

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 23 December 2020

APPLICATION REF. NO:	20/00955/FUL
STATUTORY DECISION DATE:	15 th December 2020
WARD/PARISH:	COLLEGE
LOCATION:	35 Cleveland Avenue, Darlington, DL3 7HF
DESCRIPTION:	Erection of outbuildings for work shed and summerhouse with linked covered seating area in rear garden
APPLICANT:	Mr Watson

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

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

APPLICATION AND SITE DESCRIPTION

1. The application property is a large 3-storey semi-detached dwelling located at the southern end of Cleveland Avenue, close to its junction with Cleveland Terrace. Properties on Leconfield are located to the rear (west) of the application property. The property lies within the West End Conservation Area.
2. Planning permission is sought to erect a work shed and summerhouse and covered seating area in between at the bottom of the rear garden. The work shed and summerhouse are to be brick built, each measuring approximately 4.6 metres wide by 3 metres deep. They are to be sited in the respective corners of the rear garden with a pitched tiled roof, 3 metres in height at ridge level, constructed over both buildings to create a covered seating area between the two buildings and covered storage areas at either end, which would be accessed by timber gates. The overall length of the buildings, seating area and storage areas once covered would be

approximately 14.8 metres. The buildings would be set approximately 0.4 metres off the rear boundary wall but would adjoin the boundary walls at either side.

MAIN PLANNING ISSUES

3. The main issues for consideration are: -
 - a) Impact on the character and appearance of the property and West End Conservation Area
 - b) Impact on residential amenity

PLANNING POLICIES

4. Relevant Local Plan policies include those seeking to ensure that new development:
 - Is in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area, maintains adequate daylight entering the principal rooms of nearby buildings; maintains adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and is not overbearing when viewed from neighbouring properties. Adequate parking or garaging and other external space with the curtilage must be maintained or provided (Saved Policy H12 of the Borough of Darlington Local Plan 1997)
 - Protect the Borough's distinctive character by protecting buildings, their settings and features and archaeological local importance in conservation areas (Core Strategy Policy CS14)
 - Will provide for the successful retention and protection of trees within the development area (saved Policy E12 of the Borough of Darlington Local Plan 1997).

RESULTS OF TECHNICAL CONSULTATION

5. No objections have been raised by the Council's Conservation Officer.

RESULTS OF PUBLICITY AND NOTIFICATION

6. Three properties on Leconfield and two on Cleveland Avenue were consulted and a site notice posted in accordance with regulations. Three letters of objection have been received which raise the following issues:
 - The proposed structure is closer to the properties on Leconfield than the rear elevation of the application property;
 - The proposal is not in keeping with the area and is an over development of the plot;
 - The structure is overbearing and excessive in scale resulting in loss of light and restrictive views;
 - Potential use of the workshop and summerhouse and potential noise levels.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property and West End Conservation Area

7. The application property was constructed around 1930 and is located on the edge of the West End Conservation Area. Outbuildings to the rear garden plots are not a common feature to the area which represents a break in pattern and consideration must be given to the impact the proposal will have on the character of the area.
8. The proposed outbuilding will extend above the existing boundary wall, with the pitched roof being visible from outside of the site. Views from the surrounding area will however be limited to minor views from Cleveland Terrace to the south and some cut views through the houses from Leconfield. There will be no visual impact from Cleveland Avenue as the houses obscure all views. The design is modest and attempts to blend with the materials of the main house, making use of matching brick and colour tone of the roof materials.
9. Overall, the proposal is considered to have a neutral impact on the West End Conservation Area as the glimpse views will be minor and are not considered to have a detrimental impact. The proposal is therefore considered to accord with Policy CS14 in this respect. Accordingly, the proposal is also considered to be acceptable in terms of its relationship with and impact on the application property, in view of its siting, design and use of sympathetic materials. Saved Policy H12 is also satisfied in this regard.

(b) Impact on Residential Amenity

10. The application site is bounded to the west by three, three storey modern townhouses at 4, 6 and 8 Leconfield, by 37 Cleveland Avenue to the north and 33 Cleveland Avenue to the south.
11. Three letters of objection have been received from the occupants of 4, 6 and 8 Leconfield, raising concerns regarding the impact of the proposed structure on their properties in terms it being overbearing and excessive in scale, resulting in loss of light to their properties.
12. The properties on Leconfield are three storey properties, with the properties at 4, 6 and 8 Leconfield being most closely affected, looking out onto the proposed outbuilding from the rear aspect. Whilst it is acknowledged that the proposed structure has a large footprint being approximately 14.8 metres in width under a pitched tiled roof approximately, 3 metres in height, there would be a separation distance of approximately between 11 and 12 metres between the rear of these properties and the 2 metre high brick boundary wall that separates them from the application property.
13. Although the outbuilding would extend the full width of the rear garden, it would be set in from the boundary wall by approximately 0.4 metres. The outbuilding has an eaves height of approximately 2.1 metres, marginally higher than the separating boundary wall, with a ridge height of approximately 3 metres. It would be the roof of

the outbuilding that would therefore be most visible to the properties to the rear. The pitched roof will rake away from the common boundary and in view of the distance from the rear of the neighbouring properties on Leconfield, it is not considered that the outbuilding would have an unacceptable overbearing impact on or result in any significant loss of light or outlook to the rear of these properties or their garden areas. Similarly, there will be no unacceptable impact on the amenities of the neighbouring properties either side.

14. It is worth noting that a flat roof detached structure on the same footprint could be built as permitted development provided it did not exceed 2.5m in height. This would potentially result in a structure with an increased eaves height adjacent to the rear boundary.
15. Concerns have also been raised regarding the intended use of the proposed workshop and summerhouse. A condition is proposed which would restrict the use of the outbuilding to purposes incidental to the enjoyment of the dwelling in the interests of amenity. However, any concerns regarding noise arising from the use of the buildings for ancillary purposes would be a matter for Environmental Health under the appropriate legislation.

THE PUBLIC SECTOR EQUALITY DUTY

16. 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

17. The proposed outbuilding is considered to be acceptable in terms of its scale, design and use of materials and as such does not unacceptably impact upon the character and appearance of the application property or the surrounding area, being within the West End Conservation Area. The outbuilding is not considered to have an unacceptable impact upon the amenities of neighbouring properties in terms of loss of light or outlook to these properties. The proposal therefore complies with Saved Local Plan Policy H12 and Core Strategy Policy CS14 and accordingly it is recommended:

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (Three Years)

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

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

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

REASON – To ensure that the external appearance of the development is of an appropriate design in accordance with Saved Policy H12 (Alterations and extensions to existing dwellings) of the Borough of Darlington Local Plan 1997 (Alterations 2001).

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

Existing & Proposed Plan and Elevations of Garden Room/Storage Drawing No. 20258.P001 dated 16/09/2020
Proposed Block Plan Drawing No. 20258.OS03 dated 20/0/2020
Proposed Visuals Option F0002

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

4. The development hereby approved shall be used for purposes incidental to the enjoyment of the dwelling house known as No. 35 Cleveland Terrace only and shall not be used for any commercial purposes.

REASON: In the interests of residential amenity and to enable the Local Planning Authority to obtain control over the development.