

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1 February 2023

APPLICATION REF. NO: 22/01252/FUL

STATUTORY DECISION DATE: 3 February 2023

WARD/PARISH: Park West

LOCATION: 7 Briar Close & 8 Blackwell Grove

DESCRIPTION: Conversion of existing bungalow (8 Blackwell Grove) and amalgamation of plots to create pool house and gymnasium for use by 7 Briar Close with the erection of a linked extension with pergola and patio area, replacement raised roof with 4 no. dormer windows, new pitched roof to garage and incorporating conversion of integral garage within main dwelling into habitable space. Erection of a single storey rear extension at No 7 Briar Close. Landscaping works including removing access from Briar Close with the repositioning of electronic access gates with stone piers (off Blackwell Grove) and infill gap to form brick boundary wall, hard standing, gazebo, 1.2m high fencing and associated landscaping works (amended plans and entrance gate details received 6 January 2023)

APPLICANT: Mr & Mrs Phillips

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>

APPLICATION AND SITE DESCRIPTION

1. The planning application site comprises of two properties, namely:
 - No 7 Briar Close, which is a large, modern, two storey, five bedroomed dwelling which was built as part of a development of three dwellings on the site of the Blackwell Grange Golf clubhouse (planning permissions 15/00030/FUL and 16/01120/FUL). This property has an integral garage to the side, parking space to the front and is accessed off Briar Close.
 - No 8 Blackwell Grove which is a detached bungalow with two bedrooms in the roof space, a flat roofed garage to the side and is accessed via a driveway and entrance off Blackwell Grove. There is no recent planning history for the bungalow, but it would appear to date from the 1970s.
2. The rear garden of No 7 Briar Close wraps around the rear of the No 8 Blackwell Grove and the two sites are separated by close boarded fencing on a low brick wall and further sections of close boarded fencing. There are some existing trees within the grounds of No 7 Briar Close that are on the shared boundary between the two properties.
3. The proposal involves:
 - a) The amalgamation of the two plots and the conversion of the existing bungalow (No 8 Blackwell Grove) to create a pool house and gymnasium to be part of No 7 Briar Close by the erection of a linked extension and a replacement raised roof with four dormer windows. The roof would be raised by approximately 500mm,
 - b) A new pitched roof on the flat roofed garage to the side of No 8 Blackwell Close;
 - c) A single storey flat roofed extension to the rear of No 7 Briar Close;
 - d) The conversion of existing integral garage with associated internal and external alterations at No 7 Briar Close to create a cinema room;
 - e) The removal and blocking up of the existing access onto Briar Close so the enlarged dwelling would be solely accessed off Blackwell Grove;
 - f) The reuse of existing electronic access gates on the Blackwell Grove access which would be set 6m from the back edge of the highway and measure 2.1m in height;
 - g) The re-landscaping of the site, including the erection of a trellis, a gazebo and formation of hard standing areas, soft landscaping and a pond and rockery
 - h) Removal of existing trees on shared boundary
 - i) Removal of existing boundary fencing and erection of new fencing
4. Amended plans have been submitted which show the insertion of obscure glazing in the dormer windows of the converted bungalow and provides further details of design of the 2.1m high entrance gates and stone pillars on the Blackwell Grove access.

MAIN PLANNING ISSUES

5. The main planning issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Impact on the Visual Appearance and Character of the Area
 - b) Residential Amenity
 - c) Access and Parking Provision
 - d) Impact on Trees
 - e) Contaminated Land

PLANNING POLICIES

6. The application site is within the development limits for the urban area and therefore the principle of the development is acceptable subject to being compliant with other local development plan policies (Policy H3). The relevant policies within the Darlington Local Plan 2016 – 2036 are as follows:
 - a. DC1: Sustainable Design Principles and Climate Change
 - b. DC4: Safeguarding Amenity
 - c. ENV4: Green and Blue Infrastructure
 - d. IN4: Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer and Environmental Health Officer have raised no objections to the proposed development

RESULTS OF PUBLICITY AND NOTIFICATION

8. Following the Council's publicity and notification exercises, seven objection letters have been received and the comments can be summarised as follows:
 - *The repositioning of the brick pillars and automatic gates into Blackwell Grove is not in keeping with the aesthetics of the existing street scene which is stone dwarf walls and open entrances*
 - *The entrance and driveway on 8 Blackwell Drive is a considerably smaller and narrower entrance to such a large house than the access of Briar Close*
 - *Briar Close was the access for the Blackwell Golf club house with a constant flow of members traffic so it should be an adequate access for the proposed development, unlike Blackwell Grove, which is a quiet cul de sac*
 - *Blackwell Grove cannot cope with an increase in traffic and further damage will be caused to existing infrastructure*
 - *The access off Blackwell Grove should be closed off and the existing access of Briar Close should be retained and maintained as it is more appropriate for such a large house*
 - *The development will result in the loss of bungalow in a town where there are not many such properties. People wait for bungalows to become vacant in the street to purchase*

- *The Blackwell Neighbourhood Forum identified there is a shortage of bungalows in the area*
- *The development will reduce the amount of housing in the Blackwell area to a gym and swimming pool contrary to the need for homes and the present building of new homes*
- *The use of the bungalow as a gym/swimming pool and the larger extended house is out of character of the existing street*
- *Changing of the address to Blackwell Grove when their main residence is still in Briar Close*
- *Object to the erection of posts and high electronic gates at the entrance to No 8 Blackwell Grove*
- *The development is completely out of character with Blackwell Grove, both visually and in terms of the use of No 8 Blackwell Grove as a gym and swimming pool*
- *Concerned over an increase in traffic as other visit to use the swimming pool and gym*
- *The front elevation of the extended house will not front onto Blackwell Grove which is out of character with the rest of the street*
- *Loss of historic street pattern*
- *Visually damaging to local landscape*
- *Increase in garden noise and lighting*
- *This will set a precedent for other developments*
- *Servicing of the gym and pool will put pressure on the existing services that run down Blackwell Grove and lead to an increase in traffic utilising larger vehicles*

9. Following the submission of the amended and additional plans, three letters of objection have been received and the comments can be summarised as follows:

- *The access off Briar Close is more appropriate, private and a grand access to the large house. It has the added advantage of a large tarmac area of road at the entrance for visitors to park on without causing issues for other residents.*
- *Blackwell Grove is a narrow, very short road with many driveways adjoining the road. There is limited parking for any visitors without causing obstructions*
- *Can it be confirmed that the landscaping scheme involves no excavation or removal of soils off site?*
- *None of the residents would agree with the comment that Blackwell Grove has a better vehicle access than Briar Close. It is difficult getting in and out of our own drives when trade or other vehicles park across from their driveway entrance as trade or visitor vehicles do not realise that they are not leaving enough manoeuvring room for a vehicle to enter or exit the driveway opposite;*
- *This will be compounded and made worse by moving the entrance to Blackwell Grove*
- *Blackwell Grove curves and narrows in the middle of the cull de sac so much so that two vehicles cannot pass each other. This area of the Grove is particularly problematic and has a knock-on effect to the rest of the Grove*

- *Again, this will set a precedent. For example, if No 6 Briar Close decided to purchase No 9 Blackwell Close and do a similar kind of conversion*
- *No overspill parking cannot be guaranteed*
- *The public footpaths are in a bad state of repair due in large part to vehicle use for parking purposes*

PLANNING ISSUES/ANALYSIS

a) Impact on the Visual Appearance and Character of the Area

10. No 7 Briar Close is a large, modern dwelling which includes stone lintels, cills and mullions, large feature windows, double storey bays and a grey tiled roof with gabled projections. No 8 Blackwell Grove is a modest bungalow with a very simple design and constructed from buff coloured brickwork and UPVC windows, doors and panelling. It is clear that the two existing properties are very contrasting in terms of scale, design and materials.
11. The two dwellings would be linked by an extension which would have a glazed roof and rear elevation. The front elevation of the extension and the remainder of the bungalow would be rendered, and the overall height of the bungalow would be raised by 500mm. Two dormer extensions would be sited in the front roof slope, along with two further dormer extensions in the rear roof slope and a dual pitched roof would be placed over the existing flat roofed garage.
12. The existing bungalow does not include any architectural features and whilst the use of materials such as glazing and render would be a contrast to No 7 Briar Close which is brick built, the external finishes to the extension and bungalow are considered to be acceptable. The dormer extensions are of an acceptable scale and design and sit comfortably within the confines of their roof slopes. The addition of a pitched roof on the garage would improve the appearance of this part of the building. The single storey, flat roofed rear extension is also a contemporary addition to the rear elevation creating an outdoor, covered seating and eating area.
13. The only alteration to the front elevation of No 7 Briar Close is the removal of the integral garage doors and the insertion of windows and brickwork which would match the existing property.
14. Whilst the external appearance of the bungalow will be greatly altered as a result of the development, it is considered that the alterations and extensions are acceptable, in general design terms, subject to the use of appropriate materials. The planning application will result in a large residential dwelling positioned within a large plot, once both sites are amalgamated into one.
15. Blackwell Grove is a cul de sac containing thirteen properties, with No 8 Blackwell Grove being one of two properties at the head of the street. Nos 2 to 9 Blackwell Grove are bungalows while the remaining four properties are detached two storey dwellings constructed from a mix of brickwork, stone and panelling. A feature of the street is that the front gardens are enclosed by low stone walls and the majority of the accesses are

open apart from Nos 12 and 14 Blackwell Grove which have low metal gates attached to stone pillars across their entrances.

16. No 7 Briar Close is not highly visible when viewed from Blackwell Grove and so the external alterations to that building, including the rear extension will not have a visual impact when viewed from Blackwell Grove.
17. No 8 Blackwell Grove is very visible from the Grove due to the openness of the access point into the site although it is a narrower open aspect than found elsewhere in the locality. The proposed dormer extensions to the front, the rendered finish, the new roof on the garage and an oblique view of the link extension would be visible. However, it is considered that these alterations to the appearance of the building would not have an adverse impact on the character and appearance of the street scene. The increase in overall height of the building by 500mm would have a very limited impact on the street scene.
18. Whilst the front entrance of the extended dwelling would not be directly visible from Blackwell Grove, this would not be such a departure from the character of the existing street and layout to justify a reason to refuse the planning application or amend the planning application.
19. With regard to the reuse of the existing electronic gates and their visual impact on Blackwell Grove, it is noted that other properties in Blackwell Grove do not have gates across the accesses other than No 12 and 14 which have low gates across them. The proposed gates would be set back 6m from the edge of the highway and their supports have been amended so that they are constructed from stone rather than brick, which would have been an alien addition to the street scape. The setback will provide some visual mitigation to their impact and the height and design of the gates is considered to be acceptable in the context of the appearance of the extended dwelling and also the wider street scene.
20. It is worth noting that if the gates were 2m in height rather than 2.1 as proposed, they could be erected without having to obtain planning permission.
21. Briar Close is a street of five properties, primarily located on the west side of the road, which would have originally led to the clubhouse and car park of the Blackwell Golf Club. At the head of the road is No 6 Briar Walk, a large modern dwelling which also formed part of the same housing development as No 7. This dwelling and the gated access to No 7 form the new frontage at the head of Briar Close. The access would be closed as a result of the proposed development and blocked within a continuation of the boundary walls and gates. No precise details of the blocked-up entrance have been submitted as part of the planning application other than there being landscaping, and trees planted behind a wall. It is considered that the blocking up of the entrance will not have an adverse impact on the visual appearance of the Briar Close and the precise details of how this will be achieved can be secured by a planning condition.

22. No 7 Briar Close is located behind No 8 and so it is not highly visible from Briar Close, and No 8 Blackwell Grove is not visible at all from this vantage point. As a result, the alterations to the two dwellings within the application site will have no visual impact when viewed from Briar Close.
23. The comments that have been received make reference to the development resulting in the loss of a bungalow, which is regarded as a house type much sought after and needed within the local area and wider Borough. The applicant has advised that the property was on the market for approximately nine months prior to purchase. It is clear from a site inspection that the property needs modernising, and it has very limited amenity space associated with it. The Darlington Local Plan does not contain any policies which seek to protect existing bungalows or recommends a refusal of permission if a development would result in the loss of such a property, and therefore the planning application should not be recommended for refusal on such grounds. The loss of one bungalow only would have very limited impact on the overall housing stock.
24. With regard to this application setting a precedent, the local planning authority has not been presented with any evidence that other developers are awaiting the outcome of the planning application and that such a precedent would be caused as a result of this application being supported. Should a similar planning application be received by the local planning authority in the future, it would be considered on its own individual merits.
25. With regard to the findings of the Blackwell Neighbourhood Forum on such matters, the Forum and the designated area was established in 2014 with the aim of developing a Neighbourhood Plan. A Neighbourhood Plan for Blackwell has not been developed or adopted and therefore very limited weight can be given to these comments.
26. It is acknowledged that the proposed development will change the appearance of the existing bungalow, but it would remain in residential use, and it is considered that the external alterations and changes to it, and No 7 Briar Close and across the extended site, will not have an adverse impact on the character and appearance of either street scene and the development would accord with policy DC1 of the Local Plan in this regard.

b) Residential Amenity

27. The planning application site is bound to the north, east, south and west by existing dwellings. The boundary treatment to the north is a mix of fencing and hedging/trees; to the east there is a very high, mature bush to the front of No 8 Blackwell Grove and further close boarded fencing on a low brick wall on the frontage of No 7 Briar Close; to the south is a pillared wall with close boarded fencing between; and the west boundary treatment is close boarded fencing and a wall with hedging above.
28. The increase in height of the bungalow by 500mm would not raise any amenity issues and the applicant has agreed to the insertion of obscure glazing in each of the dormer windows within the converted bungalow which can be secured by a planning condition.

29. The single storey rear extension would not raise any amenity issues as it will be well screened by the existing fences around the site, and it is located off the shared boundaries with the neighbouring dwellings.
30. The new pitched roof on the existing garage to the side of the bungalow would not raise adverse amenity conditions as the gable end of the roof would be quite well screened by existing trees and hedging on the northern boundary.
31. There is a gym window at first floor level in the north elevation of the converted bungalow. This would be a stairwell window and as the bungalow currently has a bedroom window in this location, the extent of overlooking remains unchanged between the application site and the dwelling to the north.
32. The conversion of the integral garage in No 7 Briar Close to a cinema room involves the substitution of the garage door with ground floor windows and brickwork. These windows would face onto the blank gable end of No 7 Blackwell Grove and therefore no loss of privacy would arise.
33. The application confirms that the gym and swimming pool are for the use of the occupants only and would not be a commercial enterprise. The applicant has agreed to the imposition of a planning condition which restricts the usage to the enjoyment of the occupant. The plant and equipment room for the pool is located within the building and it is not envisaged that any noise associated with the equipment will result in adverse amenity conditions.
34. Whilst it is not common practice for household type of planning application, a planning condition has been recommended that a Construction Management Plan is submitted to the Local Planning Authority due to unique nature of the proposed development and the site context. In amenity terms, this plan would include details of the hours of construction and the methods of controlling noise, vibration etc
35. The gates and other works associated with the general re-landscaping of the enlarged site would not have any adverse impacts on amenity.
36. Overall, the application would remain in domestic, residential use and it is considered that, subject to the imposition of planning conditions, the development and usage of the converted bungalow is acceptable in amenity terms and would accord with policy DC4 of the Local Plan in this regard.

c) Access and Parking Provision

37. The proposal includes the removal of the existing vehicle access for No 7 Briar Close with the access gates being removed and infilled with brick to match the existing boundary wall. All vehicle and pedestrian access would then be via the existing access arrangements off No 8 Blackwell Grove. Whilst the comments made by residents that the site should be accessed off Briar Close rather than Blackwell Grove have been

noted, the Council's Highways Engineer has no fundamental objection to the revised access arrangements and has advised that generally, Blackwell Grove has better vehicle and pedestrian access than Briar Close. It is considered that there is no highway related reason to request an amendment to the scheme to revise the access arrangements or to recommend refusal for the scheme as submitted.

38. The number of bedrooms in the extended dwelling remains at five and sufficient parking and maneuvering space is retained within the site and so overspill parking is not expected. The electronic gates would be sited 6m from the back edge of the highway to enable a vehicle to park on the driveway whilst waiting for the gates to open, which would be inwards.
39. The Council's Highways Engineer would have no objection to the creation of the pool/gym facilities provided that they are used for the enjoyment of the occupiers of the main dwelling and not for any commercial use.
40. It is envisaged that the future maintenance of the swimming pool would be carried out by the occupant of the dwelling rather than by an external company.
41. The Construction Management Plan referred to above, would also include details on the parking and access arrangements for vehicles during the construction phase of the development.
42. Having taken into account the comments by the Council's Highways Engineer and the objections that have been received, it is considered that the use of Blackwell Grove as the sole vehicular and pedestrian access for the extended dwelling is acceptable in highway terms, alongside the parking provision, the siting of the electronic gates and the usage of the converted bungalow, subject to a planning condition to control their usage. The development would accord with policies DC1 and IN4 of the Local Plan in this regard.

d) Impact on Trees

43. A total of four trees would be removed in order to facilitate the development. Three trees would be removed on the current boundary between No 7 Briar Close and No Blackwell Grove in order to open up the existing boundary between the two dwellings and extend and join up the concrete paved areas of the two properties. A tree in the rear garden would be removed to facilitate the erection of the single storey extension. None of the trees are covered by a tree preservation order and they are not considered to be worthy of such protection as they are not highly visible from outside the application site and make no valuable contribution to the visual appearance of the local area.
44. A landscaping scheme has been submitted in support of the planning application which includes the planting of six trees, shrub beds and additional hedging around the site, including at the blocked-up access off Briar Close.

45. It is considered that the proposed development accords with policies DC1 and ENV4 of the Local Plan in this regard.

e) Contaminated Land

46. The housing development of the three dwellings, which includes No 7 Briar Close was granted permission subject to planning conditions relating to land contamination which were subsequently discharged. The information has been reviewed by the Council's Environmental Health Officer and the landscape proposals do not raise any concerns that the contamination mitigation measures for the site will be affected. The Agent has confirmed that the landscaping proposals do not involve extraction or removal of soil from the site. The development would accord with policy DC1 of the Local Plan in this regard.

THE PUBLIC SECTOR EQUALITY DUTY

47. 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

48. 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

49. The proposed external alterations to the two neighbouring dwellings to create a single, larger property are considered to be acceptable in terms of their general design and impact on the visual appearance and character of the surrounding area. The extended site would remain in residential use within an existing residential area. With the imposition of appropriate planning conditions, the development will not have an adverse impact on neighbouring dwellings and there are no highway objections to the new access arrangements and parking provision within the site. There is an acceptable landscaping scheme to mitigate the loss of some existing trees on the site. The loss of the bungalow is not a consideration that is supported by the local development plan and is not considered a reason to recommend refusal of the planning application. Overall, it is considered that the development is in accordance with the appropriate policies of the local development plan. It is therefore recommended:

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 and documents, as detailed below:
 - a) Drawing Number L022009 – 003A Proposed Floor Plans
 - b) Drawing Number L022009 – 004 A Proposed Elevations
 - c) Drawing Number L022009 – 006 Existing and Proposed Site Entrance
 - d) Drawing Number 5014/2 Rev B – Landscape Masterplan
 - e) Schedule of Items Shown on Landscape Masterplan
 - f) Timber Palisade Fencing and Gate
 - g) Wiveton Summerhouse

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

3. Prior to the commencement of the development, a site-specific Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the construction phase of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management “Guidance on the assessment of dust from demolition and construction” February 2014.
 - b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 “Code of Practice for noise and vibration control on construction and open sites”.
 - c. Construction Traffic Routes, including parking areas
 - d. Details of Contractor Parking and Compound, if necessary
 - e. Pedestrian Routes
 - f. Details of wheel washing, if necessary
 - g. Road Maintenance, if necessary
 - h. Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan

REASON: In the interests of highway safety and the amenity of the surrounding area

4. Prior to the commencement of the development, precise details of the means of enclosure for the access on Briar Close shall be submitted to and approved in writing by

the Local Planning Authority. The details shall include the design, height, position and materials of the enclosure and the development shall not be carried out otherwise than in complete accordance with the approved details

REASON: In the interests of the visual appearance of the development and street scene.

5. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing by, the Local Planning Authority and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON - In the interests of the visual amenities of the area.

6. The windows formed in the dormer extensions on the front and rear roof slope of the gym/swimming pool area hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the neighbouring dwellings.

7. The materials used in the external finishes to facilitate the conversion of the integral garage of No 7 Briar Close to a cinema room shall match those used on the existing building. REASON - In the interests of maintaining the visual amenity of the development.

8. The swimming pool and gym hereby approved shall only be used for purposes incidental to the enjoyment of the occupants of the dwellinghouse and shall not be used for any commercial/business purposes or activities.

REASON: In the interests of highway safety and to safeguard the amenity of the local area

INFORMATIVES

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.