

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 JUNE 2025

APPLICATION REF. NO:	25/00258/FUL
STATUTORY DECISION DATE:	5 th May 2025 (Extension of Time until 5 th June)
WARD/PARISH:	Eastbourne / Darlington Urban Area
LOCATION:	21 Lanethorpe Road, Darlington
DESCRIPTION:	Erection of front boundary wall up to 1.84m high and detached outbuilding/store within the front boundary, extension to the west elevation of the existing garden store and installation of an additional first floor window into existing side elevation of dwelling (part retrospective)
APPLICANT:	Mr J Bertuccelli

RECOMMENDATION: REFUSE PERMISSION

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/>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a semi-detached dwelling at 21 Lanethorpe Road within Darlington. Adjoining the application site to the West is 19 Lanethorpe Road and adjacent to the East is 28 Brignall Moor Crescent. The rear garden of the application site is bounded to the North by the rear gardens of 26 Brignall Moor Crescent and 24 Brignall Moor Crescent.
2. Retrospective planning permission is sought for the erection a front boundary treatment along with a detached outbuilding within the front boundary and the erection of an extension to the west of an existing garden store. There would also be the installation of an additional first floor window into the existing side elevation of the dwelling.

3. The description has been updated to show the on-site measurements of the boundary treatment and to replace the word 'garage' with 'outbuilding'. The plans will be updated accordingly, to also show the on-site measurements. With regards to the garage/outbuilding change, this was carried out because the building could not be used for car parking, and it appears that it is intended to be used as an ancillary outbuilding type structure. This is taking into account the design of the structure and that at the time of the first site visit, it could be seen that internal wall insulation was in place.

SITE HISTORY

4. The below application was submitted and withdrawn in response to concerns set out by the Local Planning Authority. In summary it was advised that due to the scale and projection of the two-storey rear extension that it would not be supported and design changes were requested. It was also advised that the front outbuilding would not be supported owing to its scale and forward projection of the house and that this would need to be removed. These matters were considered to adversely impact upon character and amenity. Furthermore, it was noted that the front boundary treatment which had been erected on site, likely required planning permission but in its current built form it would likely be supported:

23/00757/FUL - Erection of a detached garage/store within front boundary, extension to the west elevation of the existing external store building, two storey rear extension to the dwelling and additional first floor window and ground floor door to the existing side elevation, together with associated works (Part Retrospective Application)

The application would normally be a matter that would be dealt with by officers under delegated powers. However, a Ward Member has requested that the matter is brought to Committee, as he feels that the proposal would not adversely affect the street scene. The Chair has agreed to this application being brought before Members for them to assess the application.

MAIN PLANNING ISSUES

5. The main planning issues are whether the proposed works are acceptable in terms of their impact on:
 - (a) Character
 - (b) Amenity
 - (c) Highway Safety

PLANNING POLICIES

6. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, which seek to ensure that new development:
 - Reflects the local environment and creates an individual sense of place with distinctive character (*Policy DC1*).
 - Has a detailed design which responds positively to the local context, through scale, form, height, layout, materials, colouring, fenestration and architectural detailing (*Policy DC1*).
 - Provides suitable and safe vehicular access and suitable servicing and parking arrangements in accordance with Policy IN4 (*Policy DC1*).

- Is 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 (*Policy DC4*).
 - Will be suitably located and acceptable in terms of privacy and overlooking, access to sunlight and daylight as well as any visual dominance and overbearing effects (*Policy DC4*).
 - Adheres to the separation distances within the guidance set out in the Design of New Development SPD (*Policy DC4*).
 - Will provide safe and secure vehicle parking and servicing. The number of spaces required will depend on the nature of the proposal as well as the local circumstances and standards set out within the Tees Valley Highway Design Guide (*Policy IN4*).
7. The application has also been considered alongside the Darlington Design of New Development SPD.

RESULTS OF TECHNICAL CONSULTATION

Highways

8. Whilst the proposed in-curtilage driveway does not fully meet the current Tees Valley Design Guide standards for an in-curtilage driveway, a clear precedent is set within the street where neighbouring dwellings have similar parking arrangements within the front garden. The garage is not accessible by car and as such it is presumably to be used for some other purpose; however, the available driveway space is considered usable for the parking of a single vehicle.
9. The most recent Google Street View imagery dated July 2024 shows that the front garden was being used for in-curtilage parking despite there being no lawful means of vehicle access across the highway verge and footway. It is an offence under The Highways Act 1980 to drive over a footway/verge without the appropriate consent from the Local Highways Authority (LHA), a before the completion of a properly constructed access, and as such a lawful access must be constructed if this has not yet been undertaken.
10. The applicant will require separate permission from the Council as Local Highway Authority, in order to obtain permission for the required works within the public highway. The applicant will then be able to have the required works done by a suitably approved contractor, or the Council will be able to undertake the works at the applicant's cost.
11. If still required, a suitably worded planning condition should be attached to any approval granted to ensure the works are completed within an agreed time frame. I would suggest that a period of 3 months is reasonable, however vehicle must not be driven over the footway the crossing is in place.

12. Conditions:
Section 184 Crossover
A lawful means of vehicle access should be provided in the form of a widened dropped pavement crossing, to be constructed as part of a Section 184 Agreement issued by the Highways Authority. Reason: In the interests of highway safety. The works must be completed within 3 months of the date of any planning approval granted unless otherwise agreed in writing with the Local Planning Authority.
13. I would request that the following informative(s) are included with any approval granted: The applicant is advised that works are required within the public highway, to construct a new vehicle crossing; contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

RESULTS OF PUBLICITY AND NOTIFICATION

14. No comments were received at the time of writing other than the request from a local Councillor for the matter to be referred to Ctte for determination.

PLANNING ISSUES/ANALYSIS

(a) Character

15. The proposed extension to the existing garden shed is considered to be acceptable owing to its siting, scale and overall design. The proposed first floor window is also considered to follow the character of the dwelling and would not therefore significantly impact upon character. Furthermore, the on-site boundary treatment is also considered to be of a suitable scale and design and would not detract from the street scene given other nearby boundary treatments.
16. With regards to character, the main impact for both the host dwelling and street scene is the erection of the detached outbuilding. This has been started and not finished and it is understood that the applicant was not aware that these works required planning permission. Nevertheless, the outbuilding is considered to create a highly prominent form of development that would not follow the scale and character of this domestic plot and wider street scene.
17. These dwellings have open frontages devoid of built structures and as such, the erection of this outbuilding in this location, is not considered to follow the character of this settlement pattern.
18. The proposed outbuilding will create a highly visible form of development that is considered to be dominant within the street scene. The pitched roof measures approximately 4.5 metres in height, with the eaves height at about 3.3 metres.
19. In addition to the above assessments, the scale of the outbuilding is also considered too large for both the host dwelling footprint and dwelling plot.
20. For the reasons set out above, the development is contrary to both National and Local Planning policy, as the development is not considered to respond positively to local context owing to its scale and forwards projection. The development is considered to adversely impact upon the character of both the dwelling and street scene.

(b) Amenity

21. Owing to the siting of the development in relation to the siting and orientation of neighbouring properties, it is not considered to create an adverse overbearing or overshadowing impact. This is also taking into account the pitched roof design of the proposed outbuilding, helping to reduce the bulk of the development adjacent to any shared boundaries.
22. The new openings within the outbuilding face onto a shared front boundary which has mature hedging. This is considered sufficient to screen direct views. However, should this hedging ever be removed, consideration is had for the fact that views would be towards a front garden/ driveway area, which is not considered to be a main external private amenity space. Equally, views towards the front windows of this neighbouring dwelling are considered to be oblique and would not achieve direct overlooking as to detrimentally impact upon privacy.
23. The proposed first floor window would be located to the side of the host dwelling. It is to be a secondary window to an existing bathroom. But as it has the potential to create overlooking into neighbouring gardens, it would have been requested that this would be obscurely glazed. The opening aspect is considered to have achieved partial views and as a result it would not have created such a detrimental impact upon privacy as to have requested that this window be non-opening too.
24. Overall, the development is not considered to impact upon amenity and had the Local Planning Authority been minded to approve the scheme, it would have been requested or conditioned that the first-floor window be obscurely glazed.

(c) Highway Safety

25. Overall, no highway safety objections were received but concerns were raised regarding the means of vehicular access. This could have been addressed by way of a condition/ informative had the Local Planning Authority been minded to approve the scheme.

THE PUBLIC SECTOR EQUALITY DUTY

26. 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

27. 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

28. It is recommended that the application be **Refused** as the development would be contrary to both National and Local Policy, by creating an unacceptable impact upon the character of both the dwelling and area.

THAT PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

1. By virtue of the scale and forwards projection of the outbuilding, the development would result in a poor form of development to the detriment of the character and appearance of the property and street scene and fail to make a positive contribution to the local area. The proposed development would therefore be detrimental to the character and visual amenities of the area, contrary to guidance contained within the National Planning Policy Framework 2024 (paragraph 135) and Local Plan Policy DC1.