

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 11 October 2023**

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<b>APPLICATION REF. NO:</b>	23/00593/FUL
<b>STATUTORY DECISION DATE:</b>	13 October 2023
<b>WARD/PARISH:</b>	Heighington And Coniscliffe
<b>LOCATION:</b>	17B The Green, High Coniscliffe Darlington DL2 2LJ
<b>DESCRIPTION:</b>	Replacement of uPVC windows and door on front elevation (Retrospective Application)
<b>APPLICANT:</b>	Julie Gardner

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

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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=summary&keyVal=RW6IPZFP0C200>**

**APPLICATION AND SITE DESCRIPTION**

1. The planning application site is a dwelling within a row of three relatively modern houses, of no particular architectural merit, located on the north side of The Green (A67) in High Coniscliffe. The properties are Nos 17A, 17B and 17C The Green and they are within the High Coniscliffe Conservation Area. No 17B, which is the subject of this planning application, is located in the centre of the block.
2. This is a retrospective planning application for the insertion of three new UPVC windows and a UPVC door in the front elevation of the property.
3. Planning permission is not usually required for repair works, repainting, maintenance and minor improvement works to existing windows, or for the insertion of new windows and doors where they are of similar appearance to those used in the construction of the house.

4. In this instance, white UPVC windows and a black UPVC door in the front elevation of No 17B The Green have been replaced by anthracite grey UPVC windows and a pink UPVC door. The previous windows were multi paned with top opening features whilst the replacement windows are a mix of single pane (first floor) and single pane and top hung outward opening windows within the larger living room and bedroom openings. UPVC shutters which were decorative rather than functional features on either side of the windows have been removed along with a UPVC door surround with a projecting roof.
5. The replacement windows and doors are not of similar appearance to the previous windows and door and therefore this retrospective planning application has been submitted to regularise the works.

### MAIN PLANNING ISSUES

6. The main planning issues to be considered here are whether the windows are acceptable in the following terms:
  - a) Impact on the Character and Appearance of the High Coniscliffe Conservation Area, the Dwelling and the general street scene

### PLANNING POLICIES

7. The relevant local development plan policies are relevant along with the National Planning Policy Framework 2021:
  - DC1 - Sustainable Design Principles and Climate Change
  - ENV1 - Protecting, Enhancing and Promoting Darlington's Historic Environment

### RESULTS OF PUBLICITY AND NOTIFICATION

8. Following the Council's notification and publicity exercises, four letters of objection and two letters of support have been received. The letters of objection can be summarised as follows:
  - *The village is in a conservation area and the black windows and pink door are not in keeping with the other houses in the village at all.*
  - *Other properties which have black windows are at the back of the properties and are not visible to the village*
  - *The window colour and style look completely different from all road facing properties in the village*
  - *The windows don't match the two houses either side*
  - *The houses built in the 2000s have windows in colour and style in keeping with the village and suitable for the conservation area*
  - *The priority should be to fully support and uphold the standards of the conservation area*
  - *The colour of the door installed does not blend with the traditional colours of the neighbouring properties*
  - *The windows bear no resemblance to the original design or colour of the previous windows*

- *The shape, colour, glass, colour of the windows and the brightly coloured door make the property look garish and tacky and not in keeping with the rest of the village*
- *Far from enhancing the property, it has made it more of an eyesore*

9. The letters of support can be summarised as follows:

- *There are some beautiful and historic properties in this village that stand out and shine for that reason. This particular property I believe is less than 50 years old, of modern fabrication, had uPVC windows, plastic shutters, added door furniture, columns etc. Some may now view the property as more authentic having more of a cottage look and feel*
- *I really don't see any reason as to why people would object against someone wanting to improve their windows and overall look of their home. Since the windows have been done the house looks a lot smarter and still has a homely cottage feel to it.*
- *I appreciate it is a conservation area, however people need to move with the times! It looks lovely*

10. High Coniscliffe Parish Council are of the opinion that the present replacement glazing of this property is not in keeping with that of the adjacent properties. The Parish Council have commented that this retrospective application should only be approved if it is acceptable to the appropriate officer of the council, bearing in mind that the village of High Coniscliffe is designated a conservation area

## **PLANNING ISSUES/ANALYSIS**

### **a) Impact on the Character and Appearance of the High Coniscliffe Conservation Area, the Dwelling and the general street scene**

11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to treat a finding of harm to a listed building and its setting as a consideration to which the decision-maker must give considerable importance and weight when carrying out the balancing exercise and subsequent case law has stated that it is not open to the decision-maker merely to give the harm such weight as he thinks fit, in the exercise of his planning judgment
12. 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.
13. Policy ENV1 of the Local Plan states that when considering proposals affecting all designated heritage assets such as listed buildings and Conservation Areas great weight will be given to the asset's conservation. Proposals should conserve those elements which contribute to such asset's significance, including any contribution made by their setting in a manner appropriate to their significance irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm. Proposals resulting in less than substantial harm to designated heritage assets will be permitted only where this harm is clearly justified and outweighed by the public benefits of the proposal. Proposals resulting in substantial harm to or total loss of the significance of a designated heritage asset will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss.

14. Any development affecting the setting of a listed building will be permitted if the proposal conserves or enhances either its significance and/or the contribution its setting makes to its significance.
15. In addition, proposals affecting a conservation area, involving the alteration, extension or change of use of a building or construction of any structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. Special attention should be given to:
  - a) existing architectural and historic character and associations by having regard to the positioning and grouping, form, scale, massing, detailing of development and the use of materials in its construction;
  - b) existing hard and soft landscaping features including areas of open space, trees, hedges, walls,
  - c) fences, watercourses and surfacing and the special character created by them; and
  - d) historic plot boundaries and layouts; and
  - e) the setting of the conservation area.
16. Policy ENV1 accords with the guidance contained within the National Planning Policy Framework 2021 on such matters.
17. Policy DC1 of the Local Plan seeks to ensure that new development reflects the local environment and responds positively to the local context, in terms of its scale, form, materials, colouring, fenestration and architectural detailing;
18. The Council have yet to produce a Character Appraisal for the High Coniscliffe Conservation Area, but it was designated in 1974. The Designation Report from 1974 states that High Coniscliffe is a pleasant example of a roadside village and it lies within well-defined limits marred only by some unsympathetic development at the west end. The report states that the village street is an almost continuous row of houses and it recognises that the houses range from the 18<sup>th</sup> century to the present, which nevertheless blends successfully despite the various styles and materials.
19. The Conservation Area is quite extensive and covers the main buildings in the village along with the riverbanks and the surrounding land to help maintain its character and setting in the landscape. The following properties within the Conservation Area are listed buildings:
  - No23 The Green – Grade II\* listed building
  - Nos 24 & 25 The Green – Grade II listed building
  - No 31 The Green – Grade II listed building
  - The Old Vicarage, No 48 The Green – Grade II listed building
  - Valley House, No 49 The Green – Grade II listed building
  - St Edwins Church, The Green – Grade II\* listed building
  - Mill House, Mill Lane – Grade II listed building

20. Council records cannot confirm the precise date as to when Nos 17A to 17C The Green were constructed but it is likely to be the early 1970s prior to the Conservation Area designation. The multipaned windows and door surrounds would have been an attempt to blend the design of the properties into their surroundings. All three dwellings are set back from the public footpath by front gardens enclosed by low stone walls (Nos 17A and 17B) or a low brick wall (No 17B).
21. The visual appearance of the terrace has been the subject of changes in recent years. For example, by 2009, No 17A The Green had replacement shutters installed and the doors of Nos 17A and 17B differed from the front door on No 17C. By 2011 the shutters on either side of the ground floor window at No 17C The Green had been removed and by 2021, the white UPVC door at No 17B The Green had been replaced by a black UPVC door. The front boundary walls differ in materials between the properties too. There hasn't been any uniformity between the appearance of the three dwellings for some time.
22. The terrace is a flush fronted block with no architectural detailing, unlike on some other more traditional and historic dwellings found elsewhere along the roadside. It is a later addition to the street scene with pastiche UPVC features to try and assimilate the properties into the street scene.
23. The design of the replacement windows does differ from the windows on Nos 17A and 17C The Green. Whilst there are limited examples of coloured frames along the street, the predominate colour is white frames. The pink door has replaced a black door but the curved transom window above the door has been retained.
24. All three dwellings now differ in terms of door colour and design and the design of the shutters are not the same, where retained. Two of the properties have retained the UPVC door surround and projecting roof.
25. In general street scene terms, it is not uncommon to find streets where dwellings have greatly different window and door designs and colours. As a result, the works are not considered to harm the general appearance or character of the street (policy DC1 of the Plan).
26. With regard to the impact of the replacement windows on the Conservation Area, the main consideration is whether the significance of the Area has been sustained, harmed or improved.
27. Nos 17A to 17C The Green have no architectural or historic design features which make a valuable contribution towards the significance of the Conservation Area. The features which have been removed are quite modern additions and were UPVC pastiche versions of traditional features. The properties are set back from the public footpath to the front and the front elevations have been the subject of previous alterations. The Conservation Area Designation report from 1974 recognised that there were different house styles and materials within the village at the time of the Conservation Area been designated, this particular block of houses adds little to the general visual quality of the area. This statement would remain the same with the replacement windows and door still blending in with the street scene and the Conservation Area despite the difference in materials and colour.

28. If the window designs and colours within the High Coniscliffe Conservation Area were considered to be such an important feature of the Village and made a valuable contribution to the character, appearance and significance of the Conservation Area, the Area would be subject to an Article 4 Direction. However, there is no Article 4 Direction for the High Coniscliffe Conservation Area. It is also not uncommon to find coloured UPVC window frames or windows of varying designs within Conservation Areas elsewhere within the Borough.
29. The listed buildings identified in paragraph 19 of this report are further north west and south from the application site. They are separated by other dwellings or on the opposite side of the A67 and their settings have not been harmed by the works that have been carried out to the front elevation of No 17B The Green.
30. It is considered that whilst the replacement windows are different in terms of their design and colour to the properties on either side and those elsewhere within the dwellings on the roadside frontage, they do not have such an adverse impact on the dwelling, the street scene in general terms or upon the significance of the Conservation Area. The setting of the listed buildings within the Conservation Area would not be harmed. The replacement windows would comply with the local development plan policy and the National Planning Policy Framework 2021.

#### **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.

#### **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 replacement windows would sustain the significance of the High Coniscliffe Conservation Area and would not harm the setting of any listed buildings within the Area in accordance with policy ENV1 of the Local Plan and the National Planning Policy Framework 2021. They do not adversely harm the general appearance and character of the dwelling or the other dwellings within the roadside frontage (Policy DC1 of the Local Plan) and the planning application is recommended for approval.

#### **THAT PLANNING PERMISSION BE GRANTED**