

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24 November 2021

APPLICATION REF. NO:	21/00861/FUL
STATUTORY DECISION DATE:	29 October 2021
WARD/PARISH:	Hummersknott
LOCATION:	Outbuilding To Rear Of 496 Coniscliffe Road
DESCRIPTION:	Conversion, alteration and extension of outbuilding to form 1 no. 3 bed dwelling (amended plans received 5 October 2021)
APPLICANT:	Mrs J Wrate

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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=Q82CFLFPLCD00>

Members will recall that this application was deferred at the Planning Applications Committee on 27th October 2021 to enable Members to visit the site prior to determination. The report below is identical to the one that Members considered previously.

APPLICATION AND SITE DESCRIPTION

1. The planning application site is a parcel of land located to the rear of Nos 494 to 498 Coniscliffe Road. The site appears to be garden space and there is a two storey outbuilding and a single storey greenhouse within the application site. It is accessed via an existing access and gates set back off Coniscliffe Mews, which is a modern housing development to the north and east of the site.
2. The land and buildings are within the same ownership of No 496 Coniscliffe Road. There is no recent planning history relating to the existing two storey outbuilding, but it

appears to be a storage or coach house building associated with the property and it has been previously used for domestic purposes.

3. The application site contains existing trees which are not covered by any tree preservation order but there are trees outside of the site which are protected by Orders dated 1961 and 1994.
4. The proposal involves the conversion and extension to the outbuilding to create a 3 bed dwelling. The extension would be two storey (kitchen with bedroom above), located to the rear of the building with a projection of 4.5m; a width of 3.9m and an overall height to the ridge of 6.2m. The extension would be constructed from brick and roof tiles to match the existing building.
5. An outline planning application for the demolition of the outbuilding and the erection of a dwelling on the site as an alternative to this proposal has also been submitted and is currently under consideration (21/00162/OUT).

MAIN PLANNING ISSUES

6. The main issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Impact on the Character and Appearance of the Area
 - b) Residential Amenity
 - c) Highway Safety and Parking
 - d) Impact on Trees
 - e) Ecology
 - f) Flood Risk
 - g) Land Contamination
 - h) Other Matters

PLANNING POLICIES

7. The site is within the development limits as defined by the Proposals Map of the Local Plan 1997 and therefore the principle of the development can be supported by saved policy E2 of the Local Plan and CS1 of the Core Strategy. The other relevant Local Plan policies include those seeking to ensure that the proposed development
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
 - Reflects or enhances Darlington's distinctive nature; creates a safe and secure environment; creates safe, attractive, functional and integrated outdoor spaces that complement the built form; and relates well to the Borough's green infrastructure network (CS2 of the Core Strategy 2011)
 - Does not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological

- network through the design of new development, including public and private spaces and landscaping (Policy CS15 of the Core Strategy 2011)
- The development has regard to existing trees and incorporates trees into the proposed layout wherever possible (E12 of the Local Plan 1997)
- Includes hard and soft landscaping which has regard to its form, setting and design (policy E14 of the Local Plan 1997)

- Is within a sustainable location and accessible by various modes of transport, pedestrians and disabled persons (CS2 of the Core Strategy 2011)
- Will be focused on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards relating to risk from surface water runoff, groundwater and sewer flooding (Policy CS16 of the Core Strategy 2011)
- Complies with statutory standards relating to contaminated land (Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

8. The Council's Highways Engineer, Transport Policy Manager, Environmental Health Officer, Ecology consultant and Senior Arboricultural Officer have raised no objections to the principle of the proposed development

9. Northern PowerGrid has raised no objections

RESULTS OF PUBLICITY AND NOTIFICATION

10. Five objections have been received following the Council's notification and publicity exercises. The comments can be summarised as follows:
 - *The existing building would not meet current habitable living standards*
 - *Front elevation windows will overlook neighbouring properties and their gardens*
 - *The proposal is effectively shoehorned into limited existing space of the outbuilding. The existing space/outbuilding was never intended for a habitable dwelling.*
 - *The proposal is out of keeping, character and scale of Coniscliffe Mews which is low density 4/5 bedroom, 2 garage family dwellings*
 - *Required construction and maintenance on the boundary lines will require access to neighbouring land*
 - *The only access to the rear of the proposal is through the habitable dwelling. This will not only constrain the initial construction of the extension, but ongoing maintenance of the property and extensive gardens.*
 - *Why fell the trees? The garden should be shaped around them*
 - *It is out of character in both scale and appearance and dependent on aspect it may also introduce a loss of privacy and daylight*
 - *Any windows to the front aspect of the building will look straight into our garden entertainment area.*
 - *I understood that no further development could take place after Coniscliffe Mews was completed as this would breach the level of housing density within the prescribed distance from the Northumbrian Water chemical storage*

- *The proposal means the converted dwelling only has access to the substantial rear garden from the house. All garden waste will have to be carried through the dwelling*
- *The proposal has a negative impact on No 496, having the brick South-facing wall of the proposed dwelling across the end of its garden as well as an unusually angled boundary*
- *Much of this plot and its surroundings has been a haven for wildlife for many years*
- *There would be a direct line of sight from the extension into the rear of our property (No 498 Coniscliffe Road), with a clear view into our conservatory and bedrooms*

11. A comment has also been received from the occupant of No 494 Coniscliffe Road with regard to the condition of the existing boundary wall that runs between the rear of No 494 and to the front of the outbuilding. The occupant would like the boundary wall to be rebuilt and made safe and secure especially as the outbuilding will be in residential use and the area to the front will be used for parking.

12. Following the submission of amended plans, a further objection has been received which states:

- *We notice that the latest amendment has retained some trees. However, we can't see any reason for removing trees T1, T2 and T3 other than using the same drawings as in Application 21/00162/OUT. We still have the objections which we reported to the original Application.*

PLANNING ISSUES/ANALYSIS

a) Impact on the Character and Appearance of the Area

13. The two storey building is set behind a set of gates at the access point off Coniscliffe Mews with its front elevation facing onto the highway (Coniscliffe Mews). It is located between the rear of Nos 494/496 Coniscliffe Road to the south and No 1 Coniscliffe Mews to the north. Coniscliffe Mews is a housing development of large, detached dwellings built in the 1990s.
14. The outbuilding is an existing structure within the street scene and has been previously used for domestic uses ancillary to No 496 Coniscliffe Road. The conversion of the building to a separate dwelling would result in the addition of a new residential unit within an existing residential area and therefore it would not be out of character with the local area, albeit the proposal is for a conversion and not a new build.
15. The front elevation of the building would not be greatly altered other than the reopening of a blocked up ground floor window; the replacement of timber double door at ground level with a glazed entrance door and side windows and the replacement of a door at first floor level with a small window. The main alteration to the outbuilding is the extension along with new boundary fencing at the rear which would not be highly visible from the front aspect. It would appear from the submitted plans that the existing gates at the front of the property would be retained. Precise details of the means of

enclosure, including any works to stabilise/repair the boundary wall with No 494 Coniscliffe Road can be secured by the imposition of a planning condition.

16. The rear extension is well designed with the eaves height matching the main building, but with the overall ridge height set lower than that of the main building. The outbuilding would have a large rear garden and No 496 Coniscliffe Road would also retain a large garden once the two sites have been segregated by the proposed new fence line (1.8m high fence).
17. There is no planning guidance which stipulates that a building must have a pathway around it to make the rear garden accessible without having to enter the main building and that can be difficult to achieve where a proposal involves the conversion of an existing building rather than a new build.
18. It is considered that the proposed conversion of the existing outbuilding to a dwelling is not out of character with the residential nature of the surrounding area and the proposed alterations and extensions to facilitate the change of use would not have an adverse impact on the appearance of the street scene. The proposal would accord with policy CS2 of the Core Strategy 2011 and E14 of the Local Plan 1997 in this regard

b) Residential Amenity

19. When considering the impact, the proposal may have on neighbouring dwellings, it is important to note that the existing building has been used for ancillary residential/domestic purposes in the past and the building could be used for such purposes in the future without having to apply for planning permission resulting in there being views from the building towards neighbouring properties.
20. The ground floor windows in the front elevation are a study/utility room, a glazed front door and side windows and a stairwell. The first floor windows are a stairwell; a bathroom window and a bedroom window. It is evident that careful consideration has been given to the nature of the openings in this elevation to prevent overlooking of neighbouring dwellings where possible. The main habitable windows are located to the rear and in the proposed extension which do not directly overlook any neighbouring dwellings. There are no openings in the north or south facing elevations, which would protect No 496 Coniscliffe for any loss of privacy.
21. The only habitable window in the front elevation would be a bedroom window at first floor level and there will be oblique views from this window over the rear gardens of Nos 494 Coniscliffe Road and 1 Coniscliffe Mews, although existing trees on the shared boundary with No 1, will give some protection. This relationship is not considered to be too dissimilar from overlooking from first floor windows of existing dwellings elsewhere on Coniscliffe Mews. It is considered that a view from one habitable room would not result in such adverse amenity conditions to justify a reason to refuse the planning application on such grounds, especially as the building could be reused at any time for ancillary uses and the windows could be reopened.

22. The outbuilding is approximately 45m from the front elevation of No 2 Coniscliffe Mews opposite, and the extension would be 24m from the rear elevation of No 496 Coniscliffe Road which fully complies with proximity distance guidance (21m). No 498 Coniscliffe Road is off set and located to the south east of the outbuilding and the extension would be approximately 37m from this property and any views of this property from the extension would be indirect. The building is already in existence and therefore cannot be considered overbearing when viewed from the Coniscliffe Mews and the proposed extension is not an excessive enlargement to the rear to be considered an overbearing addition to the building when viewed from the north, south or the west.
23. The application site would be segregated from No 496 Coniscliffe Road by a standard 1.8m high close boarded fence.
24. It is inevitable that neighbouring properties are likely to experience some disturbance during the conversion works given the location of the development site and that access is somewhat restricted. Therefore, a planning condition has been recommended which controls the hours of construction and deliveries.

c) Highway Safety and Parking

25. The additional traffic that would be generated from a single dwelling is considered to be de minimis on the local highway network.
26. The proposed site plan shows that the new dwelling will be accessed via an existing vehicle crossing located on Coniscliffe Mews. No 496 Coniscliffe Road would retain sufficient parking within the driveway and garage accessed via Coniscliffe Road and would not require any additional parking to mitigate the loss of the outbuilding as an ancillary building for the parking of a vehicle.
27. A review of the past 5 years of recorded Police personal injury collisions (PICs) reveals that there have been no recorded incidents within the vicinity of the site. There is no reason to conclude that there is any inherent road safety concern, or that this proposal would cause any road safety concerns.
28. In order to meet the requirements of the Tees Valley Residential Design Guide and Specification, the dwelling should have two in curtilage parking spaces and the Council's Highways Engineer is satisfied that adequate parking provision is made.
29. Pedestrian access to the dwelling will be via the existing footway located to the eastern side of Coniscliffe Mews. Whilst there is space within the adopted highway boundary to extend the footway on the western side, it would not be reasonable to demand such works for a single dwelling development, as there is a footway located opposite and a dropped driveway crossing is available for access for persons with mobility impairment. Refuse collection will be available from the Council's kerb-side collection service and the dwelling will be accessible by emergency services where a fire appliance should be able to get to within 45m of a dwelling entrance.

30. The site is within 400m walk of a pair of bus stops on Coniscliffe Road which are served by Service X75/X76 which provides a regular bus service 7 days a week. An advisory cycle lane also exists on Coniscliffe Road and this provides a link into the wider cycling network. The site is within a sustainable location and is accessible by means other than the private motor vehicle. A planning condition has been recommended to secure a cycle storage area.
31. The Council's Highways Engineer has Transport Policy Officer have not objected to the proposed development. The development would accord with policy CS2 in regard to highway safety, parking requirements and accessibility.

d) Impact on Trees

32. There are trees within the site which are not covered by a tree preservation order and following a site inspection, the Council's Senior Arboricultural Officer has advised that the trees are not worthy of further protection. As a result, there are no arboricultural objections to the proposed removal of five trees within the site, two of which are dead. The remaining trees, whilst not worthy of an Order, would need to be protected during the construction phase from damage by compaction, severance, or from material spillage and this will only be possible through the installation of protective fencing which can be secured by a planning condition.
33. There is a preserved tree within the rear garden of No 496 Coniscliffe Road, but no development would occur with its root protection area and it would be unaffected by the proposed development. None of the other protected trees in the vicinity of the site would be affected by the development. The proposal would accord with policy E12 of the Local Plan 1997.

e) Ecology

34. A bat report has been submitted in support of the planning application which reveals that surveys recorded no evidence of any species of bat roosting in the outbuilding. A small number of common pipistrelle and soprano pipistrelle bats were recorded foraging in the trees close to the property. The outbuilding is in a poor state of repair, but the brickwork of the exterior wall remains well pointed so there are few opportunities for bats to roost and there was no evidence of any use. The report concludes that that there is a negligible risk of any impact on bats due to the conversion or demolition of the outbuilding and includes appropriate mitigation measures which can be secured by a planning condition
35. The Council's Ecology Consultant has advised that the bat report is sound as no bat roosts were recorded and so no further work would be required.
36. The development should meet the National Planning Policy Framework 2021 requirement for securing biodiversity net gains and this can be achieved through the provision of built in wildlife nesting opportunities (bats, birds, invertebrates) within the new structure and the use of native species within any soft landscaping. This can be secured by a planning condition.

37. The proposed development would accord with policy CS15 of the Core Strategy 2021

f) Flood Risk

38. The site is within Flood Zone 1 and there is a low flood risk. The surface water and foul water would be disposed via the mains sewer. The proposed development accords with policy CS16 in this regard.

g) Land contamination

39. The application has been supported by a Land Contamination Screening Assessment. Having reviewed the information, the Environmental Health Officer has raised no objections in relation to land contamination and the proposal would accord with policy CS16 in the regard.

h) Other Matters

40. In response to an objection which relates to the proximity of the site to the Broken Scar Water Treatment Works, in 1992 a Hazardous Substance consent was granted by the Council for the storage of 10 tonnes of chlorine at the Treatment Works which are located to the west of the site and this limited certain types of development from taking place in the local area. Members are advised that the consent has since been revoked by the Council as there is no longer a need for it to be in place as the amount of chlorine stored on the WTW site is now below the threshold for the need for any form of consent from the Council and the Health and Safety Executive. As a result, the limitation zone around the WTW no longer exists and is not a material planning consideration.

THE PUBLIC SECTOR EQUALITY DUTY

41. 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. There is no overt reason why the proposed development would prejudice anyone with the protected characteristics as described above.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

42. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION AND RECOMMENDATION

43. The proposed conversion of the existing outbuilding to a separate dwelling within an existing residential area would not raise any adverse highway safety or residential

amenity concerns and overall, the proposal would comply with local development plan policy.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a. Drawing Number PR301A – Proposed Site Plan
 - b. Drawing Number PR302 – Proposed Plans and Elevation

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

3. Prior the commencement of the development, precise details of a scheme to provide net gains for biodiversity shall be submitted to and approved, in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details

REASON: To enhance biodiversity within the site and the local area in accordance with National Planning Policy Framework 2021

4. Prior to the commencement of the development hereby approved, details shall be submitted of a scheme to protect the existing trees shown on the submitted plans to be retained. The submitted details shall comprise generally the specification laid down within BS 5837 (2012) and shall include fencing of at least 2m high, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- (a) The raising or lowering of levels in relation to the existing ground levels;
- (b) Cutting of roots, digging of trenches or removal of soil;
- (c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- (d) Lighting of fires;
- (e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

5. Prior to the first occupation of the building, precise details of a secure cycle storage area shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed development shall not be carried out otherwise than in complete accordance with the agreed details, which shall be in place prior to the occupation of the building and retained thereafter.

REASON: To encourage sustainable modes of transport

6. Prior to the first occupation of the building, precise details of all means of enclosure for the site, including repair works to the existing boundary wall with No 494 Coniscliffe Road, shall be submitted to and approved, in writing, by the Local Planning Authority. The proposed development shall not be carried out otherwise than in complete accordance with the agreed details, which shall be in place prior to the occupation of the building and retained thereafter.

REASON: In the interests of residential amenity and the visual appearance of the development.

7. The development shall not be carried out otherwise than in complete accordance with the mitigation measures and method statement included with the document entitled "Bat Surveys and Risk Assessment for the Outbuilding at 496 Coniscliffe Road, Darlington" dated June 2021 and produced by Veronica Howard unless otherwise agreed in writing by the Local Planning Authority

REASON: In the interests of biodiversity and the protected species and their habitats

8. The materials, including windows, used in the external surfaces of the extension hereby permitted shall match those used on the existing building.

REASON - In the interests of maintaining the visual amenity of the development.

9. No construction or demolition activities, including the use of plant and machinery, as well as deliveries to and from the site, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority

REASON: In the interests of residential amenity

10. The bathroom windows shown on Drawing Number Drawing Number PR302 shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby properties.

INFORMATIVES

Highways

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.