

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 August 2020

APPLICATION REF. NO:	19/01071/FUL
STATUTORY DECISION DATE:	12 February 2020
WARD/PARISH:	HURWORTH
LOCATION:	44 The Green, Hurworth
DESCRIPTION:	Demolition of existing garage/garden building and erection of 1 no. dwelling with attached triple garage (re-submission)
APPLICANT:	Mr John Fulton

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

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q15VY8FP0C800>

APPLICATION AND SITE DESCRIPTION

1. The application site comprises the former garage/garden store which served 44 The Green, Hurworth, a substantial Grade II listed dwelling and former coach house and stables set in sizeable grounds located to the north of The Green, Hurworth, within the Hurworth Conservation Area. The property and its grounds are not visible from The Green, being set behind substantial trees and shrubs to the front of the property. The Bay Horse Public House and a terrace of properties, 39 – 43 The Green, are located to the south of the site, either side of the entrance, and are both Grade II listed. Coach Lane, a single track lane, runs in a north-south direction adjacent to part of the eastern boundary of the application site. Public footpath no. 1 in the Parish of Hurworth runs along Coach Lane and provides vehicular access to a number of properties, including a secondary access to the application property, at its northern end.

2. Planning permission was granted for the demolition of the former garage/garden store and the erection of a dwelling and attached double garage in its place in October 2019 (19/00155/FUL). This application is a resubmission which seeks approval for a number of amendments to the approved scheme as follows:
 - The insertion of an additional dormer window and alterations to the design of the conservatory on the front (south) elevation;
 - The rendering of the face of the dormer windows on the front elevation and the west side gable of the dwelling;
 - Alterations to the positions of ground floor windows in the west elevation;
 - The omission of an external chimney stack from the east elevation;
 - The insertion of 2 no. rooflights above the garage and alterations to the entrance on the north elevation;
3. Access is proposed from Coach Lane via a new opening through the boundary wall to the east, formed by the erection of brick piers either side of a timber gate, together with the erection of a brick wall to the north of the dwelling to separate the property from 44 The Green. An application for listed building consent (19/01138/LBC) for alterations to the curtilage listed boundary wall to create the new access is also on this agenda for consideration.
4. The development has commenced following the granting of planning permission in October 2019, however a number of alterations the subject of this application has already taken place in advance of the application being considered. The application is therefore partially retrospective.

MAIN PLANNING ISSUES

5. The principle of erecting a replacement dwelling in this location has been established by way of the previous approval 19/00155/FUL. The main issues are therefore whether the proposed amendments to the scheme and the proposed alternative access via Coach Lane are acceptable in the following terms:
 - (a) Impact on Heritage Assets
 - (b) Impact on Visual and Residential Amenity
 - (c) Highway Safety
 - (d) Impact on Trees

PLANNING POLICIES

6. Relevant planning policies include those seeking to ensure that new development:
 - Makes efficient use of land, buildings and resources, reflects the character of the location area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (CS2);
 - Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (CS14)

- Takes full account and seeks to protect trees on and adjacent to the site (Saved Policy E12, CS15)

RESULTS OF TECHNICAL CONSULTATION

7. No objections in principle have been raised by the Council's Highway Engineer, Public Rights of Way Officer or Environmental Health Officer

RESULTS OF PUBLICITY AND NOTIFICATION

8. A number of objections have been received to both the planning and listed building consent applications where comments overlap between the two applications. While only two objections have been received to the planning application, the use of Coach Lane by additional traffic has been raised in a number of the objections to the listed building consent application. This matter cannot be considered as part of the listed building consent application and for completeness, these comments are included in the summary of responses set out below:

- The increased use of Coach Lane by vehicles concerns us
- The proposed access would increase the number of households using Coach Lane
- The proposed new entrance would place the new building within a self-contained area inside the Manor House grounds
- Coach Lane is used extensively by local people, especially school children, dog walkers etc. Blind access points to Coach Lane for pedestrians are a particular risk
- Access to the entrance to Coach Lane can be limited due to cars parked either side of the entrance and sometimes to the front of the church
- The Construction Management Plan should cover this new application
- The new access will provide the main and frequently used access to the new house by residents, deliveries etc
- A review of pedestrian safety should be undertaken
- Meeting vehicles have to reverse when coming from opposing directions
- Cannot see why the existing property requires an alternative access
- Contribution to the upkeep of Coach Lane should be considered as part of the application
- Building will have a negative effect on the conservation area and Bay Horse, a Grade II listed building
- The amended proposals are not sympathetic to the conservation area and listed building

9. One letter of support has been received, raising the following issues:

- The location, design and proposed materials are appropriate and do not conflict in the context of heritage property
- There are similar evolutions in residential accommodation in this village

PLANNING ISSUES/ANALYSIS

(a) Impact on Heritage Assets

10. In accordance with the statutory duties set out in 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, special regard must be paid to the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which they may possess. Section 72 of the 1990 Act gives similar protection to buildings and spaces that help establish the special character and appearance of conservation areas.
11. The application site is located within the grounds of 44 The Green, a Grade II listed building, and is also within the setting of the Grade II listed coach house and stables to the north and The Bay Horse Public House and 39 – 43 The Green, Grade II listed buildings to the south. It is also situated within the Hurworth Conservation Area. The impact of demolishing the former garage/garden store and erecting a dwelling in this location on the significance of these heritage assets was assessed as part of the previous application (19/00155/FUL) and it is not considered necessary to undertake this assessment in full as part of this application.
12. Consideration of this application is therefore based on the proposed amendments to the approved scheme, as set out in paragraphs 2 and 3 above, and their impact on the setting of adjacent Grade II listed buildings and on the Hurworth Conservation Area.
13. The scale and design of the approved dwelling was considered to minimise its impact on the setting of adjacent listed buildings and the Hurworth Conservation Area. While it was accepted that the erection of a new dwelling in the grounds of a Grade II listed building would result in 'less than significant harm' to the setting of 44 The Green, and adjacent listed buildings, and the character and appearance of the Hurworth Conservation Area, this was considered to be at the lower end of the scale of harm and would be offset by a number of public benefits as required by the NPPF.
14. The majority of the proposed changes to the approved scheme in terms of modifications to the positions of windows in the west elevation, the inclusion of rooflights above the garage in the north elevation and the omission of an external chimney stack in the east elevation will have little discernible impact on the overall character and appearance of the property itself, or the setting of adjacent listed buildings or the character of the conservation area.
15. The inclusion of an additional dormer window in the front (south) elevation, modest changes to the conservatory on this elevation, the use of render to the front of the dormer windows and west gable wall, and the erection of a short stretch of boundary wall within the site are more noticeable changes. However, in the context of the approved new dwelling these changes are not considered to amount to any further material impact on the setting of adjacent listed buildings or on the character and appearance of the conservation area.

16. The proposed alterations to the boundary wall to accommodate the new access will be more visible from outside of the site and from the conservation area, however the brick piers, which have already been constructed, have been constructed of matching brick with stone capping and as such will have minimal impact. A pair of timber gates are to be fitted.
17. The proposal is therefore considered to comply with Policy CS14 in this regard.

(b) Impact on Visual and Residential Amenity

18. The proposed amendments to the approved scheme are considered to be acceptable in terms of their impact on the significance of surrounding heritage assets, as described in the previous section of this report. The proposed dwelling is sufficiently distant from the 44 The Green, and from other existing dwellings surrounding the site such that the proposed amendments to dwelling will not give rise to any unacceptable impact on adjacent properties in terms of loss of light, outlook of privacy. The dwelling is enclosed by high brick walls on its south, east and west boundaries and the erection of a further brick wall around part of the northern boundary will further improve privacy between the application property and 44 The Green.

(c) Highway Safety

19. The proposed development will be accessed via a new entrance onto Coach Lane which is a private road leading off The Green and currently serves two dwellings and has numerous pedestrian footway links from the surrounding residential estates. There is also a secondary access to the existing dwelling at 44 The Green onto Coach Lane, immediately to the north, which is infrequently used. Visibility when exiting Coach Lane onto The Green is restricted due to buildings and parked cars either side. The width of the lane is narrow and is predominantly used as a footway/public right of way, with convenient links to the local school.
20. Construction traffic associated with the development of the application property was subject to a construction management plan (CMP) which detailed that all operations and deliveries associated with the construction of the dwelling would be via the access off The Green, negating the need for construction traffic to use Coach Lane. This was secured by planning condition on the original approval and was considered to address highway concerns anticipated during the construction phase. As the construction phase is not yet complete it is considered necessary to attach a condition requiring on-going compliance with the construction management plan for the duration of construction works.
21. Parking provision for the proposed dwelling is appropriate for the dwelling type and size proposed, with sufficient space available within the site for cars to enter and exit in a forward gear, to ensure that reversing in and out of the site is not required. Details of the access submitted with the application demonstrate that sufficient visibility is available to safely enter and exit the property onto Coach Lane.

22. Although the Highway Engineer acknowledges that the lane is not wide enough to enable the passage of two-way traffic, and some conflict between incoming and outgoing cars may be expected, the proposal does not demonstrate a significant intensification of use. In view of the measures set out in the CMP, which would avoid the need for construction traffic to use Coach Lane, it is not considered that the proposed access would warrant refusal of the application either on the grounds of traffic generation or highway safety.
23. The lane will not be accessible to refuse vehicles and the occupants will need to present bins at a suitable location on collection date. The upkeep of a private road is a civil matter and cannot be considered as part of this planning application.

(d) Impact on Trees

24. There is a mature willow tree near the proposed boundary wall to be erected along the northern boundary. While not formally protected by Tree Preservation Order, it is protected by virtue of its location within the Hurworth Conservation Area and makes a significant contribution to the character of the area. The tree is to be retained as part of the proposal although a planning condition requiring the tree to be protected during construction of the wall is considered necessary.

THE PUBLIC SECTOR EQUALITY DUTY

25. In considering this application, the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The impact of the proposed access on users of Coach Lane, including children who use this as a route to school, is considered in paragraphs 19 – 23.

CONCLUSION AND RECOMMENDATION

26. The principle of residential development in this location has been accepted by the previous permission (19/00155/FUL). The proposed amendments to the approved plans, some of which have already been undertaken, are not considered to amount to any further material impact on the setting of adjacent listed buildings or on the character and appearance of the conservation area and comply with Policy CS14. The proposed access would not result in a significant intensification of use to warrant refusal of the application either on the grounds of traffic generation or highway safety and therefore complies with Policy CS2. Accordingly, it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)

2. PL00

- (a) Amended south and west elevations, drawing number 00-10
- (b) Elevations sheet 2, drawing number 09A
- (c) Site plan, drawing number 05A
- (d) Ground floor plan, drawing number 06A
- (e) First floor plan, drawing number 07A
- (f) Gates, drawing number 20

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no development within Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse) or Part 2 (Minor operations) shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON – In the interests of visual and residential amenity and to protect the significance of heritage assets surrounding the site

4. The development hereby permitted shall be carried out in complete accordance with the Construction Management Plan/Access Statement prepared for 44 The Green prepared by Jeff Blackwell, dated 21 August 2019

REASON – In the interests of residential amenity and highway safety

5. Construction work shall not take place outside the hours of 08.00 – 18.00 Monday to Friday, 08.00 – 13.00 Saturday with no working on a Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON – In the interest of residential amenity

6. E11 (Tree Protection Measures)

INFORMATIVES

The applicant is advised that works are required within the public highway to construct a new vehicle crossing and contact must be made with the Assistant Director – Highways, Design and Projects (contact Mrs Lisa Wood 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director – Highways, Design and Projects (contact Mrs P McGuckin 01325 406651) to discuss naming and numbering of the development