

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE:**

**Page**

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<b>APPLICATION REF. NO:</b>	<b>08/00867/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>18 December 2008</b>
<b>WARD/PARISH:</b>	<b>PARK WEST</b>
<b>LOCATION:</b>	<b>494 Coniscliffe Road, Darlington</b>
<b>DESCRIPTION:</b>	<b>Erection of detached residential dwelling house and detached garage</b>
<b>APPLICANT:</b>	<b>Mr R Wilson</b>

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**APPLICATION AND SITE DESCRIPTION**

No 494 Coniscliffe Road is a detached dwelling on the corner of Coniscliffe Road and Coniscliffe Mews. The rear garden is enclosed by a 1.5m high stone wall, which runs along the access into Coniscliffe Mews. There some ornamental trees and an outbuilding located within the garden.

The proposal involves the erection of a new dwelling with a detached garage in the rear garden of No 494 Coniscliffe Road. The new dwelling would face east onto Coniscliffe Mews and consists of a living room, dining room and kitchen on the ground floor; two bedrooms on the first floor and a third bedroom in the roof space. The dwelling would measure 10.2m wide; 6.7m long with an overall height of 8.9m under a hipped roof.

Access to the property would be directly off Coniscliffe Mews and the detached garage would provide parking for the proposed dwelling and also for No 494 Coniscliffe Road. The garage would be sited on the boundary of the site, in front of the dwelling. The garage would measure 9m wide; 6m long with an overall height of 4.5m under a ridged roof

The surrounding area is predominately residential consisting of detached dwellings. Coniscliffe Mews is a modern cul de sac development.

**PLANNING HISTORY**

98/00505/CU - In October 1998 planning permission was GRANTED for the erection of a double garage and change of use from farm track to private garden

08/00867/FUL - In October 2008 a planning application for the erection of a residential dwelling and detached garage was WITHDRAWN

## PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan are relevant:

- E2 Development Limits
- E14 Landscaping of Development
- E15 Open Land In New Development
- E29 The Setting of New Development
- H3 Locations for New Housing Development
- H11 Design and Layout of New Housing Development
- R1 Designing For All
- T24 Parking and Servicing Requirements for New Developments

## RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received and the concerns can be summarised as follows:

- *The proposed house is not located centrally within the limited space available and therefore has a greater impact on No 1 Coniscliffe Mews and 496 Coniscliffe Road*
- *This appears to be dictated by the unusual position of the garages, which additionally accommodates a garage for 494 Coniscliffe Road*
- *There is only 1.5m from the boundary of the property immediately to the north*
- *The proposal is 8.9m high and this is fully exacerbated by the ground level of the property belonging to No 496 being significantly lower than the proposal giving an effective height of over 10m*
- *A previous application for a garage on the site limited the height of the building to 4m*
- *The proposal will seriously reduce the daylight or sunlight to No 1 Coniscliffe Mews and 496 Coniscliffe Road. For No 1, this will include all south facing rooms in addition to the garden area. This is exacerbated by the proximity and height of the proposal, which is 8.9m high, and within 1.5m approx of the adjoining property and it is positioned to the south. There will be a similar impact to No 496*
- *The proposal will affect the amount of natural light presently enjoyed by No 1 Coniscliffe Mews and No 496 Coniscliffe Road resulting in a shadow cast over these properties*
- *The proposal will be intrusive to the privacy, amenity spaces and garden areas of the adjacent properties on Coniscliffe Road and Coniscliffe Mews*
- *The limitation of the site and the associated height, which is effectively three storeys, is overbearing and intrusive to adjacent properties on Coniscliffe Road and Coniscliffe Mews.*
- *The proposal will be overbearing for any residents entering or leaving Coniscliffe Mews*
- *A window has been unusually sited in the north facing side elevation as opposed to normal front or rear elevations*
- *The height of the building is exacerbated by the additional roof height to accommodate the 3rd bedroom*
- *The proposal will introduce a single one off development, which comprises the current Coniscliffe Mews development.*
- *The proposal will change the character of Coniscliffe Mews, which is a low density 4/5 bed family dwellings. The design incorporates dormer windows which does not match the Coniscliffe Mews development*

- *In relation to the site area, the application proposes excessive building coverage with limited amenity space*
- *The proposal is shoehorning development into the limited space available*
- *The proposal will increase traffic flow by more than 5%. This will materially impact the safety of a number of children who enjoy playing in Coniscliffe Mews*
- *The proposal introduces a second driveway within 40m of the junction with the main road. This is a highway safety risk*

Other issues raised by the objector, which are not planning matters are:

- *494 Coniscliffe Road is subject to a restrictive condition dated 23 June 1936 which prevents the erection of any other building*
- *the application indicates the use of a piece of land which a third party landowner controls (namely Darlington Borough Council). It appears that this piece of land is subject to the Cambridge rule, a term derived from a court ruling (Stokes Vs Cambridge) whereby it was established that the land should be valued at a third of the profit from the development*
- *the description does not represent the associated plan which appears to show a detached dwelling and single garage as well as an additional garage for 494 Coniscliffe Road.*

The objector has questioned the extent of the neighbour consultation exercise carried out by the Council. Individual neighbour notification letters were sent to the properties directly effected by the development and a site notice was erected to cover the wider publicity issues.

### **Northumbrian Water**

Northumbrian Water has raised no objections to the development.

### **Northern Gas Networks**

Northern Gas Networks raise no objections to the development.

## **PLANNING ISSUES**

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

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

### **Planning Policy**

The Borough of Darlington Local Plan sets out the local planning policies by which planning applications are determined. The application site falls within the defined development limits for the urban area as identified by Policies E2 (Development Limits) and H3 (Locations for New Housing Development). The remainder of the report will discuss the development control aspects of the proposal.

## Visual Appearance

The existing character of the street scene, looking at the application site from Coniscliffe Mews, consists of the applicants dwelling and rear garden (with a continuous stone boundary wall), a two storey storage building belonging to No 496 Coniscliffe Road and then the rear garden and dwelling, known as No 1 Coniscliffe Mews. The remainder of Coniscliffe Mews consists of modern detached dwellings, containing properties of differing design styles.

The proposed dwelling would be constructed from facing bricks and the hipped roof would be reclaimed natural slate. There would be two bay windows on the front elevation and two dormer extensions in the front roof slope. An opening would be created in the boundary wall to create the vehicular access into the site. The proposed garage would be constructed from similar materials and east elevation become part of the boundary wall. A new stonewall would be constructed across the rear garden to define the new boundaries between the dwelling and No 494 Coniscliffe Road.

The application was accompanied by a Design and Access Statement, which states, "*The site is surrounded by a mixture of housing styles both new and old, with a mixture of external materials. The proposed building has been designed using similar features to those on Coniscliffe Road, as we aimed to complement the architecturally relevant design and scale that appeared closest to the site*". In response to the comments by the objectors' on the matter of design, the applicant has stated that "*we believe that the style of the house relates more closely to Coniscliffe Road, but that this is appropriate as the existing adjacent outbuilding effectively marks the transition from the Coniscliffe Road domain to that of Coniscliffe Mews*"

Omitting a single storey rear garden room, which was a request by Officers, has reduced the overall footprint of the building. This reduces the overall scale of the building and increases the amount of amenity space within the development site. The overall area of the plot is not significantly smaller than others in Coniscliffe Mews and the introduction of the new dwelling is not considered to be overdevelopment. Officers also consider it prudent to attach a planning condition removing the standard permitted development rights for the dwelling in order to retain control over the future development of the site.

Whilst, there is a third floor within the dwelling, the building would still be of a scale associated with a two-storey dwelling. The dormer windows in the front elevation are well designed and sit comfortably within the roof slope.

Whilst a levels survey has not been carried out, the applicant has stated the differences in levels between the site and No 496 Coniscliffe Road are not significant and certainly not in the order of a 1.1m difference. The new dwelling would not become a dominant feature within the streetscape. A site inspection has revealed that there is no significant variation in levels between the site and adjoining land.

It is considered that the scale and design of the dwelling and garage and layout of the proposal is acceptable and it will fit comfortably within the street scene. In these terms, the proposal would comply with Policy H11 (Design and Layout of New Housing Development) of the Local Plan.

## **Residential Amenity**

Following discussions with Officers, the positions of window openings have been revised to prevent the overlooking of neighbouring dwellings. There are no openings at first floor level on the gable ends and the ground floor opening in the north elevation leads to a cloakroom.

The dwelling would be five metres away from the common boundary with No 496 Coniscliffe Road. The boundary consists of a high fence, a hedgerow and some trees, which would partially screen the dwelling from the neighbouring rear garden.

The first floor windows in the rear elevation are a bathroom; landing and dressing area. Two of the windows would be obscure glazed, whilst the landing area would not serve a habitable room. Taking these factors into account and a separation distance of 5 metres to the boundary the adjacent property would not be unduly overlooked. All bedroom windows are to the front. At ground floor level there would be two patio doors to the rear but the existing boundary with No 496 Coniscliffe Road, which is a 1.8m high fence and hedgerow, would remain in place.

The minimum separation distance from the rear of an existing dwelling to the gable elevation of a new dwelling, containing no openings is 12.5m. In this instance, the new dwelling would be almost 17m away from the single storey offshoot at the rear of No 1 Coniscliffe Mews to the north and the distance from the dwelling to the rear of No 494 Coniscliffe Road to the south would be 12.49m. There would be indirect views of the application site from the north facing rear windows of No 496 Coniscliffe Road and the new dwelling would be approximately 15m away. It is considered that the proposed dwelling would not create any loss of privacy issues and overlooking issues in relation to the neighbouring dwellings.

The storage building belonging to No 496 Coniscliffe Road is closer to the rear of No 1 Coniscliffe Mews than the proposed dwelling and it is considered that the distance between the proposal and the objector's dwelling, along with its scale and design will ensure that the new dwelling will not be an overbearing building. The rear of No 1 Coniscliffe Mews is south facing and the introduction of this dwelling would have an impact on the amount of daylight and sunlight entering the rear of this property, however, that impact would not be a significant one due to the scale of the dwelling and the distance between the properties.

The spatial relationship between the dwelling and No 494 Coniscliffe Road is also considered to be acceptable and the impact of the garage on the neighbouring dwellings does not raise any concerns.

The proposed development, which has been amended following the withdrawal of the first application, will not have an adverse impact upon the amenities of the neighbouring dwellings.

## **Highway Matters**

The site would be accessed directly off Coniscliffe Mews. The detached garage would provide parking spaces for both the new dwelling and the No 494 Coniscliffe Road. The garage has openings in both the north and south elevations.

The Council's Traffic Manager has commented as follows; *“Though I would raise no highway objection to the proposal there is a minor concern in relation to the pedestrian access to the site.*

*There is currently no footway on the west side of Coniscliffe Mews and a condition could be considered requiring provision of new footway to connect the site access to the existing pedestrian facilities on Coniscliffe Road. However, such a provision would be likely to detract from the quality of the streetscene. Also there is an existing property adjacent to the proposed site with no direct pedestrian access. Pedestrian facilities are available on the east side of the road and visibility at the crossing point is good.”*

He has raised no highway objection to the proposal.

## **Trees**

There is a row of preserved trees on the grassed verge of Coniscliffe Mews to the east of the application site. These trees would not be affected by the proposed development.

The application site does contain some young trees, which are not protected by a tree preservation order and are not worthy of preserving. Two of the trees on the eastern boundary would be felled and a tree in the northeast corner would be retained if possible. If this tree has to be removed, the applicant has confirmed that a replacement tree would be planted. It is considered appropriate to impose a landscaping condition for the development.

There is an apple tree on the western boundary, which would help to screen the development from No 496 Coniscliffe Road. The applicant has agreed to retain this tree and protective measures would be put in place to ensure its retention during the construction of the 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 application site 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
- E14 Landscaping of Development
- E15 Open Land In New Development
- E29 The Setting of New Development
- H3 Locations for New Housing Development
- H11 Design and Layout of New Housing Development
- R1 Designing For All
- T24 Parking and Servicing Requirements for New Developments

- D1 Obscure glazing

## **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- A3 - Implementation Limit (Three Years)
- B4 - Details of Materials (Samples)
- C5 – Restriction of PD Rights (Residential)
- J2 – Contamination
- E2 - Landscaping (Submission)
- No works shall commence on site until protective fencing, in accordance with BS5837 2005 has been erected around the trees to be retained in and adjacent to the application site. The fencing should be at least 2.3m high and consist of a scaffolding frame, braced to resist impacts, supported by a weldmesh wired to the uprights and horizontals to dissuade encroachment. The extent of the protection should be inspected by a Council Officer prior to the commencement of the development.  
REASON: To ensure the retention of the trees and their protection from damage, in the interests of visual amenity.
- B5 - Detailed Drawings (Accordance with Plan)

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

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4. E29 The Setting of New Development
5. H3 Locations for New Housing Development
6. H11 Design and Layout of New Housing Development
7. R1 Designing For All
8. T24 Parking and Servicing Requirements for New Developments
9. D1 Obscure glazing

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

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

- *The applicant is advised that contact must be made with the Assistant Director : Highways and Engineering (contact Ms.P.Goodwill (01325 388760) to discuss naming and numbering of the development*