

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 1 July 2026

APPLICATION REF. NO:	26/00426/FUL
STATUTORY DECISION DATE:	3 rd July 2026
WARD/PARISH:	Heighington And Coniscliffe/Summerhouse Parish Meeting
LOCATION:	2 Raby Chase, Summerhouse, Darlington
DESCRIPTION:	Replace existing post and rail timber fence and gate with 1.8m high close boarded timber fence and gate on east boundary
APPLICANT:	Mr Jamie Wintrell

RECOMMENDATION: GRANT 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=documents&keyVal=TE7N7ZFPIXB00>

APPLICATION AND SITE DESCRIPTION

1. This application site relates to a segment of the eastern boundary of 2 Raby Chase within Summerhouse, Darlington. The property, a converted former farm building, is situated within a complex of former farm buildings and new build properties to the east of Summerhouse village. Adjoining the application site to the east is 4 Raby Chase, beyond which is a 2-bay parking area and garage block, an access road and five terraced properties of 5 - 9 Raby Chase. The application property, together with the adjoining and adjacent properties at 1, 3 and 4 Raby Chase, are Grade II listed. The site is also located within the Summerhouse Conservation Area.
2. Planning permission is sought for the removal of the existing post and rail timber fence and gate, forming part of the eastern boundary of the application property, which is situated between the boundary of 4 Raby Chase and the garage block. This would be replaced with a new close boarded timber fence and gate at approximately 1.8m in height, for a length of approximately 8 metres. The hedge which sits behind the existing post and rail fence is to be retained.
3. Planning permission, 25/00575/FUL, was granted in September 2025 for the replacement of the section of post and rail fencing immediately adjacent to the application site at 4 Raby Chase with a close boarded timber fence up to 1.8m in height. This permission has yet to be implemented in full.

MAIN PLANNING ISSUES

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

PLANNING POLICIES

5. The application has been considered in line with the National Planning Policy Framework (NPPF) and relevant policies of the Darlington Local Plan, as listed below:

DC1 – Sustainable Design Principles and Climate Change
DC4 – Safeguarding Amenity
ENV1 - Protecting, Enhancing and Promoting Darlington's Historic Environment
ENV7 – Biodiversity and Geodiversity and Development
IN4 – Parking Provision including Electric Vehicle Charging

RESULTS OF TECHNICAL CONSULTATION

6. No objections have been raised by the Council's Highway Engineer or from Summerhouse Parish Council.

RESULTS OF PUBLICITY AND NOTIFICATION

7. At the time of writing, 4 objections and 1 support comment have been received from five neighbouring properties. The main concerns are bullet pointed below, but full comments are available online at the weblink provided at the beginning of this report:
 - Character impacts
 - Ecological impacts
 - Impacts upon residential outlook
 - Noise impacts
 - Impacts upon access, maintenance and car parking arrangements
 - Would set a precedent
 - Damage/ encroachment from existing vegetation
8. In summary, the support comment wanted to make clear that the land adjacent the proposed fence works, is partly owned by 4 Raby Chase to provide a car parking space, with the remaining land to allow for a shared parking space. They state the land is not a turning circle area and they confirm that they have a close boarded fence in place.

PLANNING ISSUES/ANALYSIS

(a) Character

9. Local plan policy DC1 seeks to secure good design and proposals that reflect the local environment and create an individual sense of place with distinctive character. Detailed design should respond positively to the local context, in terms of its scale, form, height, layout, materials and colouring. In addition, local plan policy ENV1 seeks to protect the significance of heritage assets. A Heritage Statement has been submitted with the application which assesses the impacts of the proposal on the significance of heritage assets which include the Summerhouse Conservation Area and listed buildings, 1 – 4 Raby Chase.

10. The erection of a 1.8m high boundary fence is not uncommon for residential areas. Whilst it is noted that this area reads more as a converted farmstead than a typical suburban area, the boundary is considered to be read in association with a domestic dwelling in a now wider domestic setting. The use of timber however is considered to be consistent with the rural and agricultural character of the village. The proposed fence would also connect to a previously approved close boarded boundary fence and would run along a defined boundary. This boundary runs between 2 Raby Chase and the garage block and in this location is not considered to be particularly prominent.
11. With regards to the setting of the nearby listed buildings, and as already noted above, the boundary would read as a domestic feature. Consequently, the boundary would be viewed as a later addition and in the context of a residential setting. It would also be situated on a small part of the boundary of the substantially large plot for 2 Raby Chase. As such, it is not considered that the proposed works would significantly harm the character and setting of the listed buildings. Consideration is also had for the fact that a timber fence can be removed in the future and so it is a feature that is considered to be reversible. Furthermore, the proposed works will not impact the fabric of the listed building as no works are proposed to any part of the listed structure itself.
12. Overall, the Heritage Statement concludes that the proposal will cause no harm, or at most negligible harm, to the significance of either the Summerhouse Conservation Area or the Grade II listed former farm buildings. Officers agree with the conclusions of the Heritage Statement.
13. The main concerns raised by neighbouring properties, is in relation to the impacts upon the character of the area and nearby listed buildings. It is argued that there would be a visual impact that does not follow the character of this estate and reference has been made to 4 Raby Chase and the changes required as part of that scheme.
14. With regards to 4 Raby Chase, this property did erect 1.8m fence around their garden with a close boarded fence with the boundary of 2 Raby Chase without planning permission. It was agreed as part of the retrospective planning application that a 1.8m fence could be erected to the boundary with 2 Raby Chase but not around their entire garden area, which occupies a prominent position within this area. Whilst 4 Raby Chase currently has a fence at approximately 1.2m in height (at the boundary with 2 Raby Chase), the planning permission allows this to be replaced with a fence up to 1.8m in height. The circumstances relevant to the consideration of the application at 4 Raby Chase are considered different to this application given the location of the proposed replacement fence in a less prominent location.
15. While replacing the current open railed low-level fence and gate, with a close boarded 1.8m fence and gate, would be a notable change in the visual amenities for this area. It is not necessarily considered that the existing boundary is open in nature due to the existing mature hedge. As such, the proposed boundary treatment is not considered to disrupt the openness of this area, but it is noted that the greenery would be less visible on the street scene due to the erection of this fence. However, to help address this concern, the applicant has agreed to maintain the hedging, to help maintain the greenery of this area. This is welcomed and it is also considered that a timber fence would weather naturally over time, to help soften its features. However, to ensure it remains of a natural appearance, a condition will be attached to ensure an appropriate finish.

16. Overall, the proposed fence is not considered to have an unacceptable impact on the significance of heritage assets and is of a design and appearance that is considered appropriate in this location. The proposal is therefore considered to comply with the requirements of Local Plan Policies ENV1 and DC1 in this regard.

(b) Ecology

17. One issue raised by objection relates to the proposed boundary treatment preventing wildlife from migrating across the site. To help address this, the fence incorporates a hedgehog highway and a gap underneath the gate to allow for amphibian access. This has been discussed with the Council's Ecologist, and it has been confirmed that this would be suitable to allow migration for the wildlife. The 7.5cm gap underneath the gate is sufficient for amphibians and the Ecologist confirmed that amphibians could also use the hedgehog highway as a secondary access point. In addition, the one hedgehog highway is sufficient for this length of fence and the 13cm by 13cm sized opening is a standard and acceptable size for hedgehogs to use.
18. While householder planning applications are exempt from the requirements of mandatory biodiversity net gain, the scheme makes suitable provision to allow the migration of species across the site, in accordance with the requirements of Policy ENV7.

(c) Amenity

19. Local policy DC4 has regard to protecting the amenity of existing users of neighbouring land and buildings. It goes on to say that new development will be supported in regard to amenity, where it is suitably located and is considered acceptable in terms of impacts on amenity and privacy.
20. Neighbouring concerns have referenced a loss of outlook and an increase in noise levels. With regards to the former concern, the proposed fence would be located approximately 18.5m away from the frontages of the nearby terraced properties. This is considered a sufficient distance to not adversely impact upon outlook or create a closing in effect. As such, due to this distance it is considered that a reasonable outlook would remain from the windows of the neighbouring terraced properties. It should be noted that impact upon a view, is not a material planning consideration and cannot therefore be considered as part of the determination of this application.
21. With regard to noise impacts, given this separation distance and the limited length of the proposed fence, it is considered unlikely that noise would bounce back from this solid surface as to significantly increase noise levels for this area. This is also taking into account that the area features a mix of buildings through dwellings and garages, in which the proposed fence and its location, is not considered to create a detrimental impact upon noise levels, significantly over and above the existing situation.
22. Due to the siting of the development and siting and orientation of neighbouring properties, it is also not considered to create an adverse overbearing and overshadowing impact. The proposal raises no unacceptable issues with regard to residential amenity and is considered to meet the requirements of Policy DC4.

(d) Highway Safety

23. No highway safety objections have been received regarding this development. The development is therefore considered to be acceptable with regards to visibility and therefore highway safety.
24. Reference has been made to inadequate / hindered vehicle manoeuvring with regards to the car parking spaces, but this is in relation to an existing gated access, which will be discussed further below.

(e) Residual Matters

Pedestrian Access Gate

25. Reference is made within the objection comments about the existing access gate and that by allowing this permission, it would formalise this access. Such comments also note that the applicants do not contribute towards the maintenance of the road and so they should not have a pedestrian access. However, a couple of the comments do make reference to this pedestrian gate being historic, with one inferring the gate has been in place for 10 years.
26. It should be noted that this planning application seeks to replace an existing gate that appears to have been in place for a number of years. The applicants supporting details, includes a photograph of garden works carried out in 2017 which shows the gate in place. A further garden works application was granted in 2021 and it can be seen from the officer photos that the gate was in place in 2021. As the installation of a gate would have been operational development, it is now exempt from any enforcement action with it being over 4 years old, and assuming that it would have required planning permission. Nevertheless, it is considered that the pedestrian access within the boundary of 2 Raby Close is established and the granting of this permission would not be formalising this access, which is considered to already be well established.
27. The replacement of this gate is not considered to worsen any current pedestrian or parking access arrangements. Furthermore, how this pedestrian access is used or the activity levels associated with it, cannot be considered further given that it is a historic access point.
28. With regards to access rights and maintenance costs as set out within the neighbouring objections, these matters are not material planning considerations. Therefore, they cannot be assessed or controlled via planning legislation, and it would be a civil matter to resolve between neighbouring parties.

Precedent for Further Works

29. Concerns have been raised in relation to this proposed fence and gate setting a precedent for further boundary treatments to be erected within the area, which in turn would have an impact on the open converted farmstead nature of the estate. In the event of such future development requiring planning permission, any proposals would be treated on their own merits in the light of the situation prevailing at the time.

Damage/ Encroachment from Trees

30. A comment was made regarding trees planted to the rear of neighbouring garages which apparently have been insufficiently maintained, causing encroachment and potential damage to the foundations from roots. However, this isn't part of this planning application, nor can it be considered under planning legislation and it would be a civil matter to resolve.

THE PUBLIC SECTOR EQUALITY DUTY

31. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. 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

32. The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

33. It is recommended that the application be Granted with Conditions for the reasons specified Above.

RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. Time Limit

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 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plan, drawing number AFR/P1528/D1 REV B (date received 17.06.2026).

Reason: To ensure the development is carried out in accordance with the planning permission.

3. Fence Colour

The hereby approved timber fence and gate, shall either weather naturally or be stained / painted a brown colour, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

4. Wildlife Access

The hedgehog highway and amphibian access as demonstrated on drawing AFR/P1528/D1 REV B (date received 17.06.2026), shall be implemented in full and shall be retained thereafter for the lifetime of the development.

Reason: To conserve protected species and their habitats, in accordance with local policy ENV7 as well as the National Planning Policy Framework.