

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 6th April 2014

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APPLICATION REF. NO:	16/00040/FUL
STATUTORY DECISION DATE:	07/03/16
WARD/PARISH:	Middleton St George
LOCATION:	1 Church Close Middleton St George
DESCRIPTION:	Extension to the side of detached dwelling.
APPLICANT:	Mr G Marsh

APPLICATION AND SITE DESCRIPTION

The application site lies at the southern end of the village, at the apex of Church Lane and Church Close and is within the Middleton One Row Conservation Area. The dwellings in the immediate locality are mainly bungalows of a modern design and because of the different land levels in the area, some, including the application site, are of split level design.

The change in levels of the application site results in the front being single storey and the rear being two storey.

PLANNING HISTORY

12/00593/FUL – Sliding entrance gates to drive – Approved 05/11/12

13/00890/FUL – Extensions to dwelling – Refused 05/01/14 – Appeal Dismissed.

PLANNING POLICY BACKGROUND

Darlington Borough Council Local Plan **Policy H12** relates to the alteration and extension of existing dwellings and it is this policy which has the most relevance in considering this application.

National Planning Policy Framework – Paragraph 131

RESULTS OF CONSULTATION AND PUBLICITY

Local residents were consulted and responses were received from three addresses raising the following issues:

- Loss of light to rooms
- Loss of privacy to garden area
- Loss of views from rooms
- Detrimental to character of the Conservation Area

Parish Council – No comments received

DBC Highways Engineer – No objections.

DBC Conservation Officer – No objections in view of similar character of buildings nearby.

PLANNING ISSUES

The main issues identified as being important in the consideration of this application are Impact on the amenities of residents and the visual impact of the development on the character of the locality and Conservation Area.

Impact on neighbours – The only neighbour likely to be affected by the proposed extension is that at 21 Church Lane to the east – in particular the rear garden area.

Site inspection reveals that there is a substantial evergreen tree/hedge screen on the boundary of the two properties, and there is currently little overlooking of the garden area from the existing first floor living room windows of the application dwelling. It is proposed to extend part of the first floor some two metres towards the boundary on top of an extension to the ground floor.

It is considered that whilst there may be some increased loss of privacy from the reduced separation distance between the two properties, in view of the existing screening referred to above, it is considered that this change will not cause such harm to amenity as to warrant a refusal of planning permission in this instance.

It is considered that the impact on internal living rooms will be limited for the same reasons and because of the juxtaposition of the two dwellings and the fact that there is a certain amount of overlooking from the existing windows which occurs in most situations on housing estates.

Impact on character of the locality – An examination of the visual character of buildings situated in the locality confirms that, as noted by the Appeal Inspector on the earlier refusal – they are of modern design; some are bungalows and some are split level like the application site and neighbouring dwelling, due to site levels. The proposed development is considered to be of a design which is in context with the parent dwelling and those in the vicinity. The hipped roof and shallow gabled extension is considered to be of a sympathetic design which does not harm the character of the existing dwelling or this part of the Conservation Area.

The applicant has submitted a “rebuttal” of the objections as follows:

1) Objection from 18 Church Lane.

I believe the extension proposed will be in keeping with the surrounding properties of the same age. The two storey element is due to the property being split level as are others along both Church Close and Church Lane. Care has been taken at the design stages to ensure that the extensions blend in with the existing house, with a similar roof pitch and brickwork to match the existing as closely as possible. I would also suggest that properties in the general area vary considerably in age, size and design. As regards overlooking other properties, the existing large full height lounge windows already do. Those of the extension proposed are smaller so will actually reduce the amount of outlook across the other properties.

2) Objection from 5 Church Close.

A small single storey extension was added to the property several years ago, this can surely not be considered as an extensive extension!. I fail to see why the proposed extensions would be inappropriate to the surrounding area. As stated before, properties in this area vary considerably.

3) Objection from 21 Church Lane.

Again, the existing lounge windows are considerably larger than those proposed for the upper floor element of the new extension. Consideration to the occupants of 21 Church Lane was given at design stage as evidenced by the extension at the upper floor projecting less from the existing house than that at the lower level. The high Leylandi referred to will still provide screening. It also seems strange that the reason for objection is a perceived loss of privacy, while complaining that the existing Leylandi hedge between the two properties is "unacceptably high" As regards the loss of light and view, I would point out that given the orientation of the properties loss of light is unlikely. No1 lies to the West of No 21. So far as the view, I believe that under law there is no "right to a view". Also, given that the lounge windows of No21 do not face No1 Church Close I fail to see where the view is compromised. The kitchen window does overlook the rear garden of No1 (compromising the privacy of my client), but the existing extension is at a lower level and not directly in line in any case.

The proposed extension is considered to be an improvement in visual terms to the one which was previously refused; it does not over dominate the main dwelling or harm the character of the building or the locality in general. As described above it is considered that any increase in loss of privacy to the adjoining property will not be such as to cause a material loss of amenity and would not be sufficient to warrant a refusal of planning permission.

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.

RECOMMENDATION

That the Planning Permission Be GRANTED subject to the following conditions:

1. A3 – implementation period
2. B4A – matching materials
3. B5 – in accordance with the submitted plans.