

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 25 November 2020**

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**APPLICATION REF. NO:** 20/00513/FUL

**STATUTORY DECISION DATE:** 24 August 2020 (EOT 27<sup>th</sup> November 2020)

**WARD/PARISH:** HURWORTH

**LOCATION:** The Hall Dinsdale Park Middleton St George  
Darlington DL2 1UB

**DESCRIPTION:** Formation of hard landscaping to unit 4 & 5 including erection of stone walls, steps, paving and creation of 2.no car parking spaces to unit 4, erection of 1.8m wall and gates to units 4 and 5 and erection of 800mm wall to the southern boundary of unit 4 (Amended description)

**APPLICANT:** TYNESIDE INVESTMENTS LIMITED

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

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**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=QCOL39FP17000>**

**APPLICATION AND SITE DESCRIPTION**

1. The application site is situated between Neasham and Middleton St George, accessed via a private road which connects Dinsdale Hall to the nearest public highway at Brass Castle. This road runs across Dinsdale Spa Golf Course and forms a legally defined right of way (Footpath No 9). It also serves an access for adjacent dwellings known as The Courtyard, which lie adjacent to the north of Dinsdale Hall.

2. The site comprises the Dinsdale Hall residential development, consisting of a three storey Grade II Listed Building and an associated wing, converted to residential dwellings. Planning permission and Listed Building Consent was granted in 2000 for the conversion with a later Listed Building application seeking some amendments, granted in 2006.
3. The conversion of units 4 and 5, situated to the northern side of Dinsdale Hall, in line with the original permission is soon to be underway as the planning permission remains extant. These Grade II listed buildings are in a dilapidated state and in need of significant investment. This application seeks planning permission for external landscaping works to units 4 and 5 and the internal courtyard immediately adjacent to the units, to include:
  - Formation of hard landscaping to units 4 and 5, to include the erection of stone walls, steps and paving;
  - The creation of two parking spaces to part of grassed area to the west of unit 4;
  - Removal of existing timber close boarded fence adjacent to unit 4 and its replacement with an 800mm reclaimed brick wall with natural stone coping with wrought iron gate to provide access;
  - Erection of a 1.8m reclaimed brick wall with natural stone coping within the internal courtyard between units 4 and 5 to define and provide private amenity space for the units together with a 1.8m high timber leg and brace gate, with rear emergency access maintained.
4. A separate Listed Building application has been submitted and is dealt with elsewhere on this agenda under application reference 20/00439/LBC.

## **MAIN PLANNING ISSUES**

5. An extant planning permission is in place for the conversion of units 4 and 5. This application seeks permission for works related to the landscaping and boundary treatment within the plots and therefore the relevant issues in the determination of the application are as follows;
  - (a) Impact on Heritage Assets
  - (b) Impact on Visual and Residential Amenity
  - (c) Highway Safety

## **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)

- protects and where possible, improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the community (CS16);
7. 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.

## **RESULTS OF TECHNICAL CONSULTATION**

8. No objections in principle have been raised by the Council's Highway Engineer and Public Rights of Way Officer. The application has been subject to several amendments and further to these changes, the Conservation Officer raises no objections, however, does have concerns regarding some proposed tanking which is dealt with within this report.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

9. Neasham Parish Council has raised no objections to the proposed development.
10. Eight objections have been received including two petitions containing 16 and 20 signatures respectively, and these raise the following issues:
- Not in keeping with previous consents;
  - Impact on heritage assets;
  - Impact on visual amenity;
  - Omits a rear emergency access;
  - Parking will allow additional vehicles to use road to the north of the eastern access; This is unadopted and in poor condition;
  - All parking should be accommodated to the grounds of Dinsdale Hall and accessed via the main access gates;
  - Parking will probably spill over to the visitor parking area meant for residents of The Courtyard, Riverbanks and The Hall;
  - Access from the main parking area for unit 5 has been omitted;
  - Not clear where the parking would be provided for unit 5;
  - Adversely affects the visual appearance of the historic courtyard;
  - Currently no pedestrian access to units 4 and 5 due to the unauthorised erection of a timber fence;
  - A wall should be erected at the southern end of unit 4 garden to prevent people entering a private estate;
11. Several objections have referred to a planning condition on the original approval requiring access road improvements are undertaken prior to the occupation of any of the dwellings. This has previously been investigated as a separate issue by the Enforcement Officer and it is established that the time period to enforce this condition has passed, and therefore the Council are unable to require the works are carried out. This is a separate matter and not relevant to the determination of this

planning and the related listed building application, which relates solely to works to the landscaping and boundary treatment for units 4 and 5.

12. Several objections have referred to fenestration treatment and privacy issues. The developer is implementing an existing planning permission in line with previously agreed details and these issues are not relevant in the determination of this application which relates solely to the landscaping and boundary treatment for units 4 and 5.
13. Several objections raise the issue of the applicant, who now owns the freehold Of Dinsdale Hall and Grounds, as the landlord of the leasehold apartments within Dinsdale Hall, referring to their legal obligations in terms of the leasehold deeds and plans. These issues are noted however they are separate civil matters which cannot form the basis of the determination of this planning application but are rather matters that should be dealt with separately between parties.

## **PLANNING ISSUES/ANALYSIS**

### **(a) Impact on Heritage Assets**

14. The unit 4 and 5 buildings in question are Listed at Grade II under the Listing for the Grade II, Dinsdale Park Residential School. The House was constructed in 1829. The buildings are located to the north side of the main house. Looking at the historic OS maps they appear on the first edition maps. There have been alterations to the buildings, however these buildings contribute to the character of the estate as a whole and form an integral part of the significance of the site.
15. Several amendments have been made to the proposals in response to concerns raised by the Council's Conservation Officer, and issues raised by objection. The main changes relate to the use of appropriate materials, to ensure that the proposed alterations to the external areas are in keeping with and do not adversely impact on the significance of the Grade II Listed Building and allow views across the site which add to the setting of the building, to be maintained. This has been achieved with the amendments that are detailed in the following section of this report.
16. Overall, whilst it is noted that the proposed changes will have an impact on the building in changing the appearance of part of the site, the impact brought about by these changes is considered to be 'less than substantial' and any harm is considered to be significantly outweighed by the improvements to the appearance of, and the maintenance and retention of these dilapidated buildings, brought about by the implementation of the approved scheme. The applicant considers that the landscaping and boundary treatment proposals are required in order to secure the viability of the conversions.
17. The Conservation Officer also requested that a 20mm gap is left between the proposed paving to the side of Unit 4, and the building to allow movement of moisture and this has now been incorporated into the plans.

**(b) Impact on Visual and Residential Amenity**

18. The proposal to provide the parking spaces to the grassed area to west of unit 4 has been amended further to concerns raised and this now involves the use of grasscrete reinforcing mesh to the parking area, with the remainder to remain grassed. The provision of two parking spaces in this location will not significantly impact on the amenity of nearby occupiers. The hard landscaping to the east of the parking, to consist of a retaining wall with stone coping, and Indian Sandstone steps and paving, is acceptable.
19. Reference is made within several objections to an unauthorised timber fence to the southern end of the unit 4 amenity space. This was erected by the previous owners and the applicant seeks to remedy this with the erection a reclaimed brick and natural coping stone low level wall, to be constructed in English Garden Wall bond and lime mortar, with a wrought iron gate to reinstate a pedestrian access to the units from the main entrance to Dinsdale Hall, which was the intention of the original 2000 consent, but was never implemented by the previous owners.
20. The amendments do introduce a new element into the internal courtyard area adjacent to units 4 and 5. This area is poorly maintained and has an unkempt appearance, with the applicant indicating that the area is creating security issues and is often being used as a 'dumping ground' and it is considered that the demarcation of part of the courtyard as private space will improve its visual appearance and ensure its long term maintenance, whilst providing some valuable amenity space for the occupants of the units, with the emergency access for residents of Dinsdale Hall to be maintained via the existing emergency access door. The proposed boundary treatment has been amended to include a 1.8m high English Garden Bond Wall with stone coping and this is considered acceptable both visually and from an amenity perspective. This element represents a significant improvement to the setting of the Listed Building.
21. Whilst the introduction of private amenity space to the courtyard area will result in some overlooking into the garden areas, the close nature of the units to the rest of the development always involved some mutual overlooking and given the benefits of the provision of amenity space and the improved appearance of the area, this is not considered to be a significant issue.
22. Given the close relation of the units to existing occupied properties, it is recommended that a planning condition be attached to any approval to restrict hours of construction to between 08:00-18:00 Monday to Friday and 08:00- 13:00 Saturday with no working on Sundays or Bank / Public Holidays (condition 3).
23. Overall, the proposed changes to the external areas are considered acceptable from a visual and residential amenity perspective and, subject to the above condition and the condition set out in paragraph 18 relating to external materials (condition 4), the proposals accord with Policy CS2, CS14 and CS16 in this respect.

### **(c) Highway Safety**

24. The provision of parking spaces to the western side of Unit 4, would mean that the residents of this unit would utilise the private unmade road which runs to the north of Dinsdale Hall, and is used to access other nearby dwellings including The Courtyard and The Riverbanks. Parking and access to unit 5 would remain as previously approved, via the main entrance to the site with an allocated parking space provided to the main parking area.
25. Adequate parking provision is therefore available for the units both from within the existing main parking area, and with the introduction of dedicated parking for unit 4, which is seen as a benefit to the scheme in terms of overall viability.
26. The Highways Engineer has raised no objections to the proposals, noting that the parking arrangements are remote from the adopted highway and as such, and disputes over parking as raised by objection, are a matter of neighbour dispute and not a highway matter. The proposal does however result in the provision of additional parking which should reduce any dependence on existing parking for the occupants of unit 4.
27. Overall, the proposal is acceptable on highway grounds and accords with Policy CS2 in this respect.

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

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

### **CONCLUSION AND RECOMMENDATION**

29. The proposals in respect of landscaping and boundary treatment, are considered to be acceptable in respect of their impact on heritage assets, any 'less than substantial impact' being outweighed by the benefits of implementing the scheme in the interests of the long term retention of these Grade II listed buildings, which contribute to the significance of the estate. The proposed means of securing damp proofing and details of external materials can be dealt with by planning condition, to be agreed. The proposal is acceptable in respect of visual and residential amenity and highway safety and comply with Policy CS14, CS16 and CS2 in this regard.

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

1. A3 (Standard 3-year time limit)
2. PL (Accordance with Plan)

- 10 Site Location Plan
- 11 Landscaping proposed site plan
- 12 Landscaping elevations
- 02 Proposed site and Ground Floor plan

3. 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

4. The following details shall be submitted to and approved in writing by, the Local Planning Authority, prior to the works commencing on each element:
- a) Details of bricks, mortar mix and coping stones to walls;
  - b) Details of paving stones;
  - c) Details of gates;
  - d) Details of method of damp proofing in the area marked on drawing No. 02 as 'drained tanking system'.

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

REASON – In the interests of preserving the special historic or architectural interest of this Grade II listed building to comply with Policy CS14.