

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 15 May 2024**

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<b>APPLICATION REF. NO:</b>	23/00957/FUL
<b>STATUTORY DECISION DATE:</b>	18 <sup>th</sup> December 2023 Extension of Time Agreed 17 <sup>th</sup> May 2024
<b>WARD/PARISH:</b>	PARK WEST
<b>LOCATION:</b>	Rear Of 39 Elton Parade (1 Coach House Lane) Darlington DL3 8PJ
<b>DESCRIPTION:</b>	Application submitted under Section 73 of the Town and Country Planning Act 1990 for the variation of condition 2(materials) and 3(approved plans) attached to planning permission 19/01182/FUL dated 05 March 2020 to permit render to elevations in place of timber cladding, opaque glazed balustrade to Juliet balcony and window alterations including addition of opaque glazing to window on north elevation (as amended by plans received 19/12/2023 and details for highway works including creation of footpath using bitmac and street lighting as amended by plan received 24/01/2024 and 24/04/2024)
<b>APPLICANT:</b>	Mr Clemmet

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS PERMISSION** (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=S1L0VOFPFYW00>

**APPLICATION AND SITE DESCRIPTION**

1. The principal of the building of a two-bedroomed detached dwelling has already been established and this application under Section 73 of the Town & Country Planning Act 1990

is to vary the approved plans condition attached to planning permissions 18/00981/FUL and 19/01182/FUL by permitting the following changes:-

- addition of Antique White render to the external elevations in place of timber cladding;
  - add an opaque glazed balustrade to the Juliet balcony rather than one with clear glazing;
  - addition of opaque glazing to a window on the north elevation rather than clear glazing;
  - slight change in position of window on side elevation which serves the lounge to take into account internal floor levels;
  - and changing the material for the previously agreed footpath from paving slabs to bitmac and changes to entrance lane including the addition of bitmac and tactile paving.
2. It is also proposed to add a single phase 13-amp socket on the east elevation for vehicle charging.
3. The proposal has been amended since it was first submitted in that the balustrade for the Juliet balcony is to be made from opaque glass (level 5) rather than iron railings, the stair window on the north elevation is to have opaque glazing, and these changes will be secured and retained by planning condition. It is also proposed to add a single phase 13-amp socket on the east elevation. Whilst the colour of the external render has changed from 'Earth Taupe' to 'Antique White'.

#### **MAIN PLANNING ISSUES**

4. The main planning issues associated with this planning application are:
- a) Planning Policy;
  - b) Impact on the General Character and Appearance of the Surrounding Area;
  - c) Impact on Heritage Assets;
  - d) Residential Amenity;
  - e) Highway Safety, Parking Provision and Accessibility.

#### **PLANNING POLICIES**

5. The following local development plan policies are relevant:

**Darlington Local Plan 2016 – 2036**

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

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

DC1: Sustainable Design Principles and Climate Change

DC3: Health and Wellbeing

DC4: Safeguarding Amenity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

6. Other Relevant Documents

The National Planning Policy Framework 2023 (NPPF)

West End Conservation Area Character Appraisal

## **RESULTS OF TECHNICAL CONSULTATION**

7. The Council's Highways Engineer has no objections to the amended proposal. Northumbrian Water, and Northern Powergrid were consulted and have not commented, whilst Northern Gas Networks have no objections.
8. Darlington Association on Disability has commented on the application and is in support of the use of bitmac.

## **RESULTS OF PUBLICITY AND NOTIFICATION**

9. One letter of objection has been received in regard to the original proposal, however this has been withdrawn as their concerns have been addressed by the addition of the opaque balustrade to the Juliet balcony.
10. Eleven letters of objection have been submitted in regard to the amended proposal and their comments can be summarised as follows:-
  - Previously agreed flagstone footpath would be more in keeping with the locality;
  - Scoria blocks play an important role and are suitable for both pedestrian and vehicular traffic; are more durable than bitmac and are more in keeping with the surrounding Victorian properties;
  - Use of bitmac to this lane would set a precedent; is not an appropriate material and would be to the detriment of the conservation area;
  - Would not be in keeping with the other lanes that lead off Elton Parade;
  - Proposed footpath would narrow the lane, making it extremely difficult for residents to access their garages;
  - Objects to the addition of 'buff blister tactile paving';
  - Do not understand why No. 39 needs a completely different type of access and works are unnecessary;
  - Input required from the Conservation Officer;
  - Artist's impression should be submitted to indicate final look;
  - Residents have to keep within the character of the conservation area, therefore the same should apply to the Highways Department.
11. Councillor Heather Scott has also objected, in support of residents, in that Elton Parade is a unique street in a Conservation area and replacing scoria blocks with bitmac is totally inappropriate and the area must be protected against further deterioration.

## **PLANNING ISSUES/ANALYSIS**

### **a) Planning Policy**

1. Planning law (S.38(6) of the Planning and Compulsory Purchase Act 2004) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2023) supports the plan led system providing that planning decisions should be "genuinely plan-led" (NPPF para 15).

2. The application site is within the limits of development for the urban area as identified by the Policies Map of the Darlington Borough Local Plan (2016 – 2036). Development within the limits identified on the Policies Map will be acceptable in principle subject to compliance with other relevant national and local policies (policy H3).

#### **b) Impact on the General Character and Appearance of the Surrounding Area**

3. Policy DC1 sets out that development should reflect the local environment and create an individual sense of place with distinctive character; that the detailed design will respond positively to the local context, in terms of its scale, form height, layout, materials, colouring, fenestration and architectural detailing; safeguards or enhances important views and vistas and the layout of the development maximises opportunities for natural surveillance.
4. The general character of the area is predominantly residential, and this section of Elton Parade are a mix of two and 2.5 storeys buildings which are either semi-detached or part of a terrace, with one detached bungalow and which have been built in a palette of materials including different coloured render and brick.
5. As stated, the principal of the building of a two-bedroomed detached dwelling has already been established and the modest external alterations which include changes to the fenestration and the addition of the electrical charging point are considered to be acceptable.
6. And whilst acknowledging that changing the cladding of the external elevations from timber to 'Antique White' render is a highly visible change, the use of render is not an alien feature within the street scene and this colour of render has been chosen as it closely matches a neighbouring property and will therefore blend in more with the surrounding properties than the previously approved timber cladding.
7. Whilst any impact created by the addition of the footpath and street lighting will be considered under sections c) and e) of the report.
8. It is considered that the proposed external changes to the previously approved dwelling are acceptable in general design terms and would not significantly harm the character and appearance of the local area and would comply with policy DC1 of the Local Plan.

#### **c) Impact on Heritage Assets**

9. 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.
10. Policy ENV 1 of the Local Plan states that when considering proposals affecting all designated heritage assets such as 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.

11. Proposals resulting in substantial harm to or total loss of the significance of a designated heritage asset (or an archaeological site of national importance) will only be permitted where this is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the following apply:
  - a. the nature of the heritage assets prevents all reasonable uses of the site.
  - b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation.
  - c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
  - d. the harm or loss is outweighed by the benefit of bringing the site back in to use.
  
12. 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; and
  - b) character created by them; and historic plot boundaries and layouts; and
  - c) the setting of the conservation area.
  
12. Policy ENV1 of the Local Plan is consistent with the requirements set out in the National Planning Policy Framework 2023.
  
13. The planning application has been supported by a basic Heritage Statement which sets out that the use of 'Antique White' render is more in keeping with the surrounding properties and would be a safer alternative given the changes to Building Regulations. And that the proposed changes to the fenestration would have a limited impact on the character and appearance of the West End Conservation Area.
  
14. Darlington Borough Council's Conservation Consultant has raised no concerns in regard to the proposed minor external changes to the dwelling as they have already been considered in previous applications.
  
15. This application also looks to alter the previously approved access to the property in respect of surfacing materials. And as part of the 2018 application, the Heritage Officer commented that the existing scoria blocks should not be removed. However, permission was given on the basis that the required footway would necessitate the removal of some of the scoria blocks to the rear lane, which was limited to the width of the footpath, with the remaining blocks being retained and on the basis that this was similar to other examples in the West End Conservation Area. Consent was therefore granted to alter part of the existing back lane footpath from the existing scoria blocks to paving.

16. The current proposals look to alter this element by replacing the previously approved paving with bitmac and the reasoning for the works is to provide a suitable and safe highway access which is supported by the Councils Highways Engineer and Darlington Association on Disability Access given that it provides convenient and safe access for pedestrians and people with mobility issues.
17. The significance of the back lanes lies in them being historic circulation routes which allow access to the rear of properties for garaging, storage etc and as secondary circulation routes to the main connecting streets. And scoria blocks are a traditional street finish that were predominantly used in the north Yorkshire/Durham area in areas of high traffic being a locally available material. They are a finite resource being a byproduct of historic industry in the area. And in many instances, they have been removed or tarmacked over, largely because such works are permitted development under the Highway Act, and changes in traffic movements and the need for level access has often seen them disappear from traditional streetscapes.
18. Darlington's West End Conservation Area Character Appraisal which was adopted in March 2010 sets out that scoria blocks are a distinctive feature of back lanes in this area. However, it also acknowledges that for most purposes' scoria blocks are an unsuitable material for the public realm in new development as they are slippery when wet.
19. Darlington Borough Council's Conservation Consultant is of the opinion that the loss of the traditional street finish from the entrance and rear lane would result in a degree of harm to the character of the conservation area. This harm would be at the lower end of less than substantial for the purposes of the NPPF. The proposed works could set an undesirable precedent for future works as the use of black top surfacing as replacement to traditional materials such as scoria blocks could gradually erode the character of the conservation area, particularly in more visible locations such as the entrances to the lanes.
20. However, our Heritage Consultant has concluded that the Local Planning Authority (LPA) has already accepted in principle the partial loss of the historic surfacing material through the granting of the paved access. And that the resultant heritage impacts in the change in materiality from paving to tarmac needs to be considered in line with the conservation policies set out in ENV1 of the local plan and paragraph 206 of the NPPF. And whether the public benefits of creating a safe level access provides a clear and convincing justification and public benefits as required by paragraphs 206 and 208 of the NPPF and that this will need to be considered by the Local Planning Authority (LPA) in the planning balance.
21. Whilst the Consultant questions whether the footpath could be suitably achieved by other means, there have been other approvals recently granted for residential development, elsewhere within the West End Conservation Area, which has involved the need to create a footpath in existing cobbled lanes and it is considered that the principle of a footway in this location can be supported on heritage grounds.
22. As stated above, there is a need to create a lit footway along a back lane in order for the development to comply with local development plan policies. Whilst acknowledging that the loss of a section of scoria blocks within the lane would result in a degree of harm to the character of the conservation area, the level of harm is at the lower end of less than substantial for the purposes of the NPPF. Significantly, the proposed footway would have a

surface that would provide a fully accessible footway for those with disabilities and would be of value to the wider community which would be of public benefit, which on balance would outweigh the identified harm and would therefore accord with policies DC1, IN2 and IN4 of the Local Plan and the NPPF.

**d) Residential Amenity**

23. Policy DC4 of the Local Plan states that development should be sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development.
24. The external changes to the dwelling will not raise any amenity issues.
25. As stated, there is a need to create a lit footpath along the lane in order for the proposed dwelling to comply with local development plan policies. And two small lighting columns are to be installed in the proposed footpath (Isaro Pro Small 12 LED 350mA) and both the Council's Street Lighting Engineer and Environmental Health Officer have confirmed that these are acceptable and therefore the level of illumination would not raise any amenity concerns. It is also worth noting than no objections have been received in this regard.
26. Overall, it is considered that the proposed development would not have an adverse impact on the amenity of existing dwellings and would accord with Policies DC3 and DC4 of the Local Plan.

**e) Highway Safety, Parking Provision and Accessibility.**

27. The proposed dwelling is to be accessed via an existing back lane located off Elton Parade and presently the access is used by both pedestrians and vehicular traffic with a scoria block surface devoid of footway provision. And the primary purpose of a public highway is to provide a safe and accessible network for all modes of transport with pedestrian access being the first priority in hierarchy of users.
28. It is acknowledged that the existing carriageway may function as a 'shared surface' the lane does not meet current Design Guide criteria of widths, being lit, or having traffic calming features at its entrance which help to control speed by design and having a surface suitable for persons with mobility issues.
29. Existing scoria blocks within the back lane are to be removed and a bitmac footway is to be created which is approximately 1.2m wide with a bull nosed dropped kerb and 25mm nominal upstand which will give a clear demarcation of what is footway and what is carriageway. And whilst concerns have been raised in regard to the narrowing of the lane, the remaining back lane having a standard vehicular width of 2.7m.

Concerns have also been raised on why there is a need for a footway. This is needed for the development to have good and safe connectivity for pedestrians and people with mobility issues and is a requirement set out in policies IN1 and IN2 of the Local Plan. Policy DC1 sets out that proposals should provide suitable and safe vehicular access, whilst Policy DC3 sets out that new development should be easily accessible. The need for a development to

include a footpath and lighting within scoria back lanes has been highlighted as part of previous approvals given elsewhere within the Borough including:-

- 06/00584/FUL - Buildings to The Rear Of 33 & 35 Larchfield Street
- 07/00623/FUL - Garages and Adjoining Land Fife Road - Cleveland Avenue Back Street
- 16/01036/FUL - Land at Rear 37 Larchfield Street
- 17/00220/OUT - Land Off Montrose Street
- 17/00945/FUL - Garages and Garden to Rear Of 38 Langholm Crescent.

30. Concerns have also been raised on why works to the entrance of the site are required, in particular to the 'buff blister tactile paving' these works will provide a continuous sealed route from the public highway and whilst the works are not within the submitted red line boundary are part of the footway works which are required in line with policy to provide a good and safe connectivity for pedestrians and people with mobility issues.
31. The Highways Engineer would also like to highlight that should the Council as Local Highway Authority wish to change the surface of a back lane from historic scoria block, then we are able to do so as part of our statutory duty of maintenance and planning permission is not required for works within the highway boundary.
32. It is also worth noting that the inclusion of a footway made from bitmac on a site within the West End Conservation Area was recently approved at Planning Committee on the 10<sup>th</sup> of April 2024 (Planning Ref. 23/00956/FUL), following an appeal decision where the Planning Inspector upheld that the Councils reason for refusal was reasonable in that a footway is a necessity for a safe and accessible route to a residential dwelling.
33. Furthermore, a lit and level route is needed for equitable access for persons with mobility impairment and both the Highways Engineer and the Darlington Association on Disability Consultee are of an opinion that an historic scoria blocked surface is not suitable for the needs of such persons, for the reasons given below and as such a bitmac surface is required:-
- Scoria blocks are a very difficult and hazardous surface for many disabled people to travel over as a pedestrians given that they can become slippery when wet;
  - Uncomfortable to travel over for a powered wheelchair or scooter use and are a difficult material to manoeuvre over for manual wheelchair users.
34. The proposed footway design accommodates the need to maintain vehicle access and is therefore not detrimental to vehicle access. Whilst the footway is to be constructed to withstand the imposed loads of vehicle wheels, with the 25mm kerb upstand enabling vehicle overrun as required by occasional access of larger vehicles.
35. Darlington Borough Council's Highways Engineer has therefore raised no objection to the amended proposal as the proposed footway will provide a safe and accessible route to a



residential dwelling for pedestrians and people with mobility issues.

36. The proposal would accord therefore accord with policies DC1, DC3, IN2 and IN4 of the Local Plan.

### **CONCLUSION AND RECOMMENDATION**

37. The proposed minor alterations to the dwelling are considered to be acceptable and will sustain the significance of the West End Conservation Area. The changes would not raise any amenity or highway issues and would accord with policies DC1, ENV 1, DC4 and IN4 of the Darlington Local Plan 2016-2036 and the requirements of the NPPF 2021.
38. Whilst the removal of the scoria blocks and the creation of the footpath would harm a small part of the West End Conservation Area, the creation of the footway would provide an appropriate permeability and connectivity for pedestrians and for those with disabilities which would also be of value to the wider community and this would be a public benefit which would outweigh the identified harm The development would therefore accord with policies DC1, DC3, IN2 and IN4 of the Local Plan and the NPPF and accordingly.

### **PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The development hereby permitted shall be commenced no later than 19 April 2025

REASON – Due to the planning application being submitted under Section 73 of the Town and Country Planning Act 1990 (as amended).

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:

Planning Amendments (Elevations) Drawing No. 4521-01 Rev D dated Apr 24

Planning Amendments (Floor Plans) Drawing No. 4521-02 dated Oct 23

Block Plans Drawing No. 4521-03 Rev A dated Oct 23

Proposed Footway Drawing No. 4521 04 (A)

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

4. The obscure glazed windows formed in the north and south elevations of the property, as shown on drawing number 4521-01 Rev D dated Apr 24 shall not be repaired or

replaced other than with obscure glazing.

REASON – In the interest of residential amenity.

5. The opaque glass balcony balustrade formed in the west elevation of the property, as shown on drawing number 4521-01 Rev D dated Apr 24 shall not be repaired or replaced other than with the glass which has the same level of agreed glass transparency (Level 5).

REASON – In the interest of residential amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no enlargement, improvement or other alteration of the premises, including any additional structures/building within the curtilage of the site, shall be carried out without the prior consent of the Local Planning Authority, to whom a planning application must be made.

REASON - In order not to prejudice the amenities of the adjoining properties and in order that the Local Planning Authority is able to exercise control over future development of the site.

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## **INFORMATIVES**

### **Highways**

The Developer is required to submit detailed drawings of the proposed off-site highway works to be approved in writing by the Local Planning Authority and enter into an agreement under Section 278 of the Highways Act 1980, before commencement of the works on site. Contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr Steve Pryke 01325 406663) to discuss this matter.