

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6th November 2024

APPLICATION REF. NO: 23/00081/FUL

STATUTORY DECISION DATE: 21st February 2023
Extension of Time Agreement 11th November 2024

WARD/PARISH: Red Hall and Lingfield

LOCATION: Red Hall Cottage Harringay Crescent DARLINGTON
DL1 2TB

DESCRIPTION: Removal of existing rear utility extension and erection of a single and two storey extension to rear and single storey side extension. Erection of single storey extension to the front elevation (retrospective) and detached double garage with office above (as amended by plans received 30/06/2024, 18/09/2024 and 15/10/2024)

APPLICANT: Mr David O'Neill

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=ROY0D3FPGWT00>

APPLICATION AND SITE DESCRIPTION

1. The application property is a semi-detached, two storey dwelling known as Red Hall Cottage, with the adjoining dwelling known as Red Hall Villa. The two properties are shown on historic maps from the early 1900s and surrounded by open countryside until the Red Hall Estate was built in the early 1970s and which now surrounds the properties to the east, west and south. Access to both properties is taken off Harringay Crescent. The application property sits in a long, narrow plot with much of its amenity space to the front and side.
2. The northeastern edge of the garden is included within Group 13 of Tree Preservation Order 1952 No. 1, however there are no trees within the rear garden of the property. A Public Right of Way (Footpath No. 55) runs to in an east-west direction to the north of the property. Beyond this a substantial belt of mature trees separates this part of the Red Hall Estate from the residential development on the former Red Hall stables site and recreation ground to the

north and north west, both of which lie within the Haughton-Le-Skerne Conservation Area.

3. This application was submitted following an enforcement enquiry and seeks retrospective permission for the erection of a single storey extension to the front elevation (conservatory). This extension has been built from blockwork which is still to be rendered and measures approximately 7m in length, approximately 3.3m wide and which sits under a clear PVC panelled flat roof which is approximately 2.6m in height. This extension has high level windows on the south and west elevations and the east elevation is predominately glazed.
4. The proposal has been amended since it was first submitted and now also includes:
 - Removal of existing rear utility extension and erection of a two-storey rear extension which is to have a matching eaves height and an overall ridge height of approximately 8.3m, a width of approximately 6.5m and a depth of approximately 4m
 - Erection of single storey extension to the rear which is to sit under a mono pitch roof with three roof lights and which has a projection of approximately 1.5m, a width of approximately 6.5m, an eaves height of approximately 2.6m and a ridge height of approximately 3.4m
 - Erection of a single storey side extension which is to sit under a flat roof with roof window and which has a projection of approximately 2m, a width of approximately 3.3m and a height of approximately 3m
 - Erection of a detached double garage with office above which is to have a depth of 6m, a width of 5m and which is to sit under a dual pitch roof with a ridge height of 5.2m and an eaves height of 2.8m. This structure is to have two rooflights on the west elevation and one window on the north elevation at first-floor level.
5. In terms of materials the proposed extensions are to be clad in a natural white render; the pitched roofs of the house and garage are to be covered in matching black, flat Marley tiles; whilst the GRP for the flat roof side extension is to be grey in colour. Windows and doors are to have a black woodgrain finish, whilst the roof of the flat roof extension to the front elevation is to have a PVC panelled clear roof.

MAIN PLANNING ISSUES

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

PLANNING POLICIES

7. 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
IN4: Parking Provision including Electric Charging Points

National Planning Policy Framework, 2023 (NPPF).

RESULTS OF TECHNICAL CONSULTATIONS

8. No objections have been raised by the Council's Highways Engineer or Senior Arborist in regard to the amended proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

9. Following the Council's publicity and notification exercise, three letters of objection have been received in regard to the amended plans which are summarised as follows:
- *Loss of light to habitable rooms of neighbouring properties*
 - *Addition of double height extension to north elevation would obstruct our views westward across the tree line*
 - *Loss of privacy would cause me stress and discomfort*
 - *Not notified of proposals*
 - *Work has started on a double height garage which is being built hard up against the fence line and the roof structure appears to project beyond the property boundary*
 - *Stretching his boundaries and curbing being removed along footpath in order to park his van*
 - *Garage is too close to my property; is not the required distance away and once will have an impact on my privacy and health*
 - *Property now resembles a builder's yard and dumping ground given that many different projects have been started and not finished, council do not come back to finish and sign off work and current state and appearance of site is causing pest issues*
 - *I would have no objections to a single storey extension on the understanding it was completed in a reasonable timeframe and the area was left presentable and tidy.*

PLANNING ISSUES/ANALYSIS

a) Impact on Visual Amenity

10. Policy DC1 of the Darlington Local Plan (2016-2036) sets out that good design is required to create attractive and desirable places where people want to live, work and invest. Proposals should also reflect the local environment and create an individual sense of place with distinctive character, whilst the detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials, colouring, fenestration and architectural detailing. Proposals should also take into account the need to safeguard or enhance the important views and vistas; and that the layout of the development maximises opportunities for natural surveillance.
11. The dwelling is one of a pair of semi-detached properties which have been much altered and extended over the years. Although they retain some architectural features the properties are now largely enclosed by houses on the Red Hall Estate to their south, east and west sides, although the application property is more open to views from the open space to its eastern

side and from the public footpath to the north. There are very few opportunities for any longer ranging views.

12. It is acknowledged that the proposed extensions to the property are extensive, with extensions to the front, rear and side as well as the detached garage to the front. An existing single storey extension to the rear of the property is to be removed to make way for the side and rear extension and a large timber outbuilding in the north east corner of the site has recently been removed.
13. The design of the two-storey extension has been amended to replace a flat roof with a double pitched roof, which better reflects the character and appearance of the property. Overall, the extensions are considered to be well-designed and are to be constructed of matching materials in keeping with a number of cosmetic changes that the applicant has made to the property which include replacing the existing pebbledash render at first floor level with a natural white smooth render, the replacement of white uPVC windows with black frames and replacing the red roof covering with black tiles, which are seen as positive changes. The removal of the rear extension, which is clad in cream horizontal boarding, and the timber outbuilding is also seen as an improvement to the property.
14. The ground floor extensions to the property will largely be hidden from view by the existing boundary treatment, although the two-storey element will be visible above the hedge, particularly from the north and east, as will the proposed detached garage. In view of their scale, design and use of matching materials, the proposed extensions are not considered to adversely impact upon the character and appearance of the application property or wider area given that the site is well enclosed and it only visible from its immediate surroundings. The proposal would therefore respond positively to local context and would accord with Policy DC1 of the Local Plan.

b) Impact on Residential Amenity

15. Policy DC4 of the Local Plan is relevant with regards to protecting the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development. Considerations include access to sunlight and visual dominance.
16. The property is bounded by Red Hall Villa to the west, by Nos 11, 15, 17, 19 and 21 Trafford Close are to the east of the site and No. 9 Trafford Close and No. 30 Harringay Close are to the south. There are no residential properties to the north of the site.
17. Properties on Trafford Close have small front gardens approximately 6m in length, with open frontages or low means of enclosure and with a pavement to the front of these gardens. In between the application site and the footpath is a triangular piece of land which is approximately 12m in width at the north and approximately 2m in width at the south and runs the full length of the application site's eastern boundary.
18. Nos 11 and 15 Trafford Close are the closest residential properties to the proposed detached garage, with No. 15 being approximately 12m away and No. 11 being approximately 11m away. Concerns have been raised in that the proposed garage is too close to the residential properties on Trafford Close and that the garage will have an impact on privacy and loss of light.

19. The fence line along the eastern boundary ranges in height from approximately 1.8m to 2.4m and the proposed garage has an eaves height 2.8m and due to lower land levels within the site the eaves height would be approximately 0.5m higher than the fencing. Therefore, it would be the roof of the garage that would be the most visible to the properties on Trafford Close. The pitched roof will rake away from the boundary and in view of the separation distance the garage is not considered to have an unacceptable overbearing impact or result in any significant loss of light or outlook to these properties or their front garden areas.
20. Concerns have also been raised regarding loss of privacy and the proposed rooflight on the eastern roof slope which faced onto Trafford Close has been moved to the western roof slope which faces into the application property. There are no other windows on the east elevation. In the interests of protecting residential amenity a planning condition will secure that no windows can be added to either the east elevation or the eastern roof slope without the written permission of the Local Planning Authority. It is also considered appropriate to recommend that a condition on any grant of planning permission be imposed which restricts the use of the garage for purposes incidental to the enjoyment of the dwelling house in the interests of amenity.
21. Whilst acknowledging that there is a large window on the north elevation of the garage at first floor level which will serve the office, direct views will be onto the garden of the application property and onto the triangular open space which runs along the eastern boundary. While some views onto the front gardens of some of the properties on Trafford Close will be possible, these will be oblique views only and it is worth noting that the gardens are currently open to public view from the pavement and open space to the front. This existing situation will not be made significantly worse by the proposed garage.
22. The proposed two storey extension is to the north of the site and is to be set in from the northern boundary by between 7m and 10m given the angled shape of the site and is to be set in approximately 4m from the eastern boundary. It is also to be built up to the boundary with Red Hall Villa which shares the western Boundary.
23. Red Hall Villa has been extended by a single storey L-shaped extension which contains a separate porch and utility room. Whilst there are no windows on the rear elevation at first floor level and the proposed two storey extension will raise no amenity issues in regard to this property. Nor will the addition of the three rooflights in the proposed single storey rear extension given their height and angle.
24. The site is enclosed by high timber fencing which will provide adequate screening for all but the high-level window of the single storey extension which runs along the front boundary with Red Hall Villa. Although this window will be visible above the fencing it is to be opaque glazed, and this will be secured in perpetuity by planning condition. Therefore, there will not be an adverse loss of privacy from any of the additional window openings at ground floor level.
25. Concern has also been raised regarding loss of privacy from the addition of the two-storey rear extension. A new bedroom window in the east elevation will be introduced at first-floor level. There are two existing bedroom windows on the eastern elevation of the original dwelling facing Trafford Close and the addition of a further secondary bedroom window will not significantly increase overlooking of the properties on Trafford Close. The main bedroom window is to be in the north elevation overlooking the applicant's own rear garden and onto trees and the public footpath to the north. It should also be noted that the additional window in the east elevation will be in excess of 21 metres away from the nearest properties at 19 and

21 Trafford Close that being the recommended separation distance between principal elevations, as set out in the Council's Design SPD. Furthermore, the two-storey extension is not considered to be significantly overbearing when viewed from the adjacent properties given the adequate separation distances.

26. Concerns have also been raised regarding noise, potential disruption and works being carried out at unsociable hours. It is not usually considered appropriate to restrict construction hours by planning condition for smaller scale and householder development since such concerns can adequately be dealt with under Environmental Protection legislation.
27. 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) Impact on Highway Safety and Parking Provision

28. The original proposal included the installation of fencing and gates along the southern boundary and concerns had been raised that existing curbing had been removed along the footpath and that the applicant was encroaching on land outside of his control.
29. These elements of the application have now been removed from the proposal and the Highway Engineer has raised no objections to the proposal given that all works are now within the applicant's own land and within the redline boundary which accurately reflects the extents of the public highway. The proposal would therefore accord with policies DC1 and IN4 of the Local Plan.

d) Impact on Trees

30. There is a semi-mature Cypress tree in the north east corner of the adjacent garden (Red Hall Villa). The Council's Senior Arborist has raised no objection given that the proposed development will not have any impact on this tree.

e) Other Matters

31. Concerns have been raised regarding the untidy condition of the application site and that many different projects have been started and not finished. It is acknowledged that various elements of the proposal are retrospective, including the front extension and the garage which is partially built. This work has been carried out at risk although the applicant has ceased work pending the outcome of this application. The proposed scheme will facilitate the removal of the horizontal boarded rear extension, and the applicant has already removed a large timber outbuilding towards the rear of the site, as well as undertaking some cosmetic changes to the property which will improve its overall appearance. Should permission be granted Officers will continue to monitor the condition of the site to ensure it remains in an acceptable condition.
32. A further point of objection relates to various works encroaching outside the application site boundary and land within the applicant's ownership. As set out elsewhere in this report, the proposed boundary gates and fencing to the south of the site, which were outside of the curtilage of the property have been removed from the application, and the Highway Engineer has raised no objection to the application. Temporary roof trusses had been erected over the garage which overhung the applicant's eastern boundary. The overhanging material has been

removed and inspected on site and the garage as built so far remains within the application site as shown on the submitted plans.

THE PUBLIC SECTOR EQUALITY DUTY

33. 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

34. 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

35. The proposed enlargement of the property including the detached garage would not significantly materially detract from the character and appearance of the existing dwelling, its setting or the wider area and would comply with saved Policy DC1 of the Darlington Local Plan 2016-2036. Nor would the proposal 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 and there are no tree issues. The proposal therefore complies with relevant Local Plan Policies and the NPPF and

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 Plans (Ground and First Floor) Drawing No. 04B dated 15/10/2024
Proposed Plans (Garage, ground and first floor) Drawing No. 05 Rev A dated 28/06/2024
Proposed Elevations Drawing No. 06B dated 15/10/2024
Proposed Garage Elevations Drawing No.07A dated Oct 2022
Proposed Site Plan Drawing No. 10E dated 18/09/2024
Proposed Roof Plan Drawing No. 11A dated 15/10/2024
Email received 14/10/2024 confirming external materials

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

4. The domestic garage hereby approved shall be used for the purpose's incidental to the enjoyment of the dwellinghouse known as Red Hall Cottage only and shall not be used for any commercial purposes.

REASON: In the interests of residential amenity and to enable the Local Planning Authority to obtain control over the development.

5. No additional windows or other glazed openings shall be formed in the eastern wall or roof slope of the garage hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

6. Notwithstanding details approved in Condition 3 (approved plans), the high-level window on the rear elevation of the front extension which has been built up to the shared boundary with the property known as Red Hall Villas shall be made from opaque glazing and shall not be repaired or replaced other than with opaque glazing.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.