consequently, I have identified a propensity for leisure-related visitors to engage in noisier behaviours and more disturbing activities. I have identified that No 3's garden is well-suited for entertainment purposes and that neighbouring properties are positioned near to it. I have evidence of particular bookings thus far having caused disturbances already since the change of use took place, and I have found that the booking documentation submitted to assist in demonstrating the scarcity of this contains flaws.
15. I also expect that multiple vehicles would be associated with many bookings. Certain business trips could very well entail several commercial vans driven by the varying occupants, potentially some with plant, coming and going from the host property. Some of the photographic evidence I have before me shows such vehicles. The arrival, departure and closing of doors of such vehicles would be disturbing for neighbours within the appeal site's quiet residential setting.
16. An objection, submitted on the planning application on 24 April 2025, includes a photograph showing 4 commercial vans parked on No 3's drive, 3 of which are clearly from the same company. However, in contrast, the booking documents cite that no booking dating from before 24 April involved 4 vehicles and, in relation to the company the vehicles were associated with, it is cited that only either 1 or 2 vehicles were involved in any of their associated bookings. Once again, this undermines the confidence I have in the veracity of the booking documents.
17. Therefore, I find that the short-term let accommodation brings with it a likelihood for concentrations of particular vehicular comings and goings which would be disturbing for neighbouring occupiers. These comings and goings, together with the disturbance from the behaviours and actions of guests I have already set out, means that the development will have, and would continue to, harm the living conditions of neighbouring occupiers.
18. In coming to these views, I accept that if No 3 was in longer-term occupation within a C3 dwellinghouse, its occupants would also use the garden, may well have gatherings, and at times engage in activities which would also cause noise. Comings and goings and general activity arising from the occupancy would also be quite high. I have also borne in mind that short-term let accommodation will be the subject of fluctuation so there could well be periods when the property would be vacant.
19. However, going about their regular daily lives, rather than visiting, and used to their surroundings, I find that long-term occupiers would unlikely share to the same degree that want to take fullest advantage of the property. Permanent occupants would not be in that same state of high spirits that each new influx of short-term occupier attending the likes of weddings would. Therefore, it is far less probable

that long-term occupants would engage in more high-spirited and exuberant behaviours which would be disturbing to neighbouring residents. In addition, in my view, long-term occupants would be more predisposed to ensuring that they behave in a manner which remains courteous and respectful toward their neighbours. In the absence of that same long-term stake in the area, the chances are that the occupiers of the development would not act as considerately on a consistent basis. Furthermore, whilst the likes of tradesmen will of course park vans outside their properties in suburban areas, the presence of multiple commercial vehicles parking and manoeuvring because of the types of business stays I have described is far more unusual in a quiet residential setting.

20. The appellant submits that, as an alternative, No 3 could be occupied as a house in multiple occupancy (an HMO). Even if this was pursued, occupation as an HMO would not entail the frequency of occupier turnover that arises with short-term let accommodation and that same likelihood of new guests arriving in the spirit for exuberant behaviour would not apply. I also find that the likelihood for concentrations of commercial vans to be coming and going at the property would be lower with an HMO. For these reasons, I find that the prospect of No 3 being used as an HMO does not constitute a fallback position which weighs in favour of the appeal.
21. The appellant has drawn my attention to some short-term let accommodation in the area and asserts that the appeal site has its advantages in comparison to them including that it has lower occupancy and better parking provision. However, those developments are not for my determination. I am considering this appeal on its own merits having particular regard to the evidence before me and the specific circumstances of the appeal site's context. Therefore, the comparison made to other accommodation does not weigh in the appeal's favour to any meaningful extent.
22. I have had no condition suggested to me to the effect that the development be required to adhere to the cited house rules or any form of management plan. Even so I have considered the merits of this. However, I am not confident that such a condition would effectively manage and mitigate the activities, disturbances and comings and goings I am concerned with. Given the attractive nature of the garden, and since many booking groups would be within the property for such short durations, I find that the temptation for some guests to disregard any prohibition on the use of the garden late in the evening would be significant. Consequently, breaching the prohibition would be likely to take place. I find the suggested commitment to bi-fold doors being closed at a certain point in the evening to be too difficult to effectively enforce via a planning condition.
23. I have had regard to the suggested conditions which are before me, including the control which they would exert over occupancy, and the suggestion that a personal planning permission only be granted. However, collectively, I am not satisfied that these conditions would address the harms I have identified.
24. In conclusion, and for the reasons I have given, the characteristics of the appeal site and its relationship with neighbouring property, the propensity for occupants to create noise through exuberant behaviours, and some of the particular comings and goings liable to arise from the use would, as a set of circumstances and effects, combine. Altogether, the result of the development is one whereby the levels of activity arising from it are sufficiently different, greater and more

disturbing to neighbouring occupiers than otherwise would take place. Unacceptably harmful effects upon their living conditions, therefore, arise from the development. Consequently, the development conflicts with Policy DC 4 of the Darlington Local Plan 2016-2036. In summary, and amongst other matters, Policy DC 4 sets out that new developments should protect the amenity of neighbouring land users and that it should be acceptable in respect of a range of matters including privacy, noise and disturbance.

Conclusion

25. The development conflicts with the development plan as a whole, and there are no material considerations which indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR

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