

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6 September 2023

APPLICATION REF. NO: 22/00432/FUL

STATUTORY DECISION DATE: 8th July 2022
Extension of Time Agreement 11th September 2023

WARD/PARISH: Park West

LOCATION: 210 Coniscliffe Road Darlington DL3 8PU

DESCRIPTION: Erection of retaining wall to existing boundary wall to protect TPO Trees. Construction of garage with habitable space above to side of house, erection of single storey extension to rear and infill extension to existing conservatory and removal of steps. Conversion of attic back into habitable space including alterations to roof and reinstatement of windows to attic gables. Alterations to windows including replacing single glazed windows with double glazed upvc sash windows and installation of roof lights (additional Ecology Report received 16/06/2022 and Structural Condition Inspection Report received 11/07/2022) (as amended by plans received 27/04/2023, 19/07/2023 and 25/07/2023) and including tree works identified in Arboricultural Method and Impact Statements (Rev B) including Tree Protection Plan (received 19/07/2023)

APPLICANT: Mr Paul Barras

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=RAQO16FPJHM00>

APPLICATION AND SITE DESCRIPTION

1. The application property known as 'Stonehouse' is a large, detached, two-storey Victorian property with a basement and large attic space and which has been extended by the addition of a large timber conservatory on the west elevation. The property is located on the north side of Coniscliffe Road and whilst it is not listed, it is within a primarily residential area within the West End Conservation Area.
2. Trees along the front of this property and No. 1 Linden Avenue are protected by Tree Preservation Order No. 1961 No. 3B (Group 2) which also includes one single tree (T4), a Sequoia tree which is within the front garden of No. 210 and by virtue of being in a conservation area.
3. Since the application was first submitted an additional Tree Preservation Order (TPO) has been placed on thirteen trees within the curtilage of the application property and which are now protected by, Order No. 2022 No. 9 (Group 1).
4. A TPO has also been placed on a number of trees within the curtilage of No. 1 Linden Avenue which are along the shared boundary. Nineteen trees are protected within Group 1 and one single Mature Redwood, numbered T1 (Order No. 2022 No. 10) and both of these orders have been confirmed.
5. Planning permission is sought for a number of elements including: -
 - a) Erection of concrete retaining wall with coping stones to existing boundary wall with screw pile foundations to protect TPO'd trees and which will support the existing eastern boundary wall, and which is to be incorporated into new side extension
 - b) Erection of double garage extension to side elevation with habitable playroom space. This structure will be built from sandstone brick blocks to match the existing dwelling; with a timber effect garage door and with a matching slate roof with decorative white timber fascia to the front elevation to match a similar fascia on the front elevation of the existing house. This structure is to have three conservation rooflights on the east elevation which are to have opaque glazing and be non-opening.
 - c) Erection of a single storey flat roof parapet extension to the rear with large skylights to provide a dining room with double-glazed aluminium bi-fold doors which will give external access into the property and a separate storage area.
 - d) Conversion of attic into habitable space.
 - e) Conversion of basement to form utility and workshop with altered access steps
 - f) Enlargement of existing conservatory by infilling gap up to boundary wall with No. 29.
 - g) Existing windows to be replaced with double glazed upvc framed windows white in colour
 - h) Addition of conservation skylight to north roof slope
 - i) Existing windows on north, south and west elevations to be replaced with double-glazed upvc framed sash windows, white in colour
 - j) Infilling of two cellar windows

- k) Existing pebble dash render on rear elevation to be painted (colour to be confirmed)
6. The proposal has been amended to accommodate the following changes:-
- a) Erection of a concrete retaining wall
 - b) Changes to size and location of rooflights on rear extension
 - c) Changes in design of side extension.
 - d) Existing and additional windows to be replaced with double glazed UPVC framed sash windows, white in colour rather than timber
 - e) Proposed rooflights/skylights to be Conservation type
 - f) Guttering to be made from cast iron, black in colour rather than UPVC
 - g) Pebble dash render on rear elevation to be painted rather than re-rendered
 - h) Proposed wall of infill extension to conservatory to be made from solid brickwork rather than being glazed
 - i) Removal of first floor window on rear elevation.
7. An additional Ecology Report and Structural Condition Inspection Report have been submitted in support of the application, together with an amended Heritage Statement and Arboricultural Method and Impact Statements and Tree Protection Plan.

MAIN PLANNING ISSUES

8. 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) Impact on Trees
 - e) Impact on Ecology
 - f) Other Matters

PLANNING POLICIES

9. The relevant planning policies are as follows:

Darlington Local Plan

DC1: Sustainable Design Principles and Climate Change

DC4: Safeguarding Amenity

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

ENV 4: Green & Blue Infrastructure

IN4: Parking Provision including Electric Charging Points

Also, relevant

Supplementary Planning Document – Design for New Development

RESULTS OF TECHNICAL CONSULTATION

10. The Council's Highways Engineer, Senior Arborist and the Conservation Consultant have raised no objections to the amended proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

11. A total of **four letters of objection** were received in response to the original proposal raising the following concerns:-

- *Impact of development including the addition of the car port and the two-storey side extension will affect character of both the application property and the adjacent property, both of which have retained their original character*
- *Impact on Wildlife (Birds and Bats) and should approval be given any works should take place out of bird nesting season*
- *Impact on Protected Trees which include Category A trees*
- *Proposal should not be extended up to the boundary to reduce impact on trees and wildlife*
- *Flats to the north of the property do not have any outside space and benefit from the trees and established wildlife in the application property*
- *Proposal would remove rear access to garden which would present a risk to neighbouring properties and residents if there was a fire*
- *Demolition of garage should be done with great care*
- *Construction or demolition should not take place outside of the hours 9-6 Mondays to Fridays, 8-4 Saturdays with no work taking place on Sundays or Bank/Public Holidays*

12. **One further letter of objection** was received in regard to the latest amended plans, further comments were received from one of the original objectors and one objector subsequently withdrew their comments, making four in total:-

- *Methodology contained within Ecology Report submitted by Naturally Wild Consultants Limited is questionable and not accurate*
- *More detailed Ecology Report should be commissioned to better assess Impact on wildlife population including bats and bird surveys and which may lead to more biodiversity net gain being required*
- *Accuracy of tree root systems contained in the submitted Arboricultural Report given that it is based on desktop and ground level inspections*
- *Potential damage to protected tree roots by piling and other methods used to create the foundations which will shorten the life of the trees*
- *The proposal would result in a loss of space between the two villas resulting in an awkward building to plot relationship which would have an impact on the heritage asset with no public benefit and would not accord with Paragraphs 201 and 202 of the National Planning Policy Framework*

PLANNING ISSUES/ANALYSIS

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

13. 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.
14. 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).
15. The property is located in a large garden and is set back from the street frontage being well screened by mature trees and vegetation which restricts views of the property. The property has undergone modifications in the past.
16. The applicant's statement also sets out that the proposal would re-instate some of the historic features which have been lost including reintroducing the attic windows and attic stairs.
17. The statement concludes that the proposals would not have a negative impact on the Conservation Area as the character and historic interest would be preserved, given that the garden, trees and vegetation which surround the property would remain. And that the new build, two-storey extension against the east elevation, would be a sympathetic design change and would not be detrimental to the property.
18. Comments from Darlington Borough Council's Conservation Consultant outlines that the property lies to the far western edge of the Conservation Area (CA) which is characterised by a mix of semi-detached and detached traditional properties, with many having been upgraded and extended. The character of this particular part of the CA, is very much one of large, detached properties set in substantial mature grounds, with the character of Coniscliffe Road changing to one of a more modern suburban character to the west of the site.
19. The dwelling was once a larger dwelling with the former extension now being a separate dwelling and the property is heavily screened from Coniscliffe Road by a significant number of mature trees. And that the tree cover in this area undoubtedly contributes to the character and significance of the immediate site and that of the wider conservation area.

20. Whilst the design of the rear extension is a modern contrast to the main house, there are no objections to this element as there will be no resulting impacts on the character of the Conservation Area given that it will not be visible from the public footpath to the front of the property.
21. On balance the external changes to the existing dwelling are considered to be acceptable. The proposal will therefore comply with policy ENV1.

b) Impact on Residential Amenity

22. The application dwelling is joined to No. 29 Pine Grove along its northern elevation and is bounded by No. 230 Coniscliffe Road to the west. No's 1 and 3 Linden Avenue are to the east and to the north is a parking area/garages for a block of flats known as Linden Lodge and garages which serve properties on Knoll Avenue.
23. The enlargement of the conservatory would bring the structure closer to No. 29 Pine Grove and the structure would be visible above the boundary wall given its elevated position. However, there would be no loss of privacy given that the amended design has a solid brick wall facing onto the property.
24. The single storey rear extension will not raise any amenity issues given that it will be screened by the existing high means of enclosure. Nor will the two-storey side extension, which whilst being built up to the eastern boundary with No. 1 Linden Avenue will be screened by a high brick wall which is re-enforced by mature trees on the side of No. 1 Linden Avenue which are protected and cannot be pruned without formal planning consent.
25. 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 accord with policy DC4 of the Local Plan in this regard.

c) Highway Safety & Parking Provision

26. The Council's Highways Engineer has raised no objections to the amended proposal given that there is a significant amount of in-curtilage parking and manoeuvring space will be retained within the site which enables vehicles to enter and exit the site in a forward gear.
27. In response to concerns raised that the proposed side extension would remove vehicular access to the garden which would present a risk to neighbouring properties and residents if there was a fire. Darlington Borough Council's design guide requires a fire appliance to be able to get to within 45m of a dwelling entrance and the front entrance of this property is approximately 30m away.

28. The proposal would accord therefore accord with policies DC1 and IN4 of the Local Plan

d) Impact on trees

29. As previously stated, a large number of trees within the curtilage of this property are protected by Tree Preservation Orders and by virtue of being in conservation area, as are a number of trees within the curtilage of No. 1 Linden Avenue which is along the shared boundary.
30. An amended Arboricultural Impact Assessment has been submitted by AllAboutTrees (Rev B) following site surveys taken in January and December 2022 by Tim Archment which sets out that the boundary wall on the east flank is deteriorating and requires stabilising before a complete failure. And that this wall retains the ground of the adjacent property which contains multiple trees (numbers 4 and 26-37).
31. The report sets out that a number of methods have been explored to stabilize the wall with the most suitable option being a reinforced concrete wall on a concrete base with screw piles. This foundation has been designed to both accommodate the stabilising works to the wall and to act as a proposed foundation for the proposed side extension, eliminating the requirements for any further works adjacent to the site boundary.
32. A Structural Condition Inspection Report has been submitted by JC Consulting which provides evidence that the retaining wall, north of the stonework abutments close to the neighbouring garage structure at No. 1 Linden Avenue has a noticeable lean and that there are several trees growing within close proximity to the wall (eleven in total) with the most significant being a Coast Dawn Redwood which is approximately 5m from the face of the wall (as earlier stated, this tree is now protected by a Tree Preservation Order).
33. The structural survey recommends that that the wall be demolished as no remedial action could be taken and that trees/vegetation is removed which is inadvertently stabilizing the wall.
34. Darlington Borough Council's Principal Engineer has acknowledged that the wall has seen significantly lateral displacement towards 210 Coniscliffe Road which has been partly caused by the surcharge from the retained ground to the east within No. 1 Linden Avenue but to a greater degree by the presence of large trees and has confirmed that the wall cannot stay as it is.
35. A structural survey plan has been submitted which shows that a proposed reinforced concrete retaining wall will butt up to the existing wall and will be supported on a concrete base with screw piles to minimise impact on tree roots.
36. The pile foundations have been designed to minimise root damage and Darlington Borough Council's Senior Arborist considers this to be a satisfactory solution.

37. To facilitate the proposed development work is required to a number of trees which are protected by Tree Preservation Orders or by virtue of being in a conservation area.
38. Four Yew trees (T31, T32, T35 & T36), which are located within the curtilage of 1 Linden Avenue are protected by TPO 2022 No. 10 Group. These trees are on the periphery to the west of the property and are also to be pruned to facilitate the proposed development. However, the east side of the Yew trees crowns are not visible from a public place. These trees are to be reduced to create a 0.5m clearance from the wall and roof of the proposed development and the trees will be crown lifted to between 2m and 3m in height when measured from the ground level at 1 Linden Avenue.
39. Darlington Borough Council's Senior Arborist has recommended that authorization be granted for the works detailed above to facilitate the proposed development and a separate planning application is not required given that the tree works have been considered as part of this application.
40. Overall and on balance, both the proposed tree works, and the development would accord with policy DC1 and ENV4 of the Local Plan.

e) Impact on Ecology

41. Compensation methods are outlined in the submitted Ecology Assessment in that bird boxes could be installed in the new building or nearby trees to compensate for the loss of suitable nesting habitat and the Ecology Officer has requested that prior to the commencement of the development, details of the proposed nest boxes should be submitted to and approved in writing by the Local Planning Authority and that said nest boxes should remain in situ for the lifetime of the development.
42. With regard to concerns raised that any works being carried out, out of bird nesting season should approval be given which is from March to August (inclusive), nesting birds have legal protection under the Wildlife and Countryside Act 1981, and an informative shall be added to the decision notice in this regard should approval be given.
43. The proposal would accord with Policy DC1 and ENV4.

THE PUBLIC SECTOR EQUALITY DUTY

44. 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. The existing reception area on the ground floor of the two-storey extension is accessible via an existing ramp at the main entrance and this arrangement would remain unaffected by the proposed development.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

45. 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

46. The proposed development, will sustain the significance of the West End Conservation Area. The proposal does not give rise to any issues of residential amenity ecology affect on trees or highway safety. The proposal would therefore accord with policies DC1, ENV 1, ENV 4, DC4 and IN4 of the Darlington Local Plan 2016-2036 and the requirements of the NPPF 2021

it is recommended that:

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. 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. Notwithstanding any description of the external materials in the submitted application (Condition 2), details of the external materials used to repair/replace the conservatory together with the colour of the paint for the pebbledash render on the rear elevation and the style of the 'Victorian' front door shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

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

- Proposed Site Plan Drawing No. 200 Revision P4 dated 26/06/2023
- Proposed Basement Floor Plan Drawing No. 210 Revision P4 dated 26/06/2023
- Proposed Ground Floor Plan Drawing No. 212 Revision P5 dated 26/06/2023
- Proposed First Floor Plan Drawing No. 213 Revision P4 dated 26/06/2023
- Proposed Attic Plan Drawing No. 214 Revision P4 dated 26/06/2023
- Proposed Roof Plan Drawing No. 215 Revision P4 dated 26/06/2023
- Proposed South (Front) Elevation Drawing No. 240 Revision P5 dated 26/06/2023
- Proposed West Elevation Drawing No. 241 Revision P5 dated 26/06/2023
- Proposed North Elevation Drawing No. 242 Revision P4 dated 26/06/2023
- Proposed East Elevation Drawing No. 243 Revision P5 dated 25/07/2023
- Proposed East Sectional Elevation Drawing No. 244 Revision P4 dated 26/06/2023
- Proposed North Sectional Elevation Drawing No. 245 Revision P4 dated 26/06/2023
- Proposed West Sectional Elevation Drawing No. 246 Revision P4 dated 26/06/2023
- Proposed South Sectional Elevation Drawing No. 247 Revision P4 dated 26/06/2023

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

5. Notwithstanding details approved in Conditions 2 above, the three conservation rooflights formed in the east elevation of the proposed side extension shall remain non-opening and made from opaque glazing in perpetuity and shall not be repaired or replaced other than with opaque glazing.

REASON - In the interests of maintaining the residential amenity.

6. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted Arboricultural Impact Assessment (Revision B) and the Arboricultural Method Statement (Revision B) and the Tree Protection Plan detailed below submitted by AllAboutTrees:-

- Arboricultural Impact Assessment Tree Protection Plan (TPP Rev B) dated 19/07/2023

REASON – In the interest of the visual appearance of the development and to protect trees within the site.

7. No demolition, site clearance or building operations shall be commenced until 2m high fencing consisting of galvanized tube, braced to resist impacts and supporting by a welded

mesh wired to the uprights and horizontals to dissuade encroachment has been erected around the root protection area,

REASON – To safeguard the life of the trees within and adjacent to the site by protecting them from damage.

8. (E9) None of the following activities shall be carried out under the canopy spread of any trees or within a minimum of five metres of the trunks whichever is the greater, except with the consent in writing of the Local Planning Authority :-

- (i) the raising or lowering of levels in relation to the existing ground level;
- (ii) cutting of roots, digging of trenches, removal of soil;
- (iii) the construction of buildings, roads or the carrying out of other engineering operations;
- (iv) the lighting of fires;
- (v) driving vehicles over the area below the spread of the branches of the tree; and
- (vi) the storing of materials or equipment.

REASON - In the interests of the visual amenities of the area and to safeguard the wellbeing of the tree(s) on the site.

9. The development shall not be carried out otherwise than in complete accordance with the methodology set out in the submitted Ecological Impact Assessment submitted by Naturally Wild (HOO-21-09 dated August 2021) unless otherwise agreed in writing by the Local Planning Authority.

REASON – To accord with the Wildlife & Countryside Act 1981

10. Prior to the commencement of the development, details of the proposed nest boxes should be submitted to and approved in writing by the Local Planning Authority and said nest boxes should remain in situ for the lifetime of the development.

REASON – To accord with the submitted Ecological Impact Assessment detailed in Condition 9.

INFORMATIVES

- The applicant is advised that the granting of planning permission does not negate the need to fulfil the requirements of the Party Wall etc, Act 1996.
- Nesting birds have legal protection under the Wildlife and Countryside Act 1981, and it is up to the applicant's ecologist advisor to ensure that no offence is committed under this wildlife legislation.