

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 10th July 2019

APPLICATION REF. NO:	19/00071/FUL
STATUTORY DECISION DATE:	14 June 2019
WARD/PARISH:	COLLEGE
LOCATION:	Garages And Garden To Rear Of 38 Langholm Crescent
DESCRIPTION:	Demolition of existing garages and erection of 2 No. detached double garages with associated means of enclosure
APPLICANT:	Mr Antony Vassilounis

APPLICATION AND SITE DESCRIPTION

The application site forms part of an area of garaging and gardens located behind four blocks of terraced residential properties on Langholm Crescent, Fife Road, Uplands Road and Cleveland Terrace. The site forms part of a unique quadrant to the rear of the existing properties accessed by cobbled rear alleyways. The existing garages are of different ages and designs, predominately constructed in brick. Brick walls and fencing enclose the detached garden areas and the buildings in the quadrant are single storey.

The application site is a rectangular parcel of land located within the quadrangle comprising a triple garage to the south, which has fallen into disrepair, and a single pitched roof garage to the north with open land in between the two buildings. The site lies within the West End Conservation Area.

A number of planning applications have been submitted in recent years to redevelop the site for residential purposes which have been refused and dismissed on appeal. The most recent application (17/00945/FUL), to demolish the existing triple garage and to rebuild a single storey dwelling on the footprint, was refused in February 2018 and dismissed on appeal (APP/N1350/W/18/3198208) on the grounds that the introduction of a residential property would intensify the use of the quadrant and alter its character as an ancillary area serving the surrounding residential properties. The proposal would therefore cause harm to the significance of the West End Conservation Area.

It is proposed to demolish the existing garages and to erect a single storey double garage to the north, with a pedestrian access gate to the side, and a full width single

storey double garage to the south. The garages would measure 7.9m wide, 6.5m long with an overall height of 4.2m under a dual pitch roof (northern garages) and 8.7m wide; 6.5m long with an overall height of 4.2m under a dual pitch roof (southern garages). The garages would be constructed from Cheshire common bricks to match the existing garages and natural black slate roof tiles.

Application documents including Planning Statement, Design and Access statement, plans, consultation responses, representations received and other background papers are available on the DBC website

PLANNING HISTORY

The relevant planning entries are:

09/00669/FUL In December 2009 planning permission was GRANTED for the demolition of the existing garages and the erection of one single garage and one triple garage.

09/00797/CA In December 2009 conservation area consent was GRANTED for the demolition of the existing garages

15/01216/FUL In May 2016 planning permission was REFUSED for the demolition of the existing garages and the erection of a detached dwelling with a single storey garage to the rear. An appeal was DISMISSED in November 2016

17/00945/FUL In March 2018 planning permission was REFUSED for the demolition of an existing triple garage and erection of a single storey residential dwelling with parking area, new pedestrian access, street lighting and 1.8m high timber close boarded fencing and gates. An appeal was DISMISSED in September 2018

RESULTS OF CONSULTATION AND PUBLICITY

Following the Council's publicity exercises, the Local Planning Authority has received one comment, three letters of objection from two households and a petition.

The comment can be summarised as follows:

- *Ensure garage to only be used for domestic purposes*
- *Garages only to be built in materials to suit the surrounding conservation area*
- *Garden area remaining if and when garages built, to be used on as a domestic garden*

The objection letters can be summarised as follows:

- *It is assumed the applicant proposes to privately rent out the garages. Other than for commercial reasons we can see no benefit in an additional garage being erected. To allow a second garage on the north facing plot will serve only to increase the volume of traffic.*
- *Whilst it could be argued that the overall number of garages equals that of the old buildings, it is noted that the south facing triple garage would not conform to today's legal requirements and as such could not be utilised for the same*

number of vehicles. Any remedial work to brick the building in line with current guidelines would result in this plot only being allowed to house two and not three vehicles

- *There is a concern that should permission be granted for the garages, subsequent applications for a change of use to residential purposes will be submitted*
- *I object to this planning application because I think what is proposed will have significant impact on the character of this part of the West End Conservation Area.*
- *At present, the quadrangle is a mix of garages and gardens. If permission is given for two additional double garages, this will result in most of the quadrangle being enclosed by garages and will change the balance between green space and garages which creates the character of this unique piece of land. It will also change the look of the space, making it more 'industrial' and less green.*
- *The only green space will be the garden along the east side. This will significantly alter what was described by the planning inspectors who considered this applicant's last two appeals, as a 'quiet tranquil area' and 'a secluded haven 'with 'a pleasant traditional, organic and informal feel to it.'*
- *I appreciate that the applicant has applied to replace garaging for four vehicles, in the form of a triple and a single garage, with garaging for only four vehicles, but the footprint of the proposed new buildings is much greater than what is there at present. Only a small patch of green space will be left.*
- *The garages have not been in use for many years, and this has contributed to the tranquility of the area. We residents appreciate the quiet area behind our homes and I am concerned that this will be shattered if four additional vehicles make regular use of the garages and the back lanes. I am concerned it will be less safe for our children who play there. More traffic also has the potential to make it more difficult for those of us on the north side of the quadrangle to access our garages.*
- *In response to the previous applications, both Darlington's Heritage Officer and then the national Planning Officer indicated that anything other than a straight replacement of existing buildings, preserving the balance of open and built-upon land, would be unsuitable. Sadly, the current application seeks to increase that footprint substantially, and, at the same time, to isolate any remaining 'garden' area from the community whose lives it was meant to enhance*
- *The applicant's own heritage advocate for the previous plan conceded that this is 'not an area which has seen previous development' and is 'backland area which has a particular subservience to the surrounding buildings' – our houses - and which gives the quadrant its unique character. As the planning inspector pointed out, the buildings on the quadrant are subservient to the surrounding houses, those that adjoin the plot, the linkage which forms the character of the area. It is precisely because the area of land has developed in 'a piecemeal way', and always, until now, for the benefit and use of the families whose homes adjoin it, that it has the character and the charm, the 'pleasant traditional, organic and informal feel' that the national planning inspector recognised.*
- *The detachment of the garden plot from the applicant's residence causes us real disquiet. Firstly, because the proposed complete enclosure of the space invites further and even less suitable development in the future. And secondly and more immediately, because the construction of four large garages, some distance from*

the applicant's own residence, suggests that they are for business purposes only. Form some of the forty years we've lived here, a couple of the old garages on the site were rented out, but only to families living in the adjoining homes, reducing the parking congestion of the area (for some years Mr Wright, who owned the site, charged me a grand 50p a week to garage my own car). The Environmental Health Officer for Darlington recommends that this proposal should be subject to "a condition restricting the use of the garages for domestic purposes only and not for any business or commercial activities". The applicant has ample parking and garage space for domestic use much closer to home, and the proposal would not only be for inappropriate business use, but significantly increase the traffic in what the National Planning Inspector called "this secluded haven away from the busy town centre and the surrounding streets". I can't see how even this more modest but insensitive application might 'preserve', 'protect' or certainly 'enhance' one of 'Darlington's green spaces and areas of mature tree cover in the West End Conservation Area which remain in their historic locations'.

The petition has been signed by 18 signatories. The comment on the petition states:

- *For several years, the space has not been used and we are concerned that garaging for four vehicles would lead to significantly more traffic in the back lanes, create danger for our children who play there and disrupt the tranquillity that Planning Inspectors have commented on in two successive appeals.*
- *Currently there is a mixture of gardens and single storey garages on the site, and we consider that four additional sizable garages would significantly change the character of the conservation area. We are concerned that it would contribute to the erosion of the character of the area and its biodiversity values, leaving very little green space*
- *We ask that as well as taking account of the feelings of the residents of the area, the Council takes account of the advice by the Environmental Health Officer, that any development should be for domestic use only*
- *The quadrangle is unique, there is not such other site in Darlington and in our view its character should be preserved*

Consultee Responses

The Council's Environmental Health Officer has raised no objections and recommended the imposition of a planning condition to restrict the use of the garages to domestic use only and not for any business or commercial activities

The Council's Highways Engineer has raised no objections

The Council's Historic Asset Officer has raised no objections

PLANNING POLICY BACKGROUND

The relevant national and local development plan policies are:

Borough of Darlington Local Plan 1997

E2 – Development Limits

Darlington Core Strategy Development Plan Document 2011

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design
CS14 - Promoting Local Character and Distinctiveness
CS16 - Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework 2019

Other Documents

West End Conservation Area Character Appraisal
Tees Valley Design Guide and Specification – Residential and Industrial Estates
Development

PLANNING ISSUES

The main issues to be considered here are whether the proposal is acceptable in the following terms:

- Impact upon the Significance of the West End Conservation Area
- General Design Matters
- Residential Amenity
- Highway Safety and Parking

Impact upon the Significance of the West End Conservation Area

In exercising the planning function with respect to Conservation Areas, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. If harm is identified to the character or appearance of a conservation area, then the decision maker must give “*considerable importance and weight*” to that harm in line with 72 of the 1990 Act.

Core Strategy Policy CS14 (Promoting Local Character and Distinctiveness) seeks to protect the Borough’s distinctive character by protecting buildings, their settings and features of historic and archaeological local importance in conservation areas.

The NPPF recognises that heritage assets are an “irreplaceable resource and should be conserved in a manner appropriate to their significance” (Paragraph 184). Paragraph 192 notes that, in considering applications, account should be taken of “the desirability of sustaining and enhancing the significance of heritage assets”. Paragraph 193 requires “great weight” to be given to an asset’s conservation, irrespective of the extent of harm caused, and confirms that “the more important the asset, the greater the weight should be”.

Any harm to the significance of a heritage asset requires clear and convincing justification under Paragraph 194. Where there is less than substantial harm to the significance of a designated heritage asset, Paragraph 196 requires the public benefits of the proposal, including securing the optimum viable use of the asset where appropriate, to be weighed against the harm. For substantial harm, there is a higher test set out under Paragraph 195 where consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh that harm, or a range of tests are met. In weighing applications that affect non-designated heritage assets, Paragraph 197 requires a balanced judgement having regard to the scale of harm and the significance of the asset.

Paragraph 200 of the NPPF requires local planning authorities to look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance.

The West End Conservation Area is an extensive area to the west of Darlington Town Centre and it has been designated for its high quality suburbs ranging from the mid eighteenth century to early twentieth centuries. The Conservation Area Character Appraisal which was adopted in March 2010 explains that this area developed due to the demand for middle class housing in Darlington from the 1860s onwards. The Cleveland Estate as landowner regulated the construction of dwellings resulting in a high quality development.

Within the diversity of built forms and layouts there is an underlying consistency in terms of materials and spatial quality. Development pressure on front and rear gardens, some of which are extensive, is highlighted by the Character Appraisal as potential intrusion or damage which if not controlled is a threat to the character of the Conservation Area. Pressure for built development, and for car parking, on open / garden space is beginning to be problematic and if this continues there may be further erosion to the character of the Conservation Area, and also to its rich biodiversity value.

The different styles of the buildings within this quadrant and their garage doors add to the character of the area. The Planning Inspector, in dismissing the most recent appeal for the site, acknowledged that the quadrant cannot be seen from the surrounding roads but it provides a quiet tranquil area which contributes to its character and communal value. The Inspector also considered that the existing street layout contributes to the historic significance of the site and the immediate locality, but considered that the proposed residential redevelopment of the site, would intensify the use of the quadrant and alter its character as an ancillary area serving the surrounding residential properties.

The four existing garages on the application site are of a traditional design, constructed of what appears to be Edwardian brick with a slate roof, typical of the area. They are of a domestic scale and would have been used for such purposes, albeit not for a number of years according to local residents, who have objected to the application. The land within the application site, between the two buildings, is currently vacant, slightly overgrown and untidy and is not used or laid out as a formal garden area.

The proposal involves the demolition of the existing garages and the erection of four replacement garages. The main differences between the proposal and the existing characteristics of the site are:

- There are two garages at either end of the application site rather one garage at the north end and three at the southern end;
- The footprint of the garages has increased in order to meet modern guidelines for a garage to be considered a parking space (internal dimensions 6m long x 3m wide).
- The two proposed garages at the north end of the site are of a different design and scale to the existing garage in this location (but they would match the design

of the other two proposed garages which are similar to the original building at the southern end)

- A decrease in the extent of open land within the site and between the buildings

The Council's Historic Asset Officer has raised no objection to the proposed development provided that the garages are constructed from appropriate materials (brick with a slate roof) to ensure a quality development in the Conservation Area. The materials that are being proposed are considered to be appropriate.

Having considered the significance of the West End Conservation Area, the characteristics of the application site, the comments made by the Council's Historic Asset Officer, and assessed the impact of the proposal, the proposed development will "sustain" and "preserve" the character and appearance of the Conservation Area and the proposed development would accord with the local development plan (Policy CS14 of the Core Strategy) and paragraph 192 of the National Planning Policy Framework 2019.

General Design Matters

CS2 (Achieving High Quality, Sustainable Design) also requires that high quality, safe, sustainable and inclusive design will be promoted in all new developments.

The scale of the proposed single storey buildings would be in keeping with the existing buildings within the quadrant and they would also be subservient to the residential dwellings that bound the application site. Their design and choice of materials are appropriate. The proposed garages are considered to be acceptable in general design terms.

Residential Amenity

Policy CS16 of the Core Strategy seeks to ensure that new development should protect and where possible, improve environmental resources, whilst ensuring there is no detrimental impact on the environment, general amenity and the health and safety of the local community. This is echoed within the National Planning Policy Framework 2019.

The plots within the quadrant are domestic and ancillary to the residential properties which enclose them. One of the plots adjoining the application site is in use and maintained as a formal garden area. The buildings within the quadrant would appear to be used for the storage of vehicles and/or general storage purposes.

The quiet, secluded nature of the quadrant has been noted by Planning Inspectors and the Local Planning Authority when considering the previous applications for residential development on the application site.

It is acknowledged that the applicant does not reside in one of the streets surrounding the quadrant and so the plot is not ancillary to his dwelling and he may wish to rent out the garages or sell them, which is not a material planning consideration. However, it is considered appropriate to impose a planning condition to ensure that the garages and land can only be used for domestic purposes and not for business or commercial activities. No such planning restrictions exist on the existing buildings and land within

the site and therefore the imposition of such a condition provides a stricter safeguard over the future use of the site than the current position.

The proposal will be introducing four replacement garages for domestic purposes into a quadrant that contains existing garages also used for domestic purposes, thereby maintaining the character of the quadrant area as an ancillary area serving surrounding residential properties which was identified by the Inspector in dismissing the previous appeal.

The buildings would not be overbearing or imposing when viewed from the surrounding dwellings and they raise no loss of privacy or overlooking concerns. As a result, it is considered that the proposal is appropriate in this location and would not adversely harm the amenities of the neighbouring dwellings.

Highway Safety and Parking

Policy CS2 of the Core Strategy states that new development should provide vehicular access and parking suitable for its use and location, reflecting appropriate parking standards.

The rear alleyway currently allows access to the rear of the properties and the garages within the quadrant. The internal dimensions of the proposed garages would meet the guidelines with the Tees Valley Design Guide to ensure they are of sufficient size to be considered a parking space. It is considered that the proposal would not result in a significant increase in traffic generation and usage. The Council's Highways Engineer has raised no objections.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

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

The significance of the West End Conservation Area and the overall characteristics of this quadrant of land and buildings has been considered alongside the potential harm caused by the proposed development has been considered. In the opinion of Officers, the proposal would sustain the significance of the Conservation Area and it is acceptable in residential amenity and highway safety terms. The proposal would accord with local and national planning policy.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)

2. The garages and associated land within the application site shall be used for domestic storage purposes only and shall not be used for any business or commercial activities

REASON: In the interests of safeguarding the amenities of the neighbouring dwellings

3. The development hereby permitted shall be carried out in accordance with the approved plan and supporting information, as detailed below:
 - a. Drawing Number 18170/P002 Rev A Proposed Plan and Elevations
 - b. Email from Nick Vassilounis dated 6th April 2019

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

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:

Borough of Darlington Local Plan 1997

E2 – Development Limits

Darlington Core Strategy Development Plan Document 2012

CS1 - Darlington's Sub-Regional Role and Locational Strategy

CS2 - Achieving High Quality Sustainable Design

CS14 - Promoting Local Character and Distinctiveness

CS16 - Protecting Environmental Resources, Human Health and Safety

National Planning Policy Framework 2019

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Tees Valley Design Guide and Specification – Residential and Industrial Estates Development