

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 19 November 2008**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>08/00706/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>22 October 2008</b>
<b>WARD/PARISH:</b>	<b>HEIGHINGTON &amp; CONISCLIFFE</b>
<b>LOCATION:</b>	<b>25 Low Coniscliffe, Darlington</b>
<b>DESCRIPTION:</b>	<b>Demolition of existing bungalow and erection of a replacement dwelling with associated access arrangements (amended plans received 14 October 2008 and 31 October 2008)</b>
<b>APPLICANT:</b>	<b>Mr Paul Million</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is on the north side of Gate Lane and contains an existing bungalow, with living accommodation in the roof space. There are some single storey buildings attached to the west elevation of the building, which runs along the boundary with 27A Low Coniscliffe. The rear garden is quite shallow but there is a long and wide garden area to the front. A low stone boundary wall encloses the application site. The surrounding area is predominately residential containing a mix of traditional and modern dwellings.

The proposal involves the demolition of the existing bungalow and the erection of a replacement dwelling. The main part of the new dwelling is three storeys with the third storey within the roof space. There would be three dormer extensions in the front roof slope and six roof lights in the rear slope. A further element to the left hand side of the main building is a two storey extension dropping down to a single storey projection at the rear.

The three storey element of the dwelling measures 12.3m wide; 10m long with an overall height of 9.5m under a dual pitched roof and contains the principal rooms of the dwelling. The two storey element measures 4.8m wide; 9.5m long with a maximum height of 7.7m under catslide roof and this section contains a garage on the ground floor with a bedroom and bathrooms above. The single storey element projects 7m from the main rear elevation; it is 5m wide and has an overall height of 4.5m under a hipped roof. This building contains a utility room, a playroom and a work room.

The existing vehicular access off Gate Lane would be utilised along with the creation a central pedestrian gate. A section of the front garden would be paved to create a parking area with a stone wall separating the paved and grassed areas.

## PLANNING HISTORY

None

## PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan 1997 are considered to be relevant:

- E2 (Development Limits)
- E8 (Area of High Landscape Value)
- E29 (The Setting of New Development)
- H3 (Locations for New Housing Development)
- H11 (Design and Layout of New Housing Development)
- T13 (New Development – Standards)

## RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection were received to the original proposal and the concerns can be summarised as follows:

- *The size of the building is excessive and dwarfs the neighbouring dwellings;*
- *The light from my existing windows within my dining room and bathroom will be diminished (23A Gate Lane)*
- *The building will restrict the limited sunlight in my back garden (23A Gate Lane)*
- *Worried about potential loss of light to our property (24 Low Coniscliffe)*
- *The materials of red buff multi facing brick to the upper storey of the building would be too modern and out of character with the cottages on both sides and to the village*
- *The proposal conflicts with the relevant policies of the development plan;*
- *The proposal does not relate well to the surrounding area, nor does it respect predominant character of the village;*
- *Its extreme height, mass and style are alien to both the street scene and the overall character and appearance of the village*
- *It would result in loss of privacy to our property (99 Low Coniscliffe)*
- *The building would be overbearing when viewed from our property (99 Low Coniscliffe) and it will be detrimental to the existing standards of sunlight/daylight of our dwelling and its curtilage*
- *The useable floor area may make it the largest dwelling in the village whilst the site itself is small and restricted*
- *The three car garage to the front would destroy the ambience of the street scene and dominate the view from its neighbouring windows.*
- *The building would restrict light to the front and rear of my dwelling (21 Low Coniscliffe);*

### **Campaign to Protect Rural England**

CPRE object to the application on the following grounds:

- *The building is three storeys and out of keeping with the adjacent two storey buildings;*

- *The proposals are an overdevelopment of the site;*
- *The access is very tight;*
- *The building is likely to affect the light of adjoining dwellings;*
- *There have been concerns expressed by people in the area that a boundary wall would be of excessive height*

### **Northumbrian Water**

Northumbrian Water has made the applicant aware that there is a public sewer within the application site.

### **Northern Gas Networks**

Northern Gas Networks have raised no objections to the proposed development

### **CE Electric UK**

CK Electric UK have raised no objections to the proposed development

Following the submission of the amended plans, one further letter of objection was received stating:

- *The amended plans go some way to meeting our concerns in view of the reduction in height and the removal of the garage from the front garden. The house remains however, imposing by virtue of the fact that it advertises its three storey construction by the dormer windows in the front elevation. There are no such storied houses in the village let alone in this street. The equivalent can still be obtained without doing this.*

### **Low Coniscliffe/Merrybent Parish Council**

The Low Coniscliffe/Merrybent Parish Council objected to the original proposal and also to the amended proposal. The detailed response to the amended proposal can be summarised as follows:

- *The removal of the garage in the front of the building line is welcomed. The lowering of the front wall height to 1100mm instead of the 1800mm is also welcomed. Fitting rooflights with obscure glazing to the rear of the third floor helps address the concerns of the neighbours in the two bungalows to the rear. It is also noted that some attempt has been made to reduce the size of the building, including reducing the height;*
- *The Parish Council is supportive of the demolition of the existing building and is agreeable, to the principle of the replacement building being of a larger stature than the existing building;*
- *A house of the dimensions of the proposed ground floor and first floors would be a significantly large building. It would be vastly larger than the existing building. The proposal to make that building even larger by making it three storeys is going too far.*
- *Clearly the use of the roof space is a matter which does not cause the building to be any taller than when the roof space is vacant but the presence of windows to a third floor does give that impression of increased size.*
- *The first two floors are 386m<sup>2</sup> which would provide for a large family home without using a third floor*
- *The proposal is more suited to a large modern executive estate such as Wynyard Hall*

- *The two properties immediately to the rear are semi-detached bungalows. One of these bungalows has had an attic conversion to provide upstairs room but its stature remains a very small building*
- *The properties on either side of the proposed dwelling are also of smaller stature. This terrace of properties, extending to each side of the new dwelling are all 18th century properties and are the old part of the original village;*
- *The replacement building should be of a similar stature to its immediate neighbours so that they are not dwarfed by a building out of context with the location and its design should be restricted to two floors so that it is not out of character with either its immediate neighbours or the rest of the village*
- *Agreement could be reached if the scale of the new dwelling was reduced in height, so that it was of a similar height to the buildings on each side of it; if the new dwelling was a two storey house rather than three; if the new dwelling and any garages remain within the existing building line and if the issue of overlooking the bungalow to the rear was addressed*

## **PLANNING ISSUES**

The main issues to be considered here are whether or not the development is acceptable in the following terms:

- Planning Policy
- Visual Appearance and Character of the Area
- Residential Amenity
- Highway Matters

### **Planning Policy**

The application site lies within the development limits for the urban area and therefore it would comply with Policies E2 (Development Limits) and H3 (Locations for New Housing Development) of the Borough of Darlington Local Plan. Low Coniscliffe also falls within the designated Area of High Landscape Value.

The development is considered to be acceptable in principle, subject to detailed matters of development control, which are considered in the remaining sections of this report.

### **Visual Appearance and Character of the Area**

The application site contains a bungalow with living accommodation in the roof space. In the Design and Access Statement, the applicant states that the building is *“in poor condition and is completely out of character with the adjacent properties”*. Low Coniscliffe/Merrybent Parish Council state in their response *“there are no endearing architectural or aesthetic values to be found in the current dwelling which could justify its retention. The current dwelling is out of context with its neighbours in both its design and its appearance. It blights the character of the appearance of this old part of the original village”*

Officers agree with the above statements and have no objections to the demolition of the existing dwelling. The main issue for discussion is whether or not the replacement dwelling will have a detrimental impact on the visual appearance and character of the area.

Low Coniscliffe contains a variety of dwelling types ranging from modern detached dwellings to older terraced dwellings and bungalows. There is no element of uniformity to the street scene,

other than a strong building line on the street frontage. In terms of the application site, the immediate locality consists of traditional cottages on either side; bungalows and detached dwellings to the rear and detached dwellings to the front. Officers considered that the design of the new dwelling should reflect the characteristics of the traditional cottages on either side, and as a result the original scheme was amended in the following ways:

- The height of the front boundary stone wall was reduced from 1.8m to 1.1m;
- The overall height of the building has been reduced by approximately 1.3m;
- The detached triple garage which positioned in front of the dwelling has been removed;
- The water tabling on the west elevation has been removed;
- The portico over the front has been removed;
- The roof lights to the rear have been repositioned within the roof slope and they would be fitted with obscure glazing;
- The numbers of window openings in the front and rear elevations have been greatly reduced.

The dwelling would be constructed from red buff brown multi facing bricks with natural sand mortar. The western elevation of the two storey element would be natural stone walling. All doors and windows would be timber with stone lintels and cills. The appearance of the new dwelling has been simplified more akin to the frontages of the cottage style dwellings on either side. The dwelling is located closer to No 27A Low Coniscliffe to take account of the public sewer, which runs through the eastern section of the site.

The main part of the dwelling is three storeys but it contains the third floor of living accommodation in the roof space and there are three dormer extensions in the front roof slope. Its height from ground level to eaves level is 5.5m and the overall height has been reduced from 10.8m to 9.5m. It is considered that the overall scale and height of the building, on balance, is appropriate for this location. Whilst the main part is higher than its immediate neighbours, the two storey element is of an equal height to No 27A Low Coniscliffe, and it sits comfortably with the other dwellings in the street and it would not be a dominant building. The three storey section almost creates a natural “book end” to the adjacent terrace. The dormer windows are well designed and compliment the size, position and detailing of the window openings in the front elevation below.

The application site measures 909m<sup>2</sup> and the footprint of the new dwelling measures 209m<sup>2</sup>. The dwelling would have both a rear and front garden area, in keeping with the neighbouring properties. Officers consider the dwelling is of an appropriate scale for the site and it is not over development. With the removal of the triple garage in the front garden, the new dwelling compliments the existing building line for the street.

The design and scale of the proposed development is considered to be in keeping with the neighbouring dwellings and, subject to appropriate conditions relating to materials etc it would not have an adverse impact upon the character and visual appearance of the street scene. The proposal would accord with Policies E8 (Area of High Landscape Value), E29 (The Setting of New Development) and H11 (Design and Layout of New Housing Development) of the Borough of Darlington Local Plan.

### **Residential Amenity**

Nos 99 and 97 Low Coniscliffe are two bungalows, which are located directly to the north of the application site. The boundary between the properties consists of a stone wall and a hedge

(approximately 2.5m high). No 99 has been extended with a dormer extension in the rear roof slope, which directly overlooks the application site. There is a ground level difference between the application site and the bungalows of approximately 1.2m, with the bungalows being on the higher ground.

The distance between the bungalows and the main part of the new dwelling would be 24m. The normal minimum distance requirement for a three storey building to a two or one storey building is 27.5m, however, based on previously established practice the 1.2m drop in the ground level (along with the existing boundary treatment) must also be taken into consideration as the eaves level of the new dwelling would be at the same height as the top part of the dormer extension to the rear of No 99 and therefore the proposal would not be an overbearing building when viewed from the bungalows. Other revisions have taken place to respect the privacy and amenities of the bungalows as the overall height of the building has been reduced by 1.3m, the number of window openings in the rear elevation have been reduced and the roof lights have been repositioned higher up the roof slope and fitted with obscure glazing.

The closest part of the new dwelling to No 27A is the two storey side extension which eventually drops to single storey. No 27A Low Coniscliffe is a two storey conversion, with no principle window openings in the rear elevation (light enters the rooms via roof lights) or the side elevation. There are existing single storey buildings along this boundary as well as a high stone wall and the proposed dwelling would not significantly impact on the existing amount of daylight and sunlight entering the rear garden of No 27A. The dwelling does not project in front of No 27A, and therefore the front windows will remain unaffected by the proposal.

No 23 Low Coniscliffe is situated to the east of the application site and it is a two storey cottage with a single storey offshoot to the rear. There is a ground floor dining room window and a first floor bathroom window in the west elevation of the this property, both overlooking the application site. The new dwelling would be 5m from the end elevation of this neighbouring property and there would be three window openings in the east elevation looking directly onto No 23. The dining room window would be off set from the main dwelling and it is considered that the proposal would not significantly decrease the amount of daylight entering this window. The first floor bathroom window would not be considered as a principal window and therefore the impact of the development on this window is not crucial. The windows in the east elevation of the new dwelling can be fitted with obscure glazing. The dwelling projects beyond the front of No 23 but it would comply with the 45o code when measured from the front windows of the neighbouring house.

To conclude this section, the scheme has been amended in various ways to minimise its impact upon the neighbouring dwellings and it is considered that the amended proposal will not be an overbearing structure nor lead to unacceptable levels of overlooking, loss of privacy and daylight. Appropriate conditions can be attached to a grant of permission to ensure the use of obscure glazing and to remove permitted development rights for extensions and structures within the curtilage.

### **Highway Matters**

The amended scheme has resulted in the removal of a detached triple garage and the introduction of an integral garage. The existing vehicular access would be used and a new pedestrian access would be created within the stone boundary wall. The Council's Traffic Section has raised no objections to the access and parking arrangements subject to the imposition of a condition relating to the reinstatement of a redundant access.

### **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 application site lies within development limits identified in the development plan. The design and layout of the development has been revised following objections from residents and Officers consider that it accords with the relevant policies in the development plan. The development will not cause significant harm to the character and appearance of the surrounding area. The proposal has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

- E2 (Development Limits)
- E8 (Area of High Landscape Value)
- E29 (The Setting of New Development)
- H3 (Locations for New Housing Development)
- H11 (Design and Layout of New Housing Development)
- T13 (New Development – Standards)

### **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A3 - Implementation Limit (Three Years)
- B4 - Details of Materials (Samples)
- Notwithstanding the details shown on the approved plans, details of the garden wall shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON: In order to achieve a satisfactory form of development in the interests of the visual appearance of the development and the street scene
- Notwithstanding the details shown on the approved plans, precise details of the windows; rainwater goods and garage door shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In order to achieve a satisfactory form of development in the interests of the visual appearance of the development and the street scene

- C5 - Restriction of PD Rights (Residential)
- The windows formed in the east elevation of the dwelling hereby approved shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.

- The roof lights formed in the rear roof slope of the dwelling hereby approved shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the nearby premises.

- The existing redundant access shall be reinstated to match the adjacent footway with the scoria replaced by 255 x 200 bullnosed kerbing. Details of the work shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The development shall not be carried out otherwise than in complete accordance with the approved details.

REASON: In the interest of highway safety.

- B5 - Detailed Drawings (Accordance with Plan)

### **SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The application site lies within development limits identified in the development plan. The design and layout of the development has been revised following objections from residents and it is considered that it accords with the relevant policies in the development plan. The development will not cause significant harm to the character and appearance of the surrounding area. The proposal has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

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- H11 (Design and Layout of New Housing Development)
- T13 (New Development – Standards)

### **INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

There is an existing public sewer within the application site. The developer should contact Northumbrian Water Limited if it is proposed to sink boreholes or excavate foundations within 4.5m of the sewer. No tree planting or alteration of the land within at least 3m of the sewer will be allowed without the permission of Northumbrian Water. The developer should contact Northumbrian Water (Maurice Dunn) on 0191 4196577 to discuss the matter further.

The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director Highways and Engineering (contact Mr. A. Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec.184 of the Highways Act 1980 to execute the works.