

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

**COMMITTEE DATE: 09<sup>th</sup> June 2021**

---

<b>APPLICATION REF. NO:</b>	21/00319/FUL
<b>STATUTORY DECISION DATE:</b>	17 <sup>th</sup> May 2021.
<b>WARD/PARISH:</b>	EASTBOURNE.
<b>LOCATION:</b>	199 Geneva Road.
<b>DESCRIPTION:</b>	Change of use of land from open space to enclosed garden and car parking area including erection of 1.8m boundary fence
<b>APPLICANT:</b>	Mr. Anthony Boyce.

---

**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=QQ7JODFPHKX00>

**APPLICATION AND SITE DESCRIPTION:**

1. The application site comprises an area of hardstanding situated to the rear of no. 199 Geneva Road. The land is accessed via an entrance off Geneva Road and forms part of a larger area of informal communal parking for properties on Geneva Road, Burnside Road to the east and Westminster Road to the south. A Land Registry search has revealed that this land is in the ownership of the applicant and was purchased from Darlington Borough Council with the house under the Right to Buy Scheme in 1983.
2. This is a part retrospective application for the change of use from open space to form part of the applicant's garden incorporating a car parking area and to be enclosed by a 1.8-metre-high boundary fence. Work has commenced in the form of the sinking of posts for the fence. The remainder of the work, if approved, involves the removal of a section of the existing hardstanding (tarmac) and the laying down of turf followed by the erection of the boundary fence. A pair of access gates would be included in

the north eastern boundary to allow access to the parking area, providing 2 no. spaces for the applicant's use.

### **MAIN PLANNING ISSUES:**

3. The main planning issues with the application are: -

- a. Impact on Visual and Residential Amenity
- d. Highway Safety
- c. Land Ownership

### **PLANNING POLICIES:**

4. Relevant Local Plan and National Planning Policy Framework policies include those seeking to ensure that new development:

- a) Is in keeping with character, design and external appearance of the dwelling, street scene and surrounding area and that adequate privacy in rooms, gardens and other outdoor buildings is maintained (H12).
- b) Provides vehicular access and parking suitable for its use and location (CS2)

### **RESULTS OF TECHNICAL CONSULTATION:**

5. The Council's Highways Engineer has raised no highway objection to the application.

### **RESULTS OF PUBLICITY AND NOTIFICATION:**

6. The application has been publicised by way of neighbour letters.

7. A total of eight objections have been received and the comments can be summarised as follows:

- *The proposal will block rear access to my property, garage, and garden.*
- *Loss of parking spaces as can't park at front of property*
- *It will block access for delivery lorries for the local businesses. DBC unable to collect refuse.*
- *The applicant started work before application was applied for and was stopped by council and is a total disrespect for local authority and surrounding properties/ residents.*

### **PLANNING ISSUES/ANALYSIS:**

#### **(a) Impact on Visual and Residential Amenity**

8. Nos. 33 to 27 Westminster Road directly opposite the application site, are screened by their existing rear boundary fences and therefore do not overlook the application site at ground floor level. Similarly, the properties either side of the application site, nos. 201 & 197 Geneva Road, are enclosed by rear boundary fences which will largely screen the proposal from this aspect. It is therefore considered that the

enclosure of this area of land and the erection of a 1.8-metre-high fence will not adversely impact on the amenity of neighbouring properties in terms of loss of light, outlook, or privacy. Being located to the rear of the property neither the proposed change of use of the land or its enclosure with a 1.8 metre high fence will have a discernible impact on the character and appearance of the surrounding area which is characterised by dwellings with enclosed long rear gardens. The proposal therefore complies with Saved Local Plan Policy H12 and CS2.

## **(b) Highway Safety**

13. The access road and informal parking area to the rear of the application site is not adopted highway being privately owned and maintained and as such the Highway Authority has no powers over parking/obstruction or the enclosure of the road or duty to maintain it. The ownership certification submitted with the planning application has been completed to reflect this position. While the application site forming part of this informal parking area has been used in this way for several years it has been in the same ownership as 199 Geneva Road since 1983. Given that this area is not adopted highway, the Highway Engineer has advised that he would have no reasonable ground to object to the application.
14. It is recognised that the change of use and enclosure of this land will result in the net loss of 4 no. car parking spaces with some impact to residents and businesses on Geneva Road, Burnside Road and Westminster Road, where few properties have in-curtilage parking and the carriageway is not sufficiently wide enough to accommodate on-street parking on both side of the road. The displacement of these 4 no. parking spaces on to the surrounding streets is not considered to result in any significant impact on highway safety to warrant refusal of the application.
15. Some objection letters seem to indicate that the applicant intends to extend the fence line over the rear lane and thus block access to properties, garages, and the turning area at the end. The applicant has confirmed that it is not their intention to block access along the rear lane/road. The applicant intends to stop the fence in line with the attached neighbour's fence to maintain access to properties, garages, and the turning area at the norther end of the access lane/road.

## **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. The development does not raise any issues that would raise discrimination between persons who share a relevant protected characteristic and persons who do not share it.

## **CONCLUSION AND RECOMMENDATION:**

17. The proposed change of use of the land and erection of a 1.8-metre-high timber fence would not give rise to any issues of visual or residential amenity. While the proposal will result in the loss of 4 no. parking spaces, this area is not adopted highway and has been used informally for access, parking and turning purposes for several years. These parking spaces can be accommodated on surrounding streets without significantly impacting upon highway safety and the proposal therefore complies with Saved Local Plan Policy H12 (Extensions and Alterations to Existing Dwellings) and Core Strategy Policy CS2 (Achieving High Quality, Sustainable Design).

**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 materials 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 plan, as detailed below:-

Drawing Number - 21-001/ 02/ A - Existing And Proposed Site Plan & Details

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