

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 November 2014

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APPLICATION REF. NO:	14/00942/FUL
STATUTORY DECISION DATE:	24 November 2014
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	101 Low Coniscliffe
DESCRIPTION:	Erection of single storey wraparound front/side and rear extensions (additional layout plan received 22 October 2014)
APPLICANT:	MR VARN ATKINS

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of a single storey extension wrapping around the front and side elevations of the property and the erection of a single storey rear extension. The proposed extension to the front and side is to replace an existing conservatory to the front elevation and a porch to the side elevation, and is to measure approximately 4.2 metres wide at the front reducing to 1.3 metres wide as it returns along the side of the house. It will project approximately 2.4 metres from the front of the house with a maximum overall depth of approximately 8.5 metres along its western side. The extension is to have a pitched tiled roof, 4 metres in height at ridge level.

The proposed rear extension is to provide a walk-in wardrobe and en-suite bathroom to serve an existing bedroom and is to measure approximately 6 metres wide by 2.6 metres deep, under a hipped tiled roof approximately 3.5 metres in height at ridge level. Both extensions are to be built of matching brick. It is also proposed to install a new window in the front gable of the property serving the roofspace and to insert a small, replacement window in the rear gable.

The application property is a detached bungalow located on Back Lane, Low Coniscliffe. The property is bounded by other residential properties either side and to the rear. Back Lane itself bounds the property to the north beyond which lies open countryside. An access track runs along the east side of the application property, within the application site, which provides access to properties to the rear at 21 and 23 Low Coniscliffe.

PLANNING HISTORY

90/00127/DM – Erection of a private garage and porch. GRANTED 23.4.1990

PLANNING POLICY BACKGROUND

The following policy is relevant to consideration of the application:

Saved Policies of the Darlington Local Plan 1997

- H12 – Alterations and Extensions to Existing Dwellings

RESULTS OF CONSULTATION AND PUBLICITY

Highway Engineer – No highway objection to the proposal

Low Coniscliffe and Merrybent Parish Council – Object to the application on the basis that by reason of its siting the proposal represents an unneighbourly form of development that would have an adverse impact on the amenity of neighbouring properties, by reason of an overbearing effect, and that the current right of motor vehicle access enjoyed by No. 23 Low Coniscliffe, via No. 101 Low Coniscliffe, would no longer exist or be severely restricted, and involve No. 23 encroaching onto land owned by No. 21 where no right of access exists.

One letter of objection from the owner of 23 Low Coniscliffe has been received which raises the following issues:

- *The proposal impedes my pedestrian and vehicular access to the rear of my property, 23 Low Coniscliffe. The attached copy of the Deed of Mutual Easement confirms my right of access;*
- *Also have confirmation from the Land Registry in the form of Deeds of Grant and Release of my right of pedestrian and vehicular access over this land;*
- *The planning application form, Section 5, has been completed to state that there is no new or altered vehicle or pedestrian access proposed to or from the public highway, and that the proposals do not require any diversions, extinguishments and/or creation of public rights of way. This is obviously not the case;*
- *Both myself and the owner of 21 Low Coniscliffe are extremely concerned that the proposed extension will alter or obliterate our rights of access and leave us with either a very minimal area in which to reach our rear access, or indeed, no access at all. My concern is that, with the current application, I might well be forced to drive over land owned by Mr McMillan at 21 Low Coniscliffe. I currently have no right to do so, therefore I might well be left without any access to the rear of my property;*
- *My Deeds state that the right of access to the rear of my property has been enjoyed by myself and the previous owners of 23 Low Coniscliffe for the last 60 years, and therefore I have a precedent to continue enjoying that right. I have also maintained that access for the last 20 years;*
- *My right of access should stand and if I lose that right not only will I find it practically very inconvenient but I fear that my property will also diminish in value as a result.*

One letter of representation has also been received from the owner of 21 Low Coniscliffe which raises the following issues:

- *There doesn't appear to be a boundary plan with the submitted application. Is the boundary wall removal and re-routing of access to my property part of the application?*

PLANNING ISSUES

Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan states that alterations and extensions to existing dwellings will be

permitted where they are in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area. Such proposals are also required to maintain adequate daylight entering the principal rooms of nearby buildings; maintain adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and should not be overbearing when viewed from neighbouring properties.

The properties along this part of Back Lane vary in their scale and design and there is little uniformity to the character and appearance of these properties. The application property is a detached, gable-fronted bungalow. The proposed extension which is to wrap around the front and side of the property is to replace an existing conservatory and porch to the front and side elevations. It is considered to be of a scale and design which is sympathetic to the character and appearance of the application property. The property is set back approximately 5 metres from Back Lane, behind a well-established coniferous hedge, which will help break up views of the extension from this aspect. Nevertheless the extension is considered to have an acceptable impact on, and be in keeping with, the streetscene and surrounding area. Similarly the proposed rear extension is considered to be acceptable in terms of its scale and design and will not be readily visible from Back Lane itself.

The Parish Council have objected to the proposed extensions on the basis that they will have an adverse impact on the amenity of neighbouring properties due to an overbearing effect. The proposed rear extension will be approximately 12 metres at its closest point from the nearest properties to the rear at 21 and 23 Low Coniscliffe. A window is proposed in the rear elevation serving an en-suite bathroom and while this is likely to be obscure glazed, this will look onto an access and parking area to the rear of these properties and as such is not considered to result in any loss of privacy to either property. Similarly at this distance it is not considered to have an overbearing impact on these properties.

The proposed extension wrapping around the front and west side of the property will replace an existing porch to the side. As such the proposed extension at its west side projecting approximately 1.3 metres from this elevation is not considered to have sufficiently greater impact on the amenities of the neighbouring property at 99 Low Coniscliffe than the existing porch in terms of privacy levels or outlook from this property which is set back from the application property.

The Highway Engineer has raised no highway objection to the application.

Other issues

Concern has been expressed by both the Parish Council and the respective owners of the properties at 21 and 23 Low Coniscliffe, which enjoy a right of access via an access track which runs along the east side of the application site that the proposed rear extension will impinge upon their right of access, necessitating the re-routing of this right of access. While these concerns are noted any infringement of private access rights is not a matter for consideration as part of this planning application and must be resolved separately to the planning process. An informative can be added to the decision notice alerting the applicant that it is in their interest to resolve this matter.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The proposed extensions are considered to be acceptable in terms of their impact on the character and appearance of the application property, streetscene and surrounding area and are not considered to give rise to any unacceptable issues of residential amenity or highway safety. The proposal is therefore considered to comply with Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997.

While the concerns regarding the impact of the proposed rear extension on a private right of access to properties to the rear are noted, this is a civil matter and cannot be taken into account in consideration of this planning application.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 (Standard 3 year time limit)
2. B4 (Details of external materials to be submitted)
3. B5 (Development in accordance with the approved plans)

THE FOLLOWING POLICY WAS TAKEN INTO ACCOUNT IN CONSIDERATION OF THE APPLICATION:

Borough of Darlington Local Plan 1997

Saved Policy H12 (Alterations and Extensions to Existing Dwellings)