

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

**COMMITTEE DATE: 19 January 2022**

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<b>APPLICATION REF. NO:</b>	21/00644/FUL
<b>STATUTORY DECISION DATE:</b>	22 July 2021
<b>WARD/PARISH:</b>	COLLEGE
<b>LOCATION:</b>	24 Woodland Terrace, Darlington
<b>DESCRIPTION:</b>	Erection of two storey rear extension and associated alterations to facilitate change of use from a former shop (Use Class E) to a dwelling (Use Class C3)
<b>APPLICANT:</b>	Mr Matthew Turnbull, POD Architects

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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=QTR8V6FPLN400>**

**APPLICATION AND SITE DESCRIPTION**

1. Planning permission is sought for the erection of first floor extensions, a two-storey rear extension and associated alterations to facilitate the change of use of this former shop to a dwelling. The existing property is a vacant, single storey brick building with a shallow mono-pitched roof which adjoins the eastern end of 26 Woodland Terrace, at the end of a terrace of Victorian properties. In recent years the building has fallen into a state of disrepair although the existing shop front and roller shutter remains in situ.
2. The surrounding area is residential in character, with Victorian terraced properties being the predominant built form to the south and east of the application property. Immediately to the north of the property are post-war and 1970s semi-detached properties. The West End Conservation Area bisects Barlow Street approximately 75

metres to the north, although the application site is located outside of the Conservation Area boundary. The property backs onto a rear lane between Woodland Terrace and Pierremont Crescent beyond which lie further residential properties.

3. It is proposed to erect a contemporary-style flat roofed extension above the existing property and a further flat roofed two-storey extension to the rear to create a two-bedroom dwelling. In order to protect existing windows in the side elevations of the neighbouring and adjoining properties at 22 and 26 Woodland Terrace respectively, there will be a 'no-build' area between the two flat roofed extensions above the existing shop. The submitted plans show a bedroom, wet room and kitchen/dining area on the ground floor with a sitting room, office and master bedroom above in a split-level living arrangement. The proposed two-storey extension to the rear will accommodate a dining area at ground floor with an en-suite bedroom above. The extensions are to be finished with black treated timber cladding. The northern wall of the existing building will need to be demolished and re-built as part of the proposals. A small external yard would be retained to the rear, with access off the rear lane. Parking for the property would be provided on-street.
4. The proposed extensions above the existing shop will measure approximately 4.5 metres wide with a height of 1.5 metres, with a resultant overall height of 5.8 metres, incorporating the 'no-build' area in between. The extension to the front of the building will be set back behind a newly formed brick parapet and will incorporate first floor windows behind timber louvres. The existing timber shopfront is to be reinstated as part of the proposal and will provide the main entrance to the property at ground floor and a window into the ground floor bedroom. A timber planter is to be constructed beneath the shopfront.
5. The two-storey extension is to measure approximately 2 metres wide by a maximum of 2.4 metres deep, with an overall height of 5.8 metres. Windows are proposed in the rear elevation of the property serving the kitchen/dining area at ground floor and the master bedroom above. A window serving the en-suite bathroom is also proposed in the side elevation of the 2-storey rear extension. No windows are proposed in the east side elevation of the property.

#### **MAIN PLANNING ISSUES**

6. The main planning issues are whether the proposed development is acceptable in terms of its impact on:
  - (a) Principle of Development
  - (b) Visual and Residential Amenity
  - (c) Highway Safety
  - (d) Other Matters

#### **PLANNING POLICIES**

7. Relevant development plan policies include those which seek to ensure that new development:
  - Is located inside defined development limits (Saved Local Plan Policy E2 and Core Strategy Policy CS1)
  - New housing is in accordance with the locational strategy set out in Policy CS1 (CS1 and CS10)
  - 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 (CS2)
  - Is within a sustainable location and accessible by various modes of transport and provides safe, convenient and attractive access for pedestrians, cyclists, public transport users and for disabled people (Policy CS2)

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

8. The Highway Engineer raises no highway objection.

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

9. A total of 4 letters of objection have been received which raise the following issues:
  - Restrict access to garage in rear lane
  - Replacement walls will need to adhere to property line
  - Inconvenience during building works
  - Loss of light to property
  - Loss of access to maintain property
  - Loss of outlook and privacy to rear yard/garden areas
  - No agreement to work to party wall
  - Proposal not in keeping with Victorian terraces
  - No details of foul or surface water drainage
  - Traffic generation and lack of parking
  - Conservation area boundary should be extended to prevent ill-considered applications
  - Plans based on inaccurate measurements
  - No provision for storage or wheelie bins
  - Noise transmission to adjoining rooms
10. One letter of representation has been received which raises the following issues:
  - Existing building is derelict eyesore and detracts from visual appeal of street
  - Mix of different styles of properties; Victorian, post-war 1950s and 1970s houses, design will compliment mix of variety well
  - Retention of shop façade nice feature
  - Existing shuttered building has attracted anti-social behaviour

## **PLANNING ISSUES/ANALYSIS**

### **(a) Principle of Development**

11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) also comprises up to date national planning policy and is a material consideration in planning decisions.
12. The application property is located within development limits for the main urban area of Darlington as defined by the proposals map accompanying the Borough of Darlington Local Plan 1997. Saved Local Plan Policy E2 (Development Limits) states that most new development will be located inside development limits. The application site would involve the re-use of an existing building, is in a sustainable location near local shops and services, served by public transport and would comply with the locational requirements for new housing development as set out in Policies CS1 and CS10, subject to consideration of the following matters of development management.

### **(b) Visual and Residential Amenity**

13. The existing building is anomalous in the streetscene, being a single storey building of diminutive form located in another wise continuous frontage of Victorian terraced properties of 2 or 2.5 storey form, with semi-detached properties of a later period located immediately to the north. In its current, vacant state the building has a neglected appearance and contributes little to the character and appearance of the streetscene. The proposal will result in the re-use and reinstatement of this existing building, with some extension and alteration.
14. The Design and Access Statement submitted with the application advises that the scheme has been designed to respond to the particular constraints of the site, being a confined site with existing residential properties close by, and the need to maintain the amenities of these properties. The scale, design and massing of the extensions above and to the rear of the building have been designed to reflect its diminutive form and the confined nature of the site. Given the particular constraints of the site it would not be possible or necessarily appropriate to replicate the more traditional form and design of the historic terraced properties surrounding the site. A contemporary design response in this instance is considered to be appropriate, particularly given the variation in house types and styles immediately to the north of the application site.
15. To the front elevation the existing timber shopfront at ground floor is to be reinstated and the external brick skin retained with a brick parapet introduced above, behind which will sit the timber clad extension. The extension is of limited height and in view of its position set back behind the brick parapet will be of a form subservient to the main building, thereby reducing its prominence in the streetscene. The use of timber cladding

is considered to be acceptable in the context of a contemporary approach to the design of the building and will give a lightweight appearance to the extensions above whilst maintaining the overall form of the building below. The use of black staining reflects the reinstated shopfront at ground floor level. The break in the upper floor section will be less visible from the streetscene and similarly the proposed two storey rear extension will only be visible from the rear lane. On this basis, the proposed extensions and alterations to the building are considered to be acceptable both in the context of the existing building and the character and appearance of the surrounding area and complies with Policy CS2 in this regard.

16. The proposed building is closely related to neighbouring residential properties either side, particularly 26 Woodland Terrace to which it is adjoined. There are windows in the side elevations of both neighbouring properties at 22 and 26 Woodland Terrace at first floor level also dormer windows in the hipped gable ends of both properties. The 'no-build' area between the two first floor extensions has been designed to maintain light to and outlook from the existing first floor windows in the gable end of both properties which serve landing areas. While the building adjoins the east side of 26 Woodland Terrace it is detached from 22 Woodland Terrace and there is a separation distance of approximately 1.5 metres between the two properties at this point.
17. While there will be some impact to both first floor side windows which currently look over the existing single storey building, given these windows both serve non-habitable rooms it is not considered that any such impact would be so unacceptable as to warrant refusal of the application on this basis. A sectional drawing through the proposed building shows that at its greatest point it will sit level with the eaves height of 22 Woodland Terrace and beneath that of 26 Woodland Terrace and as such will maintain light to and outlook from the dormer windows in the gable ends of both properties.
18. The proposed rear extension has been amended since the application was submitted in response to concerns regarding its impact on the amenities of the adjoining property, 26 Woodland Terrace. The depth of the extension has been reduced to lessen the impact on 26 Woodland Terrace and is now L-shaped in form, projecting approximately 2.1 metres adjacent to the common boundary with this property, and 3.7 metres adjacent to the common boundary with 22 Woodland Terrace. Owing to the separation distance between the application property and 22 Woodland Terrace the proposed extension would comply with the 45-degree code in respect of this property. The proposal in its amended form also meets the 45-degree code in respect of the nearest ground and first floor windows in the rear elevation of 26 Woodland Terrace and is not therefore considered to have any unacceptable impact on the amenities of either properties or their rear yard or garden areas in terms of loss of light or outlook.
19. There will be no unacceptable loss of privacy arising from the proposed ground and first floor windows in the rear elevation of the proposed extension, however a condition is attached requiring the first floor window serving the en-suite bathroom in the side elevation of the rear extension to be obscure glazed. The issue of noise transmission between properties has been raised by objection. This is a matter that would be

considered under the Building Regulations, however the submitted plans do show that at ground floor level an entrance to the property would run nearly the full length of the building adjacent to 26 Woodland Terrace, before leading to the kitchen/diner at the rear. On the first floor, void areas also would run adjacent to the shared boundary before leading to the master bedroom towards the rear of the property.

20. Subject to this condition, the proposal is not considered to give rise to any unacceptable impacts relating to residential amenity that would warrant refusal of the application.

**(c) Highway Safety**

21. The principle of the development is acceptable in highway terms as the conversion of the property to a dwelling is likely to generate significantly fewer vehicle movements than the previous use as a shop which would attract a higher turnover of short duration parking, require staff parking and deliveries. Whilst no in curtilage parking is proposed, this is typical of many neighbouring properties which either have a single, inconveniently located garage off a rear lane, or no parking at all. Given that the dwelling is located in a sustainable town centre location, where alternative means of travel are viable options, the lack of car parking is acceptable and considered to have less impact over the extant use class. Refuse is collected from the rear lane and this can also be accommodated for the proposed dwelling with bin storage provided within the rear curtilage.
22. The proposal does not give rise to any unacceptable impacts relating to highway safety and therefore complies with Policy CS2.

**(d) Other Matters**

23. The accuracy of the submitted plans has been raised by objectors to the scheme. This matter has been raised with the agent and discrepancies rectified as a result.
24. The issue of access for the rebuilding of the northern wall and also for works to the party wall between the application property and 26 Woodland Terrace have been raised. This is however a civil matter and would need to be the subject of an agreement under the Party Wall Act and is not a matter for consideration as part of this application.

**THE PUBLIC SECTOR EQUALITY DUTY**

25. 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.

**CONCLUSION AND RECOMMENDATION**

26. The proposed development would result in the change of use, alteration and extension of an existing, vacant building to provide a single dwelling in a sustainable location close to the town centre and as such meets the locational requirements for new housing development in accordance with Saved Local Plan Policy E2 and Core Strategy Policies CS1 and CS10. A contemporary design is proposed in response to the particular constraints of the site and as has been set out in the report, this is not considered to have any unacceptable impact on the character and appearance of the application property or that of the surrounding area, nor will it result in any unacceptable impacts relating to residential amenity or highway safety. The proposal is therefore considered to comply with Policy CS2. Accordingly, it is recommended:

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

1. A3 (Standard 3 year time limit)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
  - (a) Proposed site plan, drawing number SD-10.02 Revision A
  - (b) Proposed floor plans, drawing number SD-20.02 Revision D
  - (c) Proposed elevations, drawing number SD-30.02 Revision A

REASON – To define the consent

3. No building works shall continue above damp proof course until precise details of the materials to be used in the external surfaces of the development hereby approved have been 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 – In the interest of visual amenity

4. The first floor window serving the en-suite bathroom formed in the south elevation of the two storey rear extension hereby approved shall be fitted only with obscure glazing and shall not be repaired or replaced other than with obscure glazing.

REASON – In the interest of residential amenity