

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24th September 2025

APPLICATION REF. NO:	25/00107/FUL
STATUTORY DECISION DATE:	1 st October 2025
WARD/PARISH:	College
LOCATION:	Land To The Rear Of 35 Abbey Road Darlington DL3 7RD
DESCRIPTION:	Demolition of existing garage and erection of 1 no. self-build residential dwelling and integral double garage within existing rear garden, new pedestrian and vehicular access, landscaping and associated works
APPLICANT:	Professor Ahmet Fuat

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

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=SQYLT5FPLVD00>

APPLICATION AND SITE DESCRIPTION

1. The application site is part of the domestic garden located to the rear of No 35 Abbey Road which is located within the West End Conservation Area. There is an existing garage in the south west corner of the site which has access directly onto a scoria block lane. The garden is currently enclosed to the east, south and west by a solid brick wall approximately 2m high and there are trees located within it, none of which are covered by a tree preservation order.
2. The proposal involves the demolition of the existing garage and the erection a three bed dwelling with an integral garage within the garden area. The new dwelling is primarily single storey, with a rear courtyard area and a single first floor projecting “butterfly” design roof located quite centrally within the proposed building to create a snug/library and a void with high level windows to funnel natural daylight to the living areas below. As well as the integral garage, which projects from the front of the main dwelling, there will a further garden space and an area for two parking spaces. The dwelling and parking spaces would be accessed off the rear lane and are located behind a set of sliding entrance gates. The existing garage would be demolished and replaced by a new rebuilt section of boundary wall.

3. Nos 1 to 6 Fife Cove is a two-storey apartment building located to the east of the application site. Further east is Nos 48 to 52 Fife Road which are three, 2.5 storey high dwellings. To the west of the site is No 7 Fife Cove which is a detached dwelling within fully enclosed grounds. All of these properties are accessed off the existing scoria lane which runs to the south of them and the application site. To the south of the site, is Fife Road which comprises of terraced, two storey dwellings with rear gardens. The dwellings to the north on Abbey Road, including the applicant's dwelling are a mix of semi detached and detached properties.

MAIN PLANNING ISSUES

4. The main planning issues to be considered here are whether or not the proposed development is acceptable in the following terms:
 - a) Planning Policy
 - b) Design and Impact on the Appearance of the Street Scene
 - c) Impact on the Significance of the West End Conservation Area
 - d) Residential Amenity
 - e) Highway Safety and Parking Provision
 - f) Biodiversity Net Gain
 - g) Trees and Landscaping
 - h) Land Contamination
 - i) Archaeology
 - j) Flood Risk and Drainage
 - k) Nutrient Neutrality

PLANNING POLICIES

5. The Following policies within the Darlington Local Plan are relevant along with the National Planning Policy Framework 2024

SD1: Presumption in Favour of Sustainable Development

SH1: Settlement Hierarchy

DC1: Sustainable Design Principles and Climate Change

DC2: Flood Risk & Water Management

DC3: Health & Wellbeing

DC4: Safeguarding Amenity

H1: Housing Requirement

H3: Development Limits

H8: Housing Intensification

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

ENV3: Local Landscape Character

ENV4: Green and Blue Infrastructure

ENV7: Biodiversity & Geodiversity & Development

ENV8: Assessing a Development's Impact on Biodiversity

IN1: Delivering a Sustainable Transport Network

IN2: Improving Access and Accessibility

IN4: Parking Provision including Electric Vehicle Charging

IN6: Utilities Infrastructure

6. The Design of New Development SPD and the West End Conservation Area Character Appraisal are also relevant to the planning application.

RESULTS OF TECHNICAL CONSULTATION

7. The Council's Highways Engineer, Environmental Health Officer, Ecology Officer and Arboricultural Team Leader have raised no objections to the principle of the development subject to the imposition of planning conditions where appropriate.
8. The Durham County Council Archaeology team has raised no objections.
9. The Council's heritage consultant has provided advice and guidance on the planning application.
10. Northern Gas Network have raised no objections.
11. Natural England has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

12. Following the Council's publicity and notification exercises, eight letters of objection have been received. Four of the objections are from addresses in the immediate vicinity of the application site and four are from addresses further afield. The objections can be summarised as follows:

- *The design is out of keeping with the surrounding area.*
- *The development will have an adverse impact on the Conservation Area*
- *Trees will be removed.*
- *Adverse impact on natural habitats and beauty of this part of Darlington*
- *Access and egress are not acceptable.*
- *The development will result in the loss of a green space and garden.*
- *Adverse impact on ecological diversity*
- *The proposed roof style makes the design stand out in an incongruous and disruptive manner and alien to the character and appearance of the conservation area.*
- *The development will set a precedent for further infill developments.*
- *Any new development should complement the architectural style of the existing houses.*
- *The proposal is an overdevelopment of the plot and will have an adverse impact on amenities of neighbouring dwellings.*
- *Adverse impact on habitable windows of No 7 Fife Cove with proposed panelling on top of the existing boundary wall blocking out light.*
- *The upper floor extension will have an overbearing impact and block out light to No 7 Fife Cove*
- *The demolition of the wall to create the access is to the detriment of the conservation area*
- *A Construction Management Plan is needed should the development go ahead*
- *The development will cause prolonged obstruction of the only emergency access route to the rear of neighbouring dwellings*
- *The appearance of the new wall is not in keeping with the area. The addition of a fence on top gives an almost industrial appearance*
- *Inadequate parking for visitors and this will lead to parking on Fife Road*

- *Increase in traffic*
- *The development will lead to overlooking of neighbouring dwellings*

PLANNING ISSUES/ANALYSIS

a) Planning Policy

13. 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).
14. Policy H1 of the Local Plan sets a minimum housing requirement of 492 net additional dwellings per annum over the plan period to 2036. The proposal would be a small-scale windfall development which would make a contribution towards the achievement of this requirement.
15. The applicant and his wife currently reside at No 35 Abbey Road but now approaching retirement, with their children having left home, they are looking to downsize from their home, whilst staying in the area and community they remain active participants in. A self build statement has been submitted in support of the planning application confirming that the applicants are in full control of the design and delivery of the dwelling and it would be their new residence meaning that the development meets the definition of a self build development under the National Planning Policy Framework 2024 and the Self Build and Custom Housebuilding Act 2015.
16. Policy H4 of the Local Plan states that to increase housing options, the Council will encourage and support the delivery of self build housing and the demand for this type of housing will be monitored and the Council will assist in the delivery of sites. This development would contribute towards self-build housing plots in the Borough, and an appropriate condition (No 12) is recommended in relation to the self build nature of the development.
17. Policy H3 of the Local Plan seeks to achieve the locational strategy for new development in the Borough by establishing development limits where development within will be acceptable subject to compliance with other relevant national and local policies. The site is located within the development limits of the main urban area therefore the proposal accords with policy H3 and the distribution of development within Policy SH1 of the Local Plan.
18. Policy H8 of the Local Plan refers to back land or garden development. It states that the development of rear residential garden for a new dwelling will not normally be permitted. However, the policy goes on to state that a limited scale of back land garden development may be acceptable providing it does not have a significant adverse impact upon the following criteria:
 - a) Rear garden land which contributes either individually or as part of a larger swathe of green space to amenity of residents or provides wildlife habitats.
 - b) The privacy of existing homes and gardens of neighbours or occupiers of the new development.
 - c) Vehicular access or car parking – both in terms of highway safety or visual, noise or light impact on neighbours.

d) Existing trees, shrubs and other wildlife habitats.

19. This report will assess the proposal against policy H8 alongside all other appropriate local and national development plans and material planning considerations.

b) Design and Impact on the Appearance of the Street Scene

20. The existing garden is located behind a solid brick wall and so is not highly visible from the lane which is located to the rear of the application site. The enclosed garden does not make a highly visual contribution to the area in general street terms, and it is private land rather than public land which other residents may benefit from using or being able to view. The garage to be demolished to facilitate the proposed development is a standard garage building in terms of size and design and its loss would not harm the character or appearance of the rear lane.

21. Since the mid-1990s, a street frontage of infill development has developed along the lane to the south of the application site due to the erection of Nos 48 to 52 Fife Road, Nos 1 to 6 Fife Cove and No 7 Fife Cove and as stated elsewhere in this report, an existing footway runs along the lane from the Nos 1 to 6 Fife Cove to entrance gates of No 7 Fife Cove. The lane has taken on the visual appearance of a street due to these existing residential developments and highway infrastructure, including lighting columns. The application site is the one section that has not been developed for residential purposes, and it is both physically and visually contained by the built developments on either side.

22. The proposed dwelling has a very contemporary design, and it is primarily single storey with a “butterfly” design first floor projection. The dwelling comprises two wings on either side of a kitchen and dining room with the garage projecting to the front of the main building. Internally, the communal spaces to the south will benefit from and enjoy direct sunlight, and the private bedrooms to the north would receive more ambient light. The entrance and living spaces are open, glazed spaces which form the heart of the plan, linking the courtyard gardens. The east wing houses the master suite, while the west wing provides two bedrooms for visiting family members.

23. The dwelling has been purposefully designed to be primarily single storey so that this element will remain largely hidden from view by the boundary walls. The single storey element will be constructed from brick to reflect the presence of this existing palette of material within the boundary walls and neighbouring dwellings. However, the first-floor element would be constructed from a contrasting material of a copper standing seam finish of a colour to be consistent with brickwork.

24. The proposed development has been purposefully designed in a contemporary way in response to constraints of the site and the presence of the developments on either side. It would be difficult to construct a traditional two storey development at the front of the site without impacting on No 7 Fife Cove or to the rear of the site without impacting on Nos 1 to 6 Fife Cove.

25. Other than being two storey, the existing infill developments do not share many design features and there is, therefore, no uniformity to the external appearance of these buildings. The proposed dwelling would be a further addition to the mix of house types. It would not be highly visible from behind the boundary wall other than the first-floor element which will benefit from some screening by the adjacent apartment block (Nos 1 to 6 Fife Cove) when approaching the site from the east.
26. Whilst the proposed development is a very modern addition to the area, it is well designed and does look to include some materials to reflect the local environment and to respond positively to the local context although in a visually contrasting manner. The addition of the sliding gate would be a replication of gates located within boundary walls of rear gardens and yards, and the use of a sliding gate would continue to reflect the shape of the existing plot boundary.
27. A planning condition (No 4) to secure appropriate materials for the development has been imposed. A further condition has been recommended (No 22) which removes permitted development rights for the site meaning that a planning application will be required for all future extensions to the dwelling.
28. It is considered the proposed development does accord with the general objectives of Policy DC1 of the Local Plan albeit in a modern way which does contrast with traditionally designed properties. The Council's Design SPD suggests that two storey developments in this location (Character Zone Town Centre Outer Ring) can be acceptable along with the use of parapet/hipped/pitched roof designs and brick, cladding and metal external finishes.
29. Policy DC1 also seeks to ensure that new developments are designed to reduce the need for energy consumption and carbon emissions. The proposed dwelling would be built to achieve extremely high sustainability criteria (EPC Rated A). This can be achieved through the building being highly insulated, airtight and through the use of underfloor heating, high performance glazing, air source heat pumps along with solar gain. A planning condition has been recommended (No 7) to secure the details of such measures.
30. The proposal would accord with policy DC1 of the Local Plan in this regard.

c) Impact on the Significance of the West End Conservation Area

31. The site is located within the West End Conservation Area and the area to the west end of Abbey Road is characterised on the whole by large properties set in substantial established grounds. Boundaries are formed in general to Fife Cove by traditional brick walls with copings, and a mix of outbuildings in varying forms. The sense of enclosure to rear garden areas forming the connecting back alleys also add to the sense of place, the understanding of development pattern and architectural hierarchy.
32. The application site and No 35 Abbey Road plot is narrower than some of its directly adjoining neighbours and variety of plot sizes is identified in the Conservation Area Appraisal (2010). The application site is a typical large property set in extensive rear grounds scenario, which is established within the Conservation Area Appraisal as being of positive contributing character. However, the garden area itself is considered to add limited interest to the wider character of the conservation area due to the contained nature to the rear and loss of mature trees of limited quality (see paragraph 69). As

stated previously in this report, the adjoining infill neighbouring developments create both physical and visual containment to the site.

33. As an undeveloped garden area along with those that remain undeveloped, they help to understand and appreciate the historic plot ratios within the Conservation Area. A case can be made that those remaining undeveloped are arguably of greater importance due to the number of previous infill developments. However, this particular area of the conservation area, due to neighbouring infill developments, has on the whole lost that semblance of larger properties in extensive plots, and the site is screened in part by these more recent developments.
34. In principle, further built form in this location would not be dissimilar to the existing infill developments, however it would result in the loss of a rear back garden and historic plan form of a large plot which is an issue highlighted in the Conservation Area Appraisal as being an intrusive feature of the Area. The proposed development would result in a degree of harm to the character of the Conservation Area. However, due to the existing infill development either side, the advice from the Council's Heritage Consultant is that the level of harm would be at the lower end of the "less than substantial" scale of harm, to the character and significance of the West End Conservation Area. The harm would be very localised to this part of the Area due to the fact that the site is not in a highly public or visible location.
35. The plot is constrained due to the neighbouring infill development, with a staggered building line to the west and east. The design approach is an expression of contemporary individual design; it is a dwelling that is designed to fit within a site that has a number of planning constraints including issues of amenity with neighbouring properties (due to the staggered building line and general tightness of plot layout). The design proposals introduce several architectural forms that are not prevalent in the immediate area, most notably the first floor butterfly roof projection. It is a design expression of its 'time' however it does not follow the established traditional roofscapes found in the Conservation Area particularly due to the expanse of flat roof elements with the central protruding first floor element. The site is rather contained, and the design response would not be immediately evident on wider views in the Conservation Area as a result but would nevertheless introduce a very visually different design element to that found at the immediate neighbours.
36. The proposal looks to incorporate a number of high-quality elements, such as timber windows, the green roof and copper cladding (although not traditional architectural features within the Conservation Area) the detailing of which would influence the success of the scheme. The back lanes are characterised by their traditional high boundary brick walls along with the scoria blocks. The proposed access to the site is through removal of the more modern garage block with minor raising of the boundary wall through addition of a fence. This is not dissimilar to other examples of boundaries found in the area and there is no heritage objection to this element of the works.

37. The proposal will impact on the existing plot layout of the main house and therefore further erode the plan form of the Conservation Area, which is noted to be an issue in terms of negative impact on the existing character of the Area. Although such an impact is considered to be at the lower end of the less than substantial scale of harm to the significance of the conservation area. The design response is led by the site constraints, but it is a contextual response in one respect but with an overtly contemporary design approach that does not follow established norms within the Conservation Area, but it does take cues from it.
38. Policy ENV1 of the Local Plan remains compliant with the heritage related policy requirements of the National Planning Policy Framework 2024. The policy states that proposals affecting conservation areas, including construction of any new structure should preserve and enhance those elements identified in any conservation area appraisal as making a positive contribution to the significance of that area. It goes on to state that 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) existing hard and soft landscaping features including areas of open space, trees, hedges, walls, fences, watercourses and surfacing and the special character created by them; and
 - c) historic plot boundaries and layouts; and
 - d) the setting of the conservation area.
39. The policy sets out that development will not be permitted that would lead to the loss of public or private open spaces within or adjacent to conservation areas where the existing openness makes a positive contribution to the character or appearance of the area or its setting, including landscape and townscape and views into or from the area, unless the public benefit demonstrably outweighs the harm.
40. As stated in this report, the garden area itself is considered to add limited interest to the wider character of the conservation area due to the contained nature to the rear. However, the development will result in the loss of a garden resulting in less than substantial harm to this part of the Conservation Area. In accordance with both policy ENV1 and the National Planning Policy Framework 2024, consideration has been given to what public benefits would be derived from the proposed development and they are as follows:
- a) The proposed development would contribute towards the Council's self build portfolio which is a policy objective of the Local Plan aiming to give applicants freedom to design their own homes for their own needs and to increase housing options in the Borough
 - b) The proposed development will result in a net gain in biodiversity which will provide a positive environment for the local area
 - c) The proposal is a windfall development which will make a contribution towards the Council's housing delivery targets
 - d) The development will provide an economic benefit in the short term during the construction phase as materials tend to be sourced locally, and local tradespeople and apprentices can benefit from this form of self build development

- e) The dwelling would be constructed to meet extremely high sustainability criteria as the building fabric would be highly insulated with high performance glazing and a focus in airtightness, underfloor heating and controlled solar gain
- f) The dwelling would be designed in order to support independent living, and it is fully accessible for people with mobility issues
- g) This form of development and design would be used to promote sustainability and to raise design standards albeit in a modern but considered manner and could be presented as such in educational arenas in the future

41. It is considered that cumulatively, the public benefits listed above, would outweigh the harm that has been identified through the loss of a further garden within the West End Conservation Area and the proposed development can be supported on heritage grounds in accordance with policy ENV1 of the Local Plan and the National Planning Policy Framework 2024.

d) Residential Amenity

42. The northern elevation of the first floor projection has a small circular opening over a stairwell which would face towards No 35 Abbey Road, which is the applicant's current residence. The proximity distance between this window and No 35 Abbey Road is approximately 27m which exceeds the privacy distance guidance contained within the Council's Design SPD (which is 21m). A planning condition (No 8) to secure the details of the new means of enclosure between the application site and No 35 Abbey Road has been recommended.
43. The southern elevation of the first floor projection also includes a small circular window opening. The separation distance between this opening and the gable end, conservatory and garden of No 47 Fife Road is approximately 24m which also exceeds the privacy distance guidance contained within the Design SPD.
44. The first floor projection has been positioned so that it meets the 45 degree code when measured from the nearest rear windows of 1 to 6 Fife Cove and the front windows of No 7 Fife Cove and therefore the extension should not adversely impact the amount of natural daylight entering these windows. Whilst the window openings in the east and west elevations of the first floor extension are high level and to funnel daylight into the new dwelling rather than to provide views across the amenity areas of the neighbouring dwellings, a planning condition (No 21) has been recommended to ensure that the openings are fitted with obscure glazing.
45. The first floor projection will be visible from the outdoor areas associated with the neighbouring buildings on either side and to the north and south, but it is considered that the extension will not have an overbearing or dominant impact when viewed from these areas.
46. Due to the single storey nature of the development, its shadowing potential of neighbouring dwellings is considered to be negligible and would not be so adverse to warrant the refusal of the planning application on such grounds.

47. The existing boundary wall around the site is approximately 2m high. The single storey, flat roofed element of the proposed dwelling measures approximately 3.2m and therefore there will be some limited views of the building above the wall. The building would be set in approximately 0.8m/0.9m from the boundary walls to the east and west and from any new enclosure to the north.
48. The proposed dwelling would project slightly forward of the front of Nos 1 to 6 Fife Cove, but it would not impact on the amount of the daylight entering the front of this neighbouring building and the existing boundary wall will provide some screening. There is a first floor window in the side elevation of No 5/6 Fife Cove, but this window would have views across the roofs of the new dwelling and the proposed first floor extension is positioned so that it would not impinge upon any views from this window.
49. No 7 Fife Cove has first floor windows in the east facing elevation overlooking the application site, but they are obscured. However, there are habitable windows at ground floor level within the same elevation. Two of the openings lead into a habitable room which has a dual aspect and there are other openings to the front of the same room which would not be adversely affected by the proposed development in terms of daylight. Two further windows lead into a separate room (currently a gym) and the view and the daylight entering this room are already impacted by the presence of the existing boundary wall.
50. The proposal currently involves the erection of trellis on top or adjacent to the boundary wall which would increase the overall height of the existing boundaries by a further 825mm.
51. Whilst the windows mentioned in paragraph 48 of this report will be impacted by the proposed development and additional trellis (depending on its design and height) in terms of outlook and daylight, it is considered that the additional impact would not be so adverse to warrant a reason to refuse the planning application on such grounds.
52. There are two high level slot windows openings in the west elevation of the proposed dwelling and one in the east elevation. A planning condition (No 22) has been recommended to insert obscure glazing into these openings, and this would remove the need for the trellis work referred to in paragraph 49 to be placed on or adjacent the boundary walls as the obscure glazing would give the occupants of the two properties better privacy protection. The applicant has given an indication that they would be happy to not erect the trellis.
53. Planning conditions are recommended to prevent any future window openings being installed without having to apply for planning permission (No 20) and to remove permitted rights for future extensions and detached buildings within the curtilage (No 22).
54. A planning condition (no 3) has been recommended in order to secure the submission of a demolition and construction management plan.

55. It is acknowledged that the proposed dwelling has been designed in response to the physical constraints of the site, the location of the buildings on either side and to minimise impacts on the amenities of the buildings. With the use of appropriate planning conditions, the proposed development is acceptable in amenity terms and would accord with policies DC3, DC4 and H8 of the Local Plan.

e) Highway Safety and Parking Provision

56. There is an existing lit, footway within the back lane which runs alongside the boundary wall and garage of the application site. This footway was installed as part of the planning permission for the dwelling at No 7 Fife Cove dating back to 2006/2007. As a result, there is already a safe means of pedestrian and cycle access to the application which is a requirement of Policies IN1 and IN2 of the Local Plan.

57. Vehicular access to the proposed dwelling would be via the rear lane. As the footway is already constructed with a 25mm kerb-face and designed to withstand vehicle overrun, no works are required within the public highway, other than any minor accommodation works which may be needed to provide a retaining feature once the section of boundary wall is taken down.

58. The new gated access is taken via a sliding gate which maximizes available visibility for safe access and egress over the existing footway. The use of the rear lane for vehicle access is firmly established, both for the existing garage to the rear of No 35 Abbey Road and nearby residential dwellings. It would therefore be difficult to evidence a significant intensification of use over the existing site, with just one additional movement per hour being typical for a single dwelling. On this basis there is no reason to conclude that the proposal presents the 'severe' impact required to warrant refusal under National Planning Policy Framework 2024 guidance.

59. The proposed parking provision of two in curtilage parking spaces meets the required space requirements, ensuring practical accessible parking provision. A bin store is to be provided within the site ensuring that bins will not be stored with the public highway or other location which causes obstruction or nuisance.

60. Planning conditions have been imposed to ensure that the parking spaces and bin stores are in place prior to the occupation of the dwelling (Nos 14 and 15). A planning condition has also been recommended to ensure that cycle parking is provided within the integral garage (No 16).

61. There are no highway objections, and the proposed development would accord with policies DC1, IN1, IN2, IN4 and H8 of the Local Plan in this regard

f) Biodiversity Net Gain

62. The planning application has been supported by an ecological assessment which advises that the site comprises a section of the vegetated gardens, the existing residential dwelling at 35 Abbey Road and a small brick shed. The remainder of the site is made up of grassland and scrub habitats comprising a mixture of both native and non-native species. Small trees are present around the site margins, and a large, pollarded Eucalyptus tree is present within the centre of the site. Habitats on site are of low value. The vegetated garden comprises both native and non-native species, with the presence of Wall Cotoneaster, a species listed as an invasive species on Schedule 9 of the Wildlife

and Countryside Act 1981, lowering the value of the site. In addition, tree species on site are generally non-native.

63. The site is considered to be of low value to bat and bird species and there are no ponds present meaning that the potential for great crested newts being present is low. The Assessment continues to make recommendations such as ensuring the works are not undertaken during bird nesting season unless the site is checked by an ecologist, amongst other mitigation and compensation measures. The Council's Ecology Officer is satisfied that surveys were carried out using best practice methods and in line with current legislation and that all works are conducted in line with the Assessment. A planning condition (No 6) has been recommended to submit the precise details for integrated swift and bat features.
64. As stated in paragraph 15 of this report, the development is a self build project which results in the proposal being exempt from the mandatory requirement to achieve a 10% gain in biodiversity. However, to accord with policy ENV8 of the Local Plan, a net gain in biodiversity must still be demonstrated. An updated report has been submitted in support of the planning application which concludes that the baseline habitat units are 1.03 with post development change of a loss of -0.47 units resulting in a - 46.22% loss of biodiversity onsite overall. The solution proposed to meet a 1% gain objective is to purchase 0.48 off-site habitat units from a habitat bank. The Council's Ecology Officer is in agreement with this proposal, and a planning condition (No 13) is recommended to secure the submission of a receipt for the purchase of off-site units
65. The submitted ecology assessment concludes that the site is of low ecological value and therefore the redevelopment of the site would not have an adverse impact on wildlife habitats. Ecological enhancements would be secured via a planning condition and further enhancement would occur through any landscaping scheme and the proposed "green roof". The proposed development would accord with policies ENV7, ENV8 and H8 of the Local Plan in this regard.

g) Trees and Landscaping

66. An arboricultural report has been submitted in support of the application which identifies 17 trees within the site. The trees are within the West End Conservation Area, but they are not covered by a tree preservation order. The report states that 13 of those trees would need to be removed to facilitate the development, none of which are of high retention value or worthy of a preservation order. The one tree with the most retention value is a Wellingtonia, which is to be retained, and protection measures would be put in place for this tree and the other 3 trees that are to be kept. The small site area and working area needed for construction, do not give sufficient working space for the realistic retention of most of the vegetation on site. The Council's Arboricultural Team Leader has no objection to the planning application.
67. The Proposed Site Plan submitted in support of the planning application indicates that there are landscaping opportunities within the rear courtyard and front garden of the development. A new tree line will be established to soften the frontage comprising of smaller scale species which are appropriate for their surroundings. Furthermore, the proposed green roof will feature wildflower planting, (as opposed to sedum) which will offer valuable benefits to the visual appearance of the development, habitats and biodiversity.

68. A planning condition (No 9) has been recommended to secure the submission of a detailed landscaping scheme to compensate and mitigate the loss of existing trees which do not have high retention value. The proposed development would therefore accord with policies H8 and ENV4 of the Local Plan in this regard.

69. A Willow tree and a Eucalyptus tree have been previously felled within the application site under application number 23/01035/TFC.

h) Land Contamination

70. The application has been submitted with a Land Contamination Screening Assessment form which details that the site is currently part of a domestic garden and has not been subject to potentially contaminative uses in the past and there is no asbestos in the existing garage. Having reviewed this information, the Council's Environmental Health Officer has no comments to make with regard to land contamination. The development would accord with policy DC1 of the Local Plan in this regard.

i) Archaeology

71. Due to the nature of the proposed development, the Archaeology Team from Durham County Council have raised no objection from an archaeological point of view. The development would accord with Policy ENV1 of the Local Plan in this regard.

j) Flood Risk and Drainage

72. The site is wholly within Flood Zone 1 and the Flood Risk Maps show that the site is not within an area that is at risk from surface water flooding. Foul and surface water would be disposed of via the existing mains sewer. Additionally, a significant benefit of employing a green roof is its natural water attenuation, which will ease pressure on drains during periods of heavy rainfall, unlike a traditional pitched roof. The development would accord with policy DC2 of the Local Plan in this regard.

k) Nutrient Neutrality

73. The application site is located within the River Tees Catchment Area and is therefore subject to the guidance issued by Natural England on the 16th of March 2022 in respect of the unfavourable condition of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Ramsar Site and associated Sites of Special Scientific Interest.

74. Regulation 63 of the Conservation of Habitats and Species Regulations (2017) requires Darlington Borough Council (as the Competent Authority) prior to giving permission for any plan/project that is likely to have a significant effect on a European site (either alone or in combination with other plans/projects) to undertake an appropriate assessment of the implications of the plan/project for that site in view of that site's conservation objectives.

75. Regulation 75 of the Conservation of Habitats and Species Regulations (2017) also states that it is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority.

76. The following information has been submitted in support of the planning application to enable the Local Planning Authority to undertake the Screening Assessment and where necessary Appropriate Assessment:
- a) Nutrient Budget Calculator (31 January 2025)
 - b) Nutrient Neutrality Assessment (31 January 2025)
 - c) Nitrate Assessment MoU (31 January 2025)
 - d) Nitrate Allocation Agreement (22 January 2025)
 - e) Habitat Management Plan (31 January 2025)
 - f) Section 106 Agreement – Mitigation Land
77. This proposal for 1 net additional dwelling would increase the total annual nitrogen load arising by 1.56kg per year. As a nitrogen surplus would arise, the applicant has accepted that mitigation would be necessary to avoid likely significant effects. Informed by the Nutrient Budget Calculator Tool the applicant proposes to mitigate this nitrogen surplus by purchasing 1.56 credits from a Nutrient Mitigation Land Scheme run by Biomark which is equivalent to the surplus nitrogen of 1.56kg that needs to be mitigated.
78. The applicant has provided a Nitrate Allocation Agreement obtained from Biomark confirming the reservation of the credits solely for the applicant. They have also provided a Memorandum of Understanding identifying the particular area of mitigation land to be used for this proposal (Morton Grange Farm at Nunthorpe) along with the Section 106 agreement which legally secures the lands use for mitigation purposes along with the Habitat Management and Monitoring Plan setting out how the land will be monitored and managed to ensure the land continues to mitigate the impact of the development proposal in perpetuity.
79. This information it is considered sufficient evidence to confirm this particular mitigation proposed is robust and achievable and appropriately located within the Tees catchment. A pre-occupation condition (No 11) has been recommended to ensure that the required and necessary mitigation is secured and in place. It can be concluded that the proposal will not adversely affect the integrity of the Teesmouth and Cleveland Coast SPA and meets the relevant Habitat Regulations, subject to this planning condition.
80. In accordance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) Natural England have been consulted and they have raised no objections

THE PUBLIC SECTOR EQUALITY DUTY

81. 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 proposed dwelling has been designed for longevity and is highly accessible with the majority of the living accommodation being on the ground floor. The dwelling would need to meet building regulation M4(2) (Accessible and Adaptable Dwellings) as a minimum (Condition No 18). The proposed development would accord with policy IN2 of the Local Plan in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

82. 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

83. The application site is within the development limits for the urban area and therefore the principle of the proposed development can be supported subject to compliance with other appropriate local and national development plan policies.
84. The site is within the West End Conservation Area, and the proposed development would result in some harm to the significance of the Area due to the loss of the garden space which is a form of development that the Character Appraisal states has previously had an adverse impact on the Conservation Area. However, due to the presence of built development on either side of the application site, the level of harm that would be caused by the proposed development is “less than substantial”, at the lower end of the scale of harm. In accordance with national and local planning policy, public benefits have been presented which, cumulatively, are considered to outweigh the level of “less than substantial” harm that has been identified to the Conservation Area.
85. The design of the proposed dwelling is very modern and contemporary, but it will be quite well screened as it is predominately single storey. The first floor element has been designed in a contrasting way to the existing buildings in the immediate area, but it would not have an adverse impact on the significance of the conservation area or the general appearance of the area.
86. The proposed development would be backland development, but the scheme would meet the requirements set out in Policy H8 of the Local Plan which sets out where this form of development can be permitted.
87. There are no highway objections. The development is acceptable in amenity terms and subject to the imposition of appropriate planning conditions, the privacy of neighbouring buildings can be protected.
88. A net gain in biodiversity has been achieved through a mix of on site and off-site mitigation via purchasing credits from a habitat bank. The development is shown to be nutrient neutral through the purchasing of nutrient credits. On this basis, the recommendation is to grant planning permission, subject to planning conditions.

GRANT PERMISSION SUBJECT TO THE FOLLOWING PLANNING CONDITIONS

1. A3 – Implementation Limit (Three Years)

2. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
 - a) Drawing Number 0001 Location Plan
 - b) Drawing Number PR1008 Proposed North Elevation
 - c) Drawing Number PR1007 Proposed West Elevation
 - d) Drawing Number PR1006 Proposed East Elevation
 - e) Drawing Number PR1005 Proposed South Elevation
 - f) Drawing Number PR1004 Proposed Roof Plan
 - g) Drawing Number PR1003 Proposed First Floor Plan
 - h) Drawing Number PR1002 Proposed Ground Floor Plan
 - i) Drawing Number PR1001 Proposed Site Plan
 - j) Drawing Number PR1001 Proposed Site Plan inc Drainage
 - k) Drawing Number WArb.TPP.35 Abbey Rd V1 – Tree Protection Plan

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

3. Prior to any demolition works and/or the commencement of the development, a site-specific Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan[s] shall include the following, unless the Local Planning Authority dispenses with any requirement[s] specifically and in writing:
 - a. Dust Assessment Report which assesses the dust emission magnitude, the sensitivity of the area, risk of impacts and details of the dust control measures to be put in place during the demolition and construction phases of the development. The Dust Assessment Report shall take account of the guidance contained within the Institute of Air Quality Management "Guidance on the assessment of dust from demolition and construction" February 2014.
 - b. Methods for controlling noise and vibration during the demolition and construction phase and shall take account of the guidance contained within BS5228 "Code of Practice for noise and vibration control on construction and open sites".
 - c. Details of Hours of Construction
 - d. Details of Hours of Deliveries
 - e. Construction Traffic Routes, including parking areas for staff and visitors, if required
 - f. Details of construction traffic access point into the site
 - g. Details of site compound
 - h. Details of wheel washing.
 - i. Road Maintenance.
 - j. Warning signage.

The development shall not be carried out otherwise in complete accordance with the approved Plan.

REASON - In the interests of residential amenity and highway safety.

4. No building shall be constructed above damp proof course until precise details of all external materials to be used in the construction of the dwelling and rear boundary wall have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include, but not be limited to, external cladding, doors, windows, brick work, guttering and drainpipes, hard landscaping and the development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and to safeguard the significance of the West End Conservation Area

5. No building shall be constructed above damp proof course until precise details of an Electric Charging Vehicle socket have been submitted to and approved in writing, by the Local Planning Authority. The minimum requirement would be a single phase 13-amp socket. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of encouraging the use of sustainable modes of transport in accordance with policy IN4 of the Darlington Local Plan 2016 – 2036.

6. No building shall be constructed above damp proof course until precise details of two integrated swift boxes and a single integrated bat roost feature have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with the approved details and the agreed features shall remain in situ for the lifetime of the development

REASON – In order to encourage biodiversity within the site.

7. No building shall be constructed above damp proof course until precise details of measures to reduce the need for energy consumption and make the development energy efficient have been submitted to and approved in writing, by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In the interests of achieving a development with suitable sustainable design principles which are resilient to climate change.

8. No building shall be constructed above damp proof course until precise details of the means of enclosure to be erected within and around the site and between the site and No 35 Abbey Road have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with approved details and the means of enclosure shall be in place prior to the first occupation of the dwelling.

REASON – To safeguard the amenities of the future occupants of the dwelling and in the interests of the visual appearance of the development and local area.

9. No building shall be constructed above damp proof course until a landscaping scheme, including details of the green roof, have been submitted to, and approved in writing by, the Local Planning Authority. The agreed scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period as may be agreed in writing by, the Local Planning Authority, and thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of 30 years to the satisfaction of the Local Planning Authority.

REASON - To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.

10. Prior to their installation, precise details of the entrance gates shall be submitted to and approved by the Local Planning Authority. The submitted details shall include the materials, design, dimensions, colour scheme and mechanisms to ensure that the gates do not open outward over the public highway. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON – In the interests of the visual appearance of the development and in the interests of vehicular and pedestrian safety.

11. Prior to the first occupation of the dwelling hereby approved, a countersigned Final Allocation Agreement shall be submitted to the Local Planning Authority.

REASON: To ensure the development is nutrient neutral in accordance with the Conservation of Habitats and Species Regulations 2017.

12. The dwelling hereby approved shall be constructed as a self build and custom dwelling within the definitions of self build and custom house building in the 2015 Self Build and Custom Housebuilding Act (as amended by the 2016 Housing and Planning Act):

- a) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling.
- b) The Council shall be notified, in writing, of the persons who intend to take up first occupation of the dwelling at least two months prior to the first occupation.

REASON – To ensure that the development complies with the self build and custom house building definition and to ensure that the development is an exempt from the mandatory net gain in biodiversity requirements set out in local and national development plans.

13. Within 12 weeks of the date of the decision (below) a certificate / receipt for the purchase of 0.48 off site habitat units from a Habitat Bank, shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of Ecology, to comply with policies ENV7 and ENV8 of the Darlington Local Plan 2016-2036.

14. The parking spaces shown on the approved plans shall be in place and available for use prior to the first occupation of the dwelling hereby approved. Once created these spaces must be maintained clear of any obstruction and retained for their intended purpose at all times for the lifetime of the development.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

15. The bin store shown on the approved plans shall be in place and available for use prior to the first occupation of the dwelling hereby approved. The bin store shall be retained for the lifetime of the development.

REASON: - In the interest of general amenity of the development and local area.

16. Provision for cycle parking within the garage shall be in place and available for use prior to the first occupation of the dwelling hereby approved. The cycle parking provision shall be retained for the lifetime of the development.

REASON – To encourage the use of sustainable modes of transport.

17. For the avoidance of doubt, no construction or demolition activities, including the use of plant and machinery, shall take place outside the hours of 08.00-18.00 Monday to Friday, 08.00-14.00 Saturday with no activities on Sunday or Bank/Public Holidays without the prior written permission of the Local Planning Authority.

REASON - In the interests of residential amenity.

18. The dwelling hereby approved shall be constructed to meet building regulation M4(2) (Accessible and Adaptable Dwellings) as a minimum.

REASON – To ensure that new dwellings provide quality living environments for residents both now and in the future in accordance with policy H4 of the Darlington Local Plan 2016 – 2036.

19. The development hereby approved shall not be carried out otherwise than in complete accordance with the submitted document entitled “35 Abbey Road Pre-Development BS5837 Arboricultural Implications Assessment Arboricultural Method Statement V1” dated April 2025 and produced by Woodsman Arboricultural Consultancy.

REASON – In the interests of the visual amenity of the development and local area.

20. No additional flank windows or other glazed openings shall be formed at ground or first floor level of any of the walls of the dwelling 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.

21. The glazed openings formed in the east and west elevations of the first floor projection shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby properties.

22. The ground floor, high level slot openings formed in the east and west elevations (as shown on Drawing Number PR1002) shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby properties.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A - F of Part 1, Schedule 2 of the Order shall be carried out on the dwellinghouse hereby permitted.

REASON – In the interests of the visual appearance of the development and to safeguard the amenities of the neighbouring dwellings.

INFORMATIVES

Street Naming and Numbering

Prior to the commencement of the development the applicant is advised that contact be made with the Assistant Director: Highways, Design and Projects (contact Mrs. P. McGuckin 01325 406651) to discuss naming and numbering of the development.