

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19th October 2022

APPLICATION REF. NO:	22/00788/FUL
STATUTORY DECISION DATE:	27 th September 2021
WARD/PARISH:	HURWORTH
LOCATION:	30 Church Row Hurworth
DESCRIPTION:	Siting of mobile studio on terrace to the rear of property and repositioning of steps (retrospective)
APPLICANT:	Mr. David Speight

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=QXMHS4FP0F600>

APPLICATION AND SITE DESCRIPTION

1. This is a retrospective application for the siting of a mobile studio on a lower terraced area within the rear garden of the application property, 30 Church Row, Hurworth. It is also proposed to reposition two sets of steps to provide access to this area. The applicant has advised that the mobile studio is to be used for his own enjoyment.
2. The mobile studio is approximately 6.7 metres long and 2.46 metres wide with an overall height of 2.44 metres. It is set on wheels and is constructed of composite dark brown cladding and galvanized profile sheeting with glazed doors painted cream. The garden to the rear of the application property comprises a patio area directly to the rear, which leads via a set of steps to a mid-terraced area on which the mobile studio has been sited. A lower lawn area can be accessed from the terraced area by a set of steps. The application also seeks approval for the repositioning of two sets of steps between the patio and terrace, and the terrace and lawn, to accommodate the mobile studio.

3. The application property is a two-storey terraced house located on the southern side of Church Row within the village of Hurworth-on-Tees. The Emerson Arms public house adjoins the eastern side of the application property with dwellings adjoining to the west side. The surrounding area is predominantly residential in character, interspersed with some other commercial and community uses. The river Tees and its river bank form the southern boundary of Church Row. The property is situated within Flood Zone 2 and 3. The application property and its accompanying grounds are situated within the Hurworth Conservation Area.
4. The main dwelling is built in brick with a slate roof and white UPVC windows and doors. Characteristically, the dwellings along Church Row occupy reasonably sized plots that front the street with reasonably sized rear gardens which slope down towards the river Tees to the south. The garden to the rear of the application property is terraced accounting for the change in levels towards the river.

RELEVANT PLANNING HISTORY:

5. The most relevant history is as follows: -
 - 86/00235/MISC-Erection of a two-storey extension at the rear to provide a living room (ground floor) and a bathroom/toilet (first floor) (as amended by plan received 12/6/86)- Granted with Conditions.
 - 96/00359/MISC-Erection of a first-floor bedroom extension over existing living room- Granted with Conditions
 - 22/00684/PLU-Certificate of Lawfulness for proposed development - siting of mobile studio to terrace to the rear of property and repositioning of steps-Withdrawn.

MAIN PLANNING ISSUES:

6. The main planning 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 property and the Hurworth Conservation Area
 - b. Impact on residential amenity
 - c. Flood risk
 - c. Highway and parking matters
 - d. Other matters

PLANNING POLICIES

7. The local plan for the Borough is the Darlington Borough Local Plan (2016 – 2036). The application site is within the development limits for the urban area as identified by the Policies Map of the Plan and therefore the relevant Local Plan policies include those seeking to ensure that the proposed development.

- Preserves, enhances and makes a positive contribution to the significance of the Hurworth Conservation Area. (policy ENV1).
 - Creates attractive and desirable places where people want to live, work and invest and has regard to the design principles in the Darlington Design of New Development SPD and National Design Guide (or successors) by ensuring the development reflects the local environment and creates an individual sense of place with distinctive character; responds positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing; has taken account of the need to safeguard or enhance important views and vistas; and the layout of the development maximises opportunities for natural surveillance (policy DC1).
 - The proposal provides suitable and safe vehicular access and suitable servicing and parking arrangements (policy DC1 and IN4).
 - Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (policy DC4)
 - Is sited in areas of low flood risk (Flood Zone 1). In considering development on sites in higher flood risk areas, a sequential approach will be applied on site. Flood risk assessments will be required in accordance with national policy.
8. The National Planning Policy Framework 2021 is also relevant in assessing how a development will impact upon heritage assets.

RESULTS OF TECHNICAL CONSULTATION

9. No objections in principle have been raised by the Council's Highways Officer.

RESULTS OF PUBLICITY AND NOTIFICATION:

10. No consultation response has been received from Hurworth Parish Council for this application.
11. Following the Council's publicity exercise, three letters of objection have been received which can be summarised as follows:-
- The garden area is no longer accessible to the tenant of the neighbouring property.
 - The mobile structure is far too big for the site; it is too high and too long to be moved. It is also an eyesore on the riverbank.
 - The studio has now blocked a significant proportion of the view from my terrace, and it has also not been fully disclosed the intended use.
12. Twelve letters in support of the application have been received which can be summarised as follows:-
- It adds to the character of the riverbank not only for the owner; but making it a more attractive view for neighbours; residents and walkers.
 - It will be in keeping with its rustic and rural surroundings.

- It is extremely well constructed, out of sight and a welcome addition to the surrounding vista.
- The structure it will look great; clearly a lot of thought has gone into this.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property and the Hurworth Conservation Area.

13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 asks that local planning authorities pay special attention to preserving or enhancing the character and appearance of Conservation Areas.
14. In determining applications; Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness (para 197 of the National Planning Policy Framework 2021).
15. When considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the asset's conservation (and the more important the asset; the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm; total loss or less than substantial harm to its significance (para. 199 of the National Planning Policy Framework 2021).
16. Any harm to; or loss of the significance of a designated heritage asset (from its alteration or destruction; or from development within its setting); should require clear and convincing justification (para. 200 of the National Planning Policy Framework 2021).
17. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset; local planning authorities should refuse consent; unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss (para. 201 of the National Planning Policy Framework 2021).
18. The application site is located within the Hurworth Conservation Area and a Heritage Statement has been submitted with the application which sets out that the proposed mobile studio will be located on an existing raised terrace within the rear garden (south facing) of the application site; the studio will be on wheels and will be of made of materials of a similar appearance in colour palette to the existing dwelling. The northern elevation of the studio will be screened from view by means of the existing wall and terrace. The proposal will not generate excessive traffic; parking; noise; or destroy any trees or hedge

rows. Whilst the statement concludes that the proposed mobile studio would not harm the heritage asset no assessment has been made.

19. The mobile studio has the appearance of a garden structure located on the lower terraced area of the applicant's rear garden with views out over the river. The materials used in the construction of the studio are acceptable for a garden structure and the scale and massing of the studio is such that it has been sited and designed to account for the terraced rear garden and does not encroach significantly above the retaining walls either side or to the rear. The studio is not visible from Church Row itself, although is visible from the river bank and from the adjacent Low Hail bridge over the river Tees to the south east and has the potential to impact upon the character and appearance of the Hurworth Conservation Area from these aspects.
20. This part of the Hurworth Conservation Area is characterised by domestic gardens to the rear of the properties on Church Row, which extend towards the river. While the river bank has a more rural character and appearance, the extended gardens and associated domestic paraphernalia has resulted in an element of domestic encroachment over time. In this context and given the design and siting of the studio on part of the garden area that is enclosed on both sides and to the rear, it is not considered however that the studio is out of character in this location and would not result in any harm to the character and appearance of the Hurworth Conservation Area. Likewise the proposed repositioning of the steps within the retaining walls between the patio and terrace, and terrace and lawn, is not considered to adversely impact upon the character and appearance of the property and surrounding area, including the Hurworth Conservation Area.
21. The mobile studio and repositioning of the steps is not considered to have an adverse impact on the character and appearance of the application property and would sustain the significance of this part of the Hurworth Conservation Area. The proposal therefore accords with Policies DC1 and ENV 1 of the Darlington Local Plan 2016-2036 and the requirements of the NPPF 2021.

(b) Impact on residential amenity

22. The rear garden of the application property is L-shaped comprising a patio area which wraps around the rear of the property and the rear gardens of the neighbouring properties at 26 and 28 Church Row to the west. The terraced area on which the studio is sited is accessed from the patio by a set of steps and sits approximately 2.25 metres lower than the patio and is enclosed by high brick boundary walls either side and a retaining wall between the patio and terrace to the rear. A lower lawned area is then accessed from the terrace by a further set of steps, from which access to the river bank can be gained. The rear garden area of 24 Church Row runs along part of the western boundary of the application site with the rear garden of the Emerson Arms bordering the site to the east.
23. The studio is sited approximately 7.5 metres from the rear elevation of the application property and the neighbouring properties at 26 and 28 Church Row. Due to the change in

levels between the rear of these properties and the terrace on which it is sited, only views of the roof structure are visible from this aspect. The submitted plans show that approximately 0.15 metres of the roof structure will be visible above the retaining wall between the patio and terrace. Similarly, the studio is largely obscured by the brick boundary walls either side of the garden when viewed from the rear gardens of 24 Church Row and the Emerson Arms to the east. While the studio will nevertheless be visible from these aspects, in view of its size and siting in an enclosed location, there will be no detrimental impacts in terms of loss of light or outlook from these properties or their garden areas. There are glazed openings in the south elevation of the studio overlooking the river, however this will not result in any loss of privacy due to overlooking of any of the neighbouring properties. The repositioning of the steps will not result in any adverse impact on the amenities of neighbouring properties.

24. The applicant has confirmed that the studio is for his own personal use and a condition is suggested which will limit the use of the studio for purposes incidental to the enjoyment of the application property.
25. On the basis of the above assessment the proposed development of a mobile studio at no. 30 Church Row Hurworth is not considered to cause any significant adverse impact to the amenity of any neighbouring occupants. Therefore, it is considered to be in accordance with policy DC4 of the Darlington Local Plan 2016-2036 in regard to impact upon residential amenity.

(c) Flood risk

26. The application site lies within Flood Zones 2 and 3. A flood risk assessment has been submitted with the application. The assessment states that the mobile studio will be mounted on wheels and located on a terrace above the flood level of the river. Furthermore, it should be noted that the mobile studio is not a habitable structure and is to be used for purposes incidental to the enjoyment of the dwelling. The proposed flood proofing/resilience and resistance techniques is that the studio is mounted on wheels and can be moved if necessary.

(d) Highway and parking matters

27. The Council's Highways Engineer has been consulted on the application and has raised no objection. It is therefore deemed that the proposed development therefore accords with Policies DC1 and IN4 of the Darlington Local Plan 2016-2036.

(e) Other matters

28. One issue raised by objection relates to the development preventing access to the river by the tenant of the neighbouring property. The application has been submitted with a site location plan which shows the extent of the application site edged in red. The ownership certificate on the application form has been completed to confirm that this land is in the applicant's ownership or control. Any right of access the tenant may have over this land is

however a civil matter between the two parties and is not a matter for consideration as part of this planning application.

PUBLIC SECTOR EQUALITY DUTY

29. 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:

30. 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

31. The mobile studio has been designed to complement the style of the existing dwelling and to reflect the scale; character and design of its surroundings so that it would not have a negative impact on the character and appearance of the street scene and will sustain the significance of the Hurworth Conservation Area. Nor will the proposal give rise to any unacceptable issues relating to residential amenity, highway safety or flood risk. The development therefore accords with relevant Local Plan and National policies.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
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 - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036.

3. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below: -
 - (a) Drawing Number - 2020/129/F1 - Section A-A.

- (b) Drawing Number - 2020/129/F2 - Proposed & Existing South
- (c) Drawing Number - 2020/129/F3 - Proposed Plan & Section B-B.
- (d) Drawing Number - 2020/129/F4 Proposed Elevations.
- (e) Drawing Number - 2020/129/F5 Proposed Site Plan.

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

4. The development for which permission is hereby granted shall be used for purposes incidental to the enjoyment of 30 Church Row and shall not be occupied, let, or otherwise disposed of as a separate dwelling.

REASON - The development is considered unsuitable for use or occupation by a separate person or household not related to the occupiers of the application property and to protect the amenities of neighbouring residential properties, in accordance with the requirements of Policy DC4 of the Darlington Local Plan 2016-2036.