

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 17 DECEMBER 2008

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APPLICATION REF. NO:	08/00858/FUL
STATUTORY DECISION DATE:	16 DECEMBER 2008
WARD/PARISH:	SADBERGE AND WHESOE
LOCATION:	ASH HOUSE, THE GREEN, BRAFFERTON
DESCRIPTION:	ERECTION OF DETACHED HOUSE (AMENDED PLAN RECEIVED 11/11/08)
APPLICANT:	MR G MORRISON

APPLICATION AND SITE DESCRIPTION

Ash House is a modern detached property located at the eastern extent of Brafferton Green. Planning permission is sought for the erection of a three bedroom detached dwelling within the curtilage of Ash House to the north of the existing dwelling. The dwelling would be located primarily on a grassed area to the front of Ash House but would also necessitate the demolition of the double garage that is attached to Ash House. It should be noted that these demolition works would not require planning consent. The area is located within the Brafferton development limits as identified by Policy E2 of the Borough of Darlington Local Plan. Therefore the principle of a dwelling in this location is acceptable subject to compliance with other relevant policies. Further consideration will be given to the suitability of the scheme which has been submitted within this report. A Design and Access Statement has been submitted as required by the regulations.

This is a resubmission of an application (08/00507/FUL) that was withdrawn acting upon advice from the council that the proposed four bedroom dwelling was too large for a site of this size.

PLANNING HISTORY

78/00377/MISC – Erection of three dwelling houses (outline)

This is the original planning permission for the three houses located off a shared drive. These properties are Ash House, Lorien and Half Way House.

PLANNING POLICY BACKGROUND

National Policy

Planning Policy Statement 1: Delivering Sustainable Development (2005) sets out the key principles that should be applied in the determination of decisions on planning applications, in order to contribute to the delivery of sustainable development. The guidance places increased emphasis on the role of high quality and inclusive design in the achievement of the government's objectives.

Planning Policy Statement 3: Housing (2006) sets out the Government's aims and objectives in respect of housing development and is a material consideration in the determination of planning applications. The guidance seeks the specific outcomes of, *inter alia*, high quality housing that is well designed and built to a high standard; a mix of housing to support a variety of households in both urban and rural areas; housing development in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure; and the efficient and effective use of land, including re-use of previously developed land where appropriate.

Borough of Darlington Local Plan

The application site is located within Development Limits and Policy H3 (Locations for new housing development), is the key policy that demonstrates that the principle of housing development is acceptable in these areas dependent on compliance with all other relevant policies and considerations including design, impact upon residential amenity, highway safety etc. The application site is not located in a conservation area nor is it located close to any listed buildings. The site is located adjacent to, but outside of, the Brafferton village green.

In terms of assessing the details of the submitted proposal Policy H11 (Design and Layout of New Housing Development) is the key consideration. This policy states that:

The design and layout of new housing development will be required to:

- 1. Relate well to the surrounding area, respect its predominant character and density, and avoid damage to the amenities of adjoining properties;*
- 2. Provide an attractive, efficient and safe residential environment;*
- 3. Provide adequate privacy in the rooms, gardens and other outdoor areas of the proposed dwellings and existing adjacent property;*
- 4. Provide adequate daylight and sunlight entering the principal rooms of the proposed dwellings and existing adjacent property;*
- 5. Provide adequate garaging or car parking and other private amenity space within individual dwelling curtilages in accordance with Policy T24;*
- 6. Provide convenient and safe pedestrian access to recreational facilities (e.g. children's play areas and playing fields) and other local services (e.g. shops and public transport);*
- 7. Discourage unauthorised public access to adjoining agricultural land;*
- 8. Provide convenient and safe road access for residents, visitors and service vehicles in accordance with Policy T13;*
- 9. Incorporate existing wildlife habitats and landscape features, wherever appropriate, and provide opportunities for the creation of new wildlife habitats; and*
- 10. Locate any dwellings provided for the elderly or people with disabilities within 200m of bus stops.*

Policy T24 (Parking and servicing requirements for new development) and Policy T13 (New development – Standards) require new residential developments to provide adequate space for safe vehicle parking within the site.

Also relevant to the proposal are the following local plan policies:

E12 – Trees and development
E14 – Landscaping of Development
E29 – The Setting of New Development
E46 – Safety and Security

RESULTS OF CONSULTATION AND PUBLICITY

Within the statutory consultation period one letter of objection was received from the occupant of Lorien. Objection was raised on the grounds that the proposed development would result in a loss of residential amenity, disturbance and reduced personal access to the objectors dwelling. Objection was also raised that part of the site initially indicated to the front of the proposed property appeared to be included on the title deeds of Lorien. The application boundary was subsequently amended in order to ensure all land was within the applicant's control.

Brafferton Parish Meeting requested confirmation that the development does not encroach upon land that is identified as Village Green. It can be confirmed that the development is located adjacent to the village green but is not on any part of the green. They also wished their comments that were submitted in relation to the previous application be considered as the issues raised remained valid. In summary these issues were:

1. It is undesirable for a detached residential dwelling house to have no provision for a garden.
2. The impact upon the adjacent trees on the village green should be fully investigated.
3. The proposed house would be the only house in the entire village to have a side elevation to the village road.
4. Site plans suggest that the existing garage at Ash House would be at least halved in size to make room for the new house but no provision for alternative garaging for Ash House is mentioned.
5. As in the case of other planning applications in recent years, the strain on public services in Brafferton must be pointed out. Reference to Northumbrian Water would show that water and sewerage services are under considerable pressure. Telephone services are not good and additional traffic on the narrow village road is unwelcome.

Northern Electric has been consulted and has raised no objections to the proposed development.

Northern Gas Networks has been consulted and has raised no objections to the proposed development.

Northumbrian Water has been consulted and has raised no objections to the proposed development.

The County Archaeologist was consulted and has not responded with any adverse comments.

The Council's Highways Officer has been consulted and has raised no objections.

The Council's Public Rights of Way Officer has been consulted and has confirmed no Public Rights of Way are affected by the proposal.

The Council's Senior Arborist has inspected the site and is of the opinion that the Ash trees to the north west of the proposed development, on the boundary with the village green are worthy of protection and arrangements are being made for the trees to be protected via a Group Tree Preservation Order (TPO). Should planning permission be granted conditions are recommended to ensure the Root Protection Area is appropriately fenced in order to prevent damage.

PLANNING ISSUES

Visual Amenity

The development would involve an infill housing development in a small area between the frontage of Ash House and Brafferton Green. In order to comply with Policy H11 the development needs to be in keeping with the character and appearance of the locality, respect the amenity of existing residences and the eventual occupier of the site, and provide satisfactory parking, servicing and access. The existing three properties within this development are modern in design but are constructed of traditional materials with natural stone walls and pantile roofs. The proposed development occupies a smaller footprint than the existing three dwellings but shares similar design features with natural stone walls and pantile roof. The height of the dwelling will be equivalent to that of Ash house at approximately 8m to ridge and 5.4m to eaves of the dual pitched roof. The property will be located at 45 degrees to Ash House and Lorien which share a large hardstanding forecourt area to the front of both properties. It is proposed to construct the dwelling facing onto this area that would create a small courtyard of modern houses at the eastern extent of the village green. Visually the application site and Ash House are well screened by an extensive boundary hedge with mature and semi-mature Ash trees located on the village green that are to be subject to a Group TPO (currently being processed).

The parish council considers that this relationship with the village green is at odds with the remainder of the properties which all face onto the village green. The development around Ash House, Lorien and Half Way House does represent an enclave of development that is located behind a well landscaped boundary. The property immediately to the north east of the development site (57 The Green) is orientated in the same direction as the proposed dwelling, facing west, with ridge running along the north/south axis. It is acknowledged that this property is also facing onto the green but this is a point that almost represents the end of the green and the orientation of the proposed dwelling appears to be quite appropriate in order to help signify the end of the village green. With the existing extensive screening the proposed dwelling would only be partially visible from the village road. Overall the design of the proposed property is considered to be appropriate within this location.

Residential Amenity

In order to assess impact upon residential amenity it is important to consider the potential issues of overlooking and loss of daylight that could be caused to neighbouring properties, in particular Ash House, Lorien and 57 The Green. At the same time it is important to consider the quality of living accommodation and amenity space that will be afforded to the proposed dwelling.

The development is to be located on a site currently occupied by part of an attached double garage at Ash House. This section of garage will need to be demolished in order to facilitate the

proposed development. The potential impact upon highway safety will be examined in a later section of this report. But in summary Ash House retains sufficient space within its curtilage for vehicle parking and the proposed dwelling has an attached single garage. The rooms to the front of Ash House will only be afforded views at an oblique angle towards the proposed dwelling that will not be sufficient to compromise privacy. The proposed dwelling has one window in the attic space that is to accommodate a third bedroom, this room has a window in the south facing gable that will be in close proximity (approximately 1m) to the opposing gable of Ash House. Ash House has one window in this gable, which is an obscure glazed bathroom window that is located a significant distance behind and lower than the window in the apex of the proposed dwelling's roof. At this distance only extremely oblique angles of viewing will be present. The proposed dwelling will reduce the level of light entering this room but as a bathroom is not considered a habitable room this effect is not deemed sufficient to recommend refusal on these grounds. In addition the bathroom has a larger window facing to the east so this window does not represent the rooms only source of natural light.

57 The Green is a cottage style property located approximately 4m to the north east of the application site. This property is set lower than the application site by approximately 1.5m. The scheme previously submitted on this site would have undoubtedly had an overbearing impact upon this property and the applicants were advised to provide a revised scheme that addressed the issue of this potential impact. Consequently the proposed property has been located further away from the north eastern boundary and also significantly reduced in mass. This modification has had the added benefit of creating a larger area of amenity space around the property and that was raised by the Parish Council as a concern in relation to the previous application. It should be noted that this amenity space is still smaller than is ordinarily associated with a family dwelling however the quantity of open space both in shared ownership, with the paved area to the frontage of the properties, the village green to the north and open fields to the rear is sufficient to ensure the proposed property has sufficient private amenity space for storage of bins, hanging a washing line etc. while being located within a setting that the dwelling will not feel overly confined.

In terms of assessing the potential impact of the scheme upon 57 The Green it is important to consider the potential loss of privacy as well as impact upon daylight entering the property. 57 The Green will be located approximately 7m from the proposed two storey dwelling, the attached single garage is located to the north of the dwelling but is set forward of the front elevation by 1.5m. The nearest habitable window of the proposed development is located approximately 12m from the nearest habitable window of 57 The Green. Any views between these windows are at an oblique angle greater than 45 degrees. The proposed scheme therefore avoids directly overlooking any of the habitable rooms in 57 The Green. The proposed dwelling will have an impact on the amount of daylight entering the nearest windows to the proposed property however owing to the location close to the gable of Ash House and with a row of Mature/Semi-Mature trees immediately to the west of 57 The Green this impact is likely to be minimal.

In terms of impact of the proposed property upon the residential amenity of Lorien it is acknowledged that an additional dwelling will lead to an increase in the number of vehicles potentially using the shared driveway past the site but the number of additional vehicle movement is unlikely to be significant enough to effect the residential amenity of the occupants of Lorien. A separation of 22m is provided from the front elevation of the proposed dwelling and the opposing face of Lorien. This is compliant with Council's guidance for separation distances, which seeks a minimum separation of 21m. It is therefore considered that there will be no issue with the proposed property directly overlooking the occupants of Lorien.

Highway Issues

The Highways Officer has been consulted and has raised no objections to the proposed development either in relation to parking at the property or accessing the property via the shared driveway off the village road.

Trees

The Senior Council Arborist advises that the proposed development is within the Root Protection Area of the Ash trees adjacent to the site. Therefore, if the development is approved, it is of paramount importance that the root area of the trees is completely protected from damage by compaction, severance, or from material spillage. This will only be possible through the installation of protective fencing in accordance with BS5837 2005. It is recommended that this fencing is put into position prior to works taking place on the site (demolition or development), and that the extent of this protection is inspected by a Council Officer prior to work commencing. This fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supporting by a weldmesh wired to the uprights and horizontals to dissuade encroachment. Should planning permission be granted an appropriate condition is therefore recommended.

Impact upon public services

A number of statutory bodies have been consulted with details of the proposed development including Northumbrian Water, United Utilities (Gas) and Northern Electric (NEDL). No objections have been raised and therefore it should be considered that there is sufficient capacity within the services to support one additional dwelling.

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 proposed development respects the context of the site and the surrounding area by virtue of its design and position within a site of limited proportions. It is considered that the proposed development would not result in a detrimental impact upon the character and appearance of the locality. Residential amenity for the occupiers of the scheme would be adequate and effect on neighbouring properties will be minimal. No highways objections are raised and subject to measures to protect the adjacent trees the proposal is considered to be acceptable and compliant with Policy H11 (Design and Layout of New Housing Development) and Policy E29 (The Setting of New Development) of the Borough of Darlington Local Plan 1997 and national policy guidance contained within PPS1: Delivering Sustainable Development (2006) and PPS3: Housing (2006).

RECOMMENDATION

Planning permission BE GRANTED

Subject to the following conditions:

- A3 - Implementation Limit (Three Years)
- B4 - Details of Materials (Samples)
- B5 - Detailed Drawings (Accordance with Plan)
- B8 - Fencing, walls, enclosure within 2m
- C5 - Restriction of PD Rights (Residential)
- E2 - Landscaping (Submission)

Protective Fencing

No demolition, site clearance or building operations shall be commenced until weldmesh fencing (in accordance with BS5837 2005) supported by a scaffolding frame of a height of not less than 2.3 metres has been erected around the trees, which are included in the Group Tree Preservation Order (No.22) 2008 and numbered G1. The distance of the fence from the trunk of each tree on the perimeter of the group shall be whichever is the greater distance of the following:-

- (i) five metres from the base of the tree; or
- (ii) the area described by the limit of the spread of the branches of the tree.

Such fencing is to be maintained during the course of the development to the satisfaction of the Local Planning Authority.

REASON - To enable the Local Planning Authority to ensure the retention of the maximum number of trees on the site and their protection from damage, in the interests of visual amenity.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. 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
- E12 – Trees and development
- E14 – Landscaping of Development
- E29 – The Setting of New Development
- E46 – Safety and Security
- H3 – Locations for New Housing Development
- H11 – Design and Layout of New Housing Development
- T13 – New Development – Standards
- T24 – Parking and Servicing Requirements for New Development

INFORMATIVES

The decision to grant planning permission has been taken having regard to the policies and proposals in the Borough of Darlington Local Plan set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

E2 – Development Limits

E12 – Trees and development

E14 – Landscaping of Development

E29 – The Setting of New Development

E46 – Safety and Security

H3 – Locations for New Housing Development

H11 – Design and Layout of New Housing Development

T13 –New Development – Standards

T24 – Parking and Servicing Requirements for New Development