

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

**COMMITTEE DATE: 17 February 2021**

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**APPLICATION REF. NO:** 20/01073/FUL

**STATUTORY DECISION DATE:** 15<sup>th</sup> January 2021

**WARD/PARISH:** COLLEGE

**LOCATION:** 20 Langholm Crescent Darlington DL3 7ST

**DESCRIPTION:** Demolition of existing conservatory and boiler room, erection of single storey extension to side and rear, replacement of existing porch with garden room, addition of mezzanine floor, alterations to windows, erection of carport, creation of new vehicular access including addition of timber gates and dropped kerb and associated internal alterations and removal of 1 No. Pear Tree (as amended by plans received 08/01/2021, amended heritage statement and Arboricultural Impact Assessment/Tree Survey received 15/01/2021)

**APPLICANT:** Jacqueline Phillips

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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/simpleSearchResults.do?action=firstPage>**

**APPLICATION AND SITE DESCRIPTION**

1. The application property is a single storey dwelling on the corner of Langholm Crescent and Swinburn Road. The property sits within a large plot and currently has two pedestrian access points from Langholm Crescent and vehicular access from the back lane to the north of the property. The property is located within the West End Conservation Area.

2. The building sits on the site of the former Cleveland Dairy and is in a prominent position surrounded by mature trees and hedgerow. It is largely unchanged and retains several decorative features.
3. Langholm Crescent is predominately made up of late two storey Victorian Terraces, whilst properties on Swinburne Road are larger three storey terraced properties.
4. Planning permission is sought to alter and enlarge the existing dwelling, the proposal includes: -
  - Demolition of the uPVC conservatory
  - Demolish the porch and replace with a garden room with painted brickwork to match existing
  - Put back the existing detailed window in the left-hand side bay on the front elevation
  - Form new front doorway within existing window on front elevation
  - Extend to the back and side to create an open plan kitchen and dining area plus an additional bedroom and en-suite
  - Addition of a metal framed car port with polycarbonate roof to the rear
  - Formation of vehicular access onto Langholm Crescent.
5. The garden room will have glazing to three sides will be approximately 3.5m in length and 5.8m wide and will sit under a dual pitch roof with a maximum height of approximately 4.5m.
6. The wraparound extension will project approximately 3.3m from the side elevation and 4m from the rear extension. It will have rendered external walls with a dual pitch roof made from matching slate tiles and will have a maximum height of approximately 4.6m

### **MAIN PLANNING ISSUES**

7. 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
  - c) Impact on Highway Safety and Parking
  - d) Impact on trees

### **PLANNING POLICIES**

8. 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)

- Makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (Core Strategy policy CS2).
- 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**

9. The Council's Conservation Officer is broadly supportive to the principle of enlarging the existing dwelling but has concerns regarding the scale and choice of materials and the impact the creation of the new vehicular access will have on the heritage assets. The Council's Highways Engineer has no objections to the proposal whilst the Senior Arborist has asked for protection measures to put in place to protect the roots of the trees close to the proposed driveway.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

10. Fourteen letters of objection have been received which raise the following concerns:

- Impact on character and appearance of West End Conservation Area
- Impact on Highway Safety and Parking
- Impact/removal of trees
- Proposal is not sympathetic to or in keeping with the Conservation Area
- New access is not needed as adequate rear access is available into the site
- New access would be better off Swinburne Road, straighter road and less impact on residents
- Impact on Residential Amenity
- **Non-material planning issues**  
Introduction of Resident Parking Scheme  
Negative impact financially
- One letter of objection has been withdrawn; concerns have been addressed following the amendments and discussions with the new owner.

11. One letter in support of the application states:

- House is detached, with a large perimeter fence, the addition of the driveway would not be offensive and would allow the applicant's cars to be parked off street.

## PLANNING ISSUES/ANALYSIS

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

12. The site is within the West End Conservation Area. Historic OS maps from 1896 show the building as part of the former Cleveland dairy. However, by 1912 the dairy was demolished.
13. The existing building while breaking from the uniform pattern of the terraces has merit of its own. While the building has been subjected to alterations it has retained some of its character.
14. Following consultation with of the Conservation Officer, the scheme has been amended as set out below
  - The garden room has been pushed back from along the prominent south-east location to enable an original window to be retained and re-designed so that the proportion and scale is more appropriate to the original building. The use of a catslide roof and the detailing of the eaves are a positive enhancement and more in keeping than the modern stone porch it replaces.
  - Rooflights on the north west elevation have been reduced in height and are will longer visible from the street and will little impact on the character of the conservation area.
  - Style, design and proportion of the new main entrance on the south west elevation has been re-designed to be more in keeping with the original property with similar fenestration detail
  - Chimney stacks will be retained as they currently exist.
  - The existing painted brickwork of the property will remain unchanged and the proposed garden room will be constructed of painted brickwork. Whilst the extensions to the side and rear which are less visible will be painted render to show the historic development of the property.
  - Timber access gates into the property will match the existing vertical boarded timber fence and will be set back into the site.
  - Drive length has been reduced into the site with a small parking and turning area to reduce the impact on surrounding trees. Historic precedence with access to the site shown on the 1898 mapping.
15. As set out in the National Planning Policy Framework 2019 (Para 192), new development should make a positive contribution to the character and distinctiveness of the Conservation Area. Whilst the Planning (Listed Buildings and Conservation Areas) Act Section 72 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

16. It is acknowledged that former access to the site from Langholm Crescent is shown on the 1898 mapping, the re-introduction of an access point as part of this development is therefore on balance considered to be acceptable.
17. The proposed extensions will be visible above the existing timber fencing; however, it will not be overly prominent being screened by mature trees and hedges within the site. The dwelling is set back into the site by approximately 17m from the southern boundary, 21m from the eastern boundary, 11m from the western boundary and 15m from the northern boundary. It is considered that the alterations to the dwelling would therefore have a neutral impact on the building and the conservation area.
18. Notwithstanding this, a condition is proposed which require details of the fenestration to be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development.
19. It is considered that the proposal in its amended form preserves the significance of the conservation area.
20. The proposal is therefore considered to accord with Policy CS14. 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.
21. It is also worth noting, both the driveway and the vehicular access could be installed without the need of planning permission. Planning permission is only required for alterations to the existing timber fence by the addition of the timber gates. The existing timber fence has no merit or interesting design features and will need replacing in future as it is leaning into the public footpath. The insertion of the gates when viewed directly from the front have been designed to blend in with the existing fencing.

**(b) Impact on Residential Amenity**

22. The application site is bounded by to the east by 18 Langholm Crescent and to the north by 2A Swinburn Road.
23. Concerns have been raised regarding the impact on residential amenity in that the property is set higher than the terraced properties on Langholm Crescent and that the glare from headlights from vehicles entering and leaving the site will be an issue. The property is set in approximately 17m from Langholm Crescent and would not raise any residential amenity issues regarding loss of light, outlook or privacy.
24. The proposals would raise not residential amenity issues regarding No. 18 Langholm Crescent given the adequate separation distance of approximately 21m.
25. The property most likely to be affected by the proposal is No. 2A Swinburne Road, however the extension to be built on the north west elevation is single storey, the pitch roof will be rake away from the boundary, and the extension will be set in approximately 0.8m from the boundary. The detached garage of No. 2A is along the

shared boundary and this together with the high hedge will provide adequate screening and it is not considered that the side extension would have an unacceptable overbearing impact on or result in any significant loss of light or outlook to this property.

### **c) Impact on Highway Safety and Parking**

26. Whist objections have been made from residents the Highways Engineer does not agree with the principle that vehicle access should be refused in order to enable unrestricted parking across the frontage of dwellings. There is no 'right' as such to park upon the highway, and it is the Highway Authorities' duty to maintain free passage of the highway. It is therefore in the best interests of all highway users to enable off street parking where possible. It is worth noting that planning permission is not required for the dropped kerb and vehicular access, planning permission is only required for alterations to the existing timber fence.
27. Whilst the existing property does have some in-curtilage parking located to the rear, it is not conveniently located, being behind a roller shutter door and located off a rear lane with limited visibility. Where parking is not practical or convenient it is unlikely to be used by residents and more likely to lead to on-street parking. The new access and driveway provide a practical means of access and has sufficient space for vehicles to enter and exit in a forward gear.
28. A review of Police accident statistics demonstrates that there have been no recorded incidents in the last 5 years and as such there is no evidence base to support perceived safety concerns regarding traffic on Langholm Crescent.
29. The first 5m of the internal driveway are constructed in a sealed material to prevent material being dragged onto the highway, with the entrance gates being positioned back from the highway to enable a car to park off the highway without overhanging the footway prior to opening and closing.

### **d) Impact on trees**

30. Trees within the site are protected by virtue of being in the West End Conservation area and any works to these trees will require formal planning consent.
31. One Pear tree in close proximity to the south elevation is in poor condition and it appears that several of the buttress roots are decayed. (T1624) the tree is in decline, is not worthy of further protection and the Senior Arborist has no objections to the tree being felled as part of the proposal.
32. The submitted Arboricultural report states that trees within the site are in a reasonable state of health, with mature specimens of high amenity value visible from the adjacent highway and surrounding properties. The report says that some trees will require crown lifting. Any works to crown lift or to cut back branches to trees within the site will require separate planning consent.

33. The report further states that to minimise any impact on the roots of four trees (T1, T2, T3 & T1620) the proposed driveway should be of a wholly permeable surface, rather than the sealed material requested by the Highways Engineer and that it should be constructed using a no dig method such as 'The Use of a Cellular confinement Systems Near Trees' (2020).
34. The Senior Arborist has indicated that the application may be to the detriment of the trees, to those either side of the proposed driveway. To ensure that the trees are adequately protected during the development a no dig construction method would be used.
35. In addition, it would be prudent to require that a method statement on how the driveway will be constructed, before any work commences. This will be secured by planning condition.
36. Whist it is acknowledged that the proposed driveway will have some impact on the tree roots of four trees, appropriate tree root protections measures will be secured by planning condition.

### **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.

### **CONCLUSION AND RECOMMENDATION**

38. The proposed extensions alterations and the vehicular access are 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, which is within the West End Conservation Area. The proposed extension is not considered to have an unacceptable impact upon the amenities of neighbouring properties in terms of loss of light or outlook. The proposal therefore complies with Saved Local Plan Policy H12 and Core Strategy Policy CS14 and would have a neutral impact on the Conservation area

### **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:

Proposed Site Plan Drawing No. 0103 Revision P2 Dated 06/11/2020  
Proposed Ground Floor Plan Drawing No. 0202 Revision P5 dated 06/11/2020  
Proposed First Floor Plan Drawing No. 0203 Revision P3 Dated 06/11/2020  
Proposed Elevations Sheet 1 Drawing No. 0303 Rev P5 dated 06/11/2020  
Proposed Elevations Sheet 2 Drawing No. 0304 Rev P5 dated 06/11/2020  
Comparison South-East Elevation Drawing No. 0305 Rev P1 dated 06/11/2020

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

4. Notwithstanding details shown within the submitted Tree Survey & Arboricultural Impact Assessment dated 14/01/2021 and undertaken by We Care Tree Care Arboricultural Services, a method statement detailing the construction methods of the proposed driveway and specific tree protection for the four trees affected by the proposal will be submitted to and agreed in writing with the Local Planning Authority, prior to work commencing on the proposed driveway.

REASON – To safeguard the life of the trees within the site in the interests of visual amenity.

5. Notwithstanding the details shown on the approved plans, samples of fenestration details shall be submitted to, and approved by, the Local Planning Authority prior to the commencement of the development, and the development shall not be carried out otherwise than in accordance with any such approval.

REASON: In order that the Local Planning Authority may be satisfied as to the details of the development.

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## **INFORMATIVES**

### **Section 184 Crossover**

- 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 Woods 01325



406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.