

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 14<sup>th</sup> June 2023**

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**APPLICATION REF. NO:** 22/01122/FUL

**STATUTORY DECISION DATE:** 09<sup>th</sup> January 2023  
Extension of Time Agreement 19<sup>th</sup> June 2023

**WARD/PARISH:** Park West

**LOCATION:** 4 Kendal Close Darlington DL1 5NS

**DESCRIPTION:** Removal of existing conservatory and rear laundry extension, erection of extension to rear with alterations and enlargement to roof including dormer extension to rear, partial conversion of garage and associated works (as amended by plans received 13/03/2023)

**APPLICANT:** Mr Graeme Wilson

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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=Q82CFLFPLCD00>

**APPLICATION AND SITE DESCRIPTION**

1. The application property is a detached bungalow located on Kendal Close, to the west of Grange Road (A167), within the West End Conservation Area. The property is constructed of stone under a tiled roof and is enclosed by a stone boundary wall to its front elevation. It occupies a slightly elevated position above Kendal Close. The surrounding area is residential in character bordered by properties on Kendal Close to its north and south sides, and on Upsall Drive and Grange Road to the west and East. The Esso Petrol Filling Station is located to the northeast of the application property.
2. An existing conservatory and a rear laundry extension are to be removed and planning permission is sought for a number of elements including:
  - Erection of an extension to the rear to form to an open plan kitchen dining room measuring approximately 6m in depth and 9.0m wide
  - An increase in the height of the ridge at the southern end of the property over the existing garage and proposed rear extension to 5.51m to facilitate the erection of a dormer

extension to the rear elevation. The dormer extension will project out from the roof by approximately 4m, will be approximately 2m in height and will be approximately 5.2m wide. It will be set in from the outside edge of the roof by approximately 0.9m and the eaves by approximately 0.6m.

- The partial conversion of the rear of the garage to form part of the open plan kitchen/dining area formed from the proposed rear extension
  - Addition of two roof lights to side roof slope
3. The rear extension is to be constructed from matching stone and tiles, with the walls of the dormer extension will be clad with Redland hung plain tiles to match the existing roof.
  4. The application has been amended since it was first submitted to address concerns raised regarding the scale and design of the proposed extensions. The ridge height of the extension has been reduced and the scale and design of the dormer extension has also been amended. A number of windows and doors have been omitted from the extension and the proposed dormer extension is to be constructed of matching materials rather than timber cladding as originally proposed.

### **MAIN PLANNING ISSUES**

5. The main planning issues to be considered are whether the proposed development is acceptable in the following terms:
  - a) Impact on Visual Amenity and the West End Conservation Area
  - b) Impact on Residential Amenity
  - c) Highway Safety and Parking Provision
  - d) Other Matters

### **PLANNING POLICIES**

6. The application site is located within the development limits for the urban area as identified by the Policies Map of the Darlington Local Plan (2016 – 2036). The relevant planning policies are as follows:

#### **Darlington Local Plan (2016:2036)**

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

ENV1: Protecting, Enhancing and Promoting Darlington's Historic Environment

IN4: Parking Provision including Electric Charging Points

National Planning Policy Framework, 2021

West End Conservation Area Character Appraisal

Revised Design of New Development Supplementary Planning Document, 2011

### **RESULTS OF TECHNICAL CONSULTATIONS**

7. No objections in principle have been raised by the Council's Highways Engineer.

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

8. A total of 4 objections were received in response to the original scheme which can be summarised as follows:
- *Loss of privacy from the addition of the dormer window*
  - *Out of character and not in keeping with the area which is primarily bungalows*
  - *Detrimental impact on character of area*
  - *Will set a precedent for any of the adjoining properties*
  - *Significant increase in ridge height will impact outlook from our property and garden and would result in a loss of light into house and garden*
9. A further 4 objections were received in response to the amended scheme which raised the following additional comments:
- *Amendments do not overcome original objections*
  - *Aesthetic improvement but will still be in full view of the rear of neighbours' property and visible from all rooms in their property*

## **PLANNING ISSUES/ANALYSIS**

### **(a) Impact on Visual Amenity and the West End Conservation Area**

10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that local planning authorities pay special attention to preserving or enhancing the character and appearance of conservation areas.
11. 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).
12. 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).
13. 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).
14. 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).
15. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the

proposal including, where appropriate, securing its optimum viable use (Para 202 of the National Planning Policy Framework 2021). The above considerations are echoed by policy ENV1 of the Local Plan.

16. The submitted Heritage Statement describes the application property as a modern bungalow (post 1968) which is clad in rubble stonework with ashlar quoins, a stone slate roof covering and with white UPVC window frames, doors and facias and which is bounded by stone walls and piers. The statement sets out the bungalow does not have any particular architectural or historic interest which could contribute to the significance of the West End Conservation Area and states that changes to the property will have a neutral impact given that it is a modern bungalow which sits within a largely modern suburban setting.
17. The West End Conservation Area is designated for its high-quality suburbs ranging from the mid-eighteenth to the early twentieth centuries. It is part of Darlington's inner residential suburbs and is a generally prosperous and attractive part of town. Ranging from high-density town houses near the centre of town to large, detached villas in substantial grounds. This area is not within one of the three distinct character areas as outlined in the West End Conservation Area Character Appraisal (March 2010), nor does the property form a key view or vista.
18. The application site lies on Kendal Close which comprises four individually designed bungalows accessed from both Grange Road and Blackwell Lane. The property sits at the head of the junction with Grange Road and whilst it is visible from this main road, it is not overly so being set back over 40m. To the one side of this junction is the Esso Petrol Filling Station whilst to the other is a large Victorian property which has been converted into flats.
19. To facilitate the erection of the rear extension an existing conservatory and UPVC clad extension are to be demolished. The footprint of the bungalow will not be increased significantly increased by the proposed extension, although the southern end of the property will be extended vertically with the enlargement of the roof and dormer extension that will require the ridge height to be increased by approximately 0.9metres to 5.51 metres.
20. The proposed alterations and extension to the roof, including the upper part of the dormer extension, will be visible from both Kendal Close and Grange Road. The rear extension and dormer extension will be largely screened from these aspects by the existing bungalow and surrounding properties. Overall, the proposed extension and alterations to property in their amended form are considered to be appropriate in terms of their design, scale and use of materials, in the context of both the application property and surrounding area, including the West End Conservation Area.
21. It is considered that the proposed extensions and alterations, including the addition of the roof lights would sustain the significance of the West End Conservation Area and would not have an adverse impact on the general character and appearance of the street scene. As no adverse effects have been identified, it is not necessary to identify public benefits and the proposed development would accord with policies ENV1 and of the Local Plan and the National Planning Policy Framework 2021 in this regard. The development would also accord with policy DC1 of the Local Plan and the Design SPD.

#### **(b) Impact on Residential Amenity**

22. The property is bound to the north by 2a Kendal close, to the south by 6 Kendal Close and to the west by 3 Upsall Drive. A 3 metre high brick boundary wall forms the western boundary of

the property. A lower brick boundary wall forms the southern boundary of the property, with a 2m boundary wall and an existing extension to the northern end of the property separating this property from the neighbouring property at 2a Kendal Close.

23. The increase in ridge height and proposed rear extension have the potential to impact upon 6 Kendal Close in terms of light and outlook given that the properties are separated only by a low-level brick wall and the presence of windows in the north elevation of this property which face the gable end of the application property. Outlook from these windows is however currently impacted by the application property. There is a separation distance of approximately 5.5 metres between the respective gable ends of both properties which will be maintained.
24. The extension has been designed with a sloping pitched roof which rakes away from the boundary which will minimise its bulk, height and overall massing of the extension. There will be no increase in the existing eaves height of the property. The proposed rear extension complies with the 45-degree code in respect of this property and as such it is not considered that the proposed extensions will unacceptably impact upon light to or outlook from the neighbouring property at 6 Kendal Close. There will be no unacceptable impact on privacy levels to this property arising from the proposed rooflights, dormer extension or windows in the ground floor of the proposed extension.
25. Given the distance of the proposed extensions from the neighbouring property to the north, 2a Kendal Close, and the presence of an existing extension to the northern end of the application property adjacent to the common boundary between the two properties, the proposal will not impact upon light or outlook to this property. Although there would be some overlooking of the rear garden of this property from the proposed dormer extension, at a separation distance of approximately 13.5 metres from the extension to the common boundary, this is not considered to be so unacceptable as to warrant refusal of the application on these grounds. No comments have been received from the occupants of either 2a Kendal Close or 6 Kendal Close as part of the consultation exercise.
26. Concerns have been raised however regarding loss of privacy due to overlooking and loss of outlook to the neighbouring property at 3 Upsall Drive to the west of the application property. The two properties are separated by a 3m high brick boundary wall which will limit lower views of the proposed extension and prevent any overlooking from ground floor windows. The upper parts of the extension, including the dormer window will however be visible above the boundary wall. The presence of the extension and the oblique relationship between the two properties will not however result in an acceptable loss of light to or outlook from this property.
27. There will however be some overlooking of this property from the proposed dormer window. Any direct views from the dormer window would however be into the applicants' rear courtyard and across the roof of the application property. Views of the rear of 3 Upsall Drive and its garden area would be indirect at a distance of approximately 10 metres from the common boundary. In these circumstances it is considered that the separation distances between the properties is adequate to maintain appropriate privacy levels.
28. Overall, it is considered that the proposed development would not have an unacceptable impact upon the amenities of the existing properties in the locality and would generally accord with policy DC4 of the Local Plan in this regard.

### **c) Impact on Highway Safety and Parking Provision**

29. No highway objection has been raised to the proposal, given that despite the partial garage conversion the dwelling will retain sufficient in-curtilage parking and on this basis, the proposal would accord with policies DC1 and IN4 of the Local Plan in this regard.

### **d) Other Matters**

30. In regard to concerns raised that approving the proposal would set a precedent, each planning application is considered on its own merits.

### **THE PUBLIC SECTOR EQUALITY DUTY**

31. 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**

32. 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**

33. The proposed alterations and extensions to the property, including the dormer extension and the addition of the rooflights, are considered to be acceptable and would sustain the significance of the West End Conservation Area and in turn the character and appearance of the surrounding area. Nor are they considered to have an unacceptable impact on highway safety or upon the amenities of neighbouring properties in terms of loss of light or outlook or privacy to these properties. The proposal therefore complies with relevant Local Plan Policies and the NPPF.

### **ACCORDINGLY, IT IS RECOMMENDED THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -**

1. A3 Implementation Limit (Three Years)

The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990.

2. The development hereby permitted shall be constructed in accordance with the 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 Policy DC1 of the Darlington Borough Local Plan 2016-2036.

3. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

Proposed Ground Floor Plan Drawing No. 2205 DBA XX XX GA Z 101 Rev B dated 24/02/2023

Proposed First Floor Plan Drawing No. 2205 DBA XX XX GA Z 102 Rev B dated 24/02/2023

Proposed Roof Plan Drawing No. 2205 DBA XX XX GA Z 104 Rev B dated 24/02/2023

Proposed Front & Rear Elevations Drawing No. 2205 DBA XX XX GA Z 202 Rev B dated 24/02/2023

Proposed Side Elevations Drawing No. 2205 DBA XX XX GA Z 203 Rev B dated 24/02/2023

Proposed 3D Views Drawing No. 2205 DBA XX XX GA Z 400 Rev B dated 24/02/2023

Proposed 3D Views Images Drawing No. 2205 DBA XX XX GA Z 401 Rev B dated 24/02/2023

3D Concept View Realistic Drawing No. 2205 DBA XX XX GA Z 402 Rev B dated 24/02/2023

3D Concept Views & Courtyard Plan Drawing No. 2205 DBA XX XX GA Z 403 Rev B dated 24/02/2023

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