

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 3 July 2013

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APPLICATION REF. NO:	13/00238/FUL
STATUTORY DECISION DATE:	14 June 2013
WARD/PARISH:	PARK WEST
LOCATION:	122 Blackwell Lane
DESCRIPTION:	Erection of conservatory to rear (as amended by plans received 22 May 2013)
APPLICANT:	Mr Mark Butler

APPLICATION AND SITE DESCRIPTION

The proposal involves the erection of a conservatory to the rear of a semi detached dwelling. The dwelling has an existing single storey rear extension and detached garage and outbuildings in the garden. The proposed conservatory would measure 5.1m long; 3.7m wide with an overall height of 3.1m under a glazed hipped roof. The design of the conservatory has been revised so that the west elevation splays back into the site at 3.9m, along the common boundary with the adjoining dwelling. The conservatory would be constructed from a mix of glazing and brickwork. The application site is within a predominately residential area.

The application has been put before Members of the Planning Applications Committee as it has been called in by the Ward Councillor

PLANNING HISTORY

97/00318/FUL In June 1997 planning permission was GRANTED for the erection of a kitchen extension and garage

PLANNING POLICY BACKGROUND

Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 is relevant along with the Council's adopted Planning Guidance Notice 7 – Alterations and Extensions to Dwellings

RESULTS OF CONSULTATION AND PUBLICITY

The occupier of No 124 Blackwell Lane objected to the original proposal for the following reasons:

- *Loss of light and visual impact, (especially the 5.1 metre length of brick wall).*
- *Too big for size of garden and close proximity to the boundary.*
- *There will be no room to maintain the party fence as posts are on my side with runners and fence panels on 122 side.*
- *The guttering along party fence side will not be able to be maintained.*
- *The 45 degree rule will show this Conservatory is far too big.*
- *As I am partially blind and coming up to my 90th year I enjoy watching the birds feeding on my bird table next to my dining room window. If this Conservatory is allowed it will severely restrict the light coming into my dining room greatly affecting my quality of life*

Following the submission of the amended proposal, the occupier of No 124 Blackwell Lane submitted further objections:

- *The width and height are now bigger!*
- *The 45 degree code shows this is still too big with conservatory being so close to the boundary fence and impact of loss of light and sun reflection hitting glass roof.*
- *Erection and maintenance of conservatory roof next to boundary - problems with doing both.*
- *Too big for size of the garden taken that there is a kitchen extension, garage, greenhouse, etc.*
- *How will new fence be put up and maintained with so little space.*
- *In conclusion, this application should be refused as it is too big and will severely affect my quality of life.*

Councillor Heather Scott, the Ward Councillor has requested that the application is heard by the Members of the Planning Applications Committee as she supports the comments raised by the objector. Councillor Scott has commented that:

- *This development will seriously affect her quality of life due to the size of the proposed conservatory.*

PLANNING ISSUES

Saved Local Plan Policy H12 (Alterations and Extensions to Existing Dwellings) 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 privacy in the rooms, gardens and other outdoor areas of nearby buildings.

Residential Amenity

A close boarded timber fence, approximately 1.8m high, separates the rear gardens of the application site and the adjoining dwelling (No 124 Coniscliffe Road). The fence line is supplemented by a mature hedge on both sides.

The conservatory would be set approximately 300m from the boundary fence once the hedge within the application site has been removed. The west elevation of the proposed conservatory has been revised so that it would run alongside the fence for a length of 3.9m and then splay away from the fence to an overall projection of 5.1m. As a result of this revision the overall

height would increase by 0.046m and the width would increase by 0.20m as it slightly wraps around the existing single storey rear extension.

The conservatory has been revised so that it complies with the adopted 45 degree code when measured from the ground floor bay window of the adjoining dwelling in accordance with the Council's adopted guidance note. The existing fence and the hedge within the adjoining dwelling would help to screen the conservatory and the structure has a hipped glazed roof which would also allow daylight through to the neighbouring property. It is considered that the adjoining dwelling would not be significantly affected by the proposed development.

The high level windows in the section of the conservatory that runs alongside the common boundary with the adjoining dwelling would be obscure glazing and non opening and this can be secured by a planning condition.

The adjacent property and the dwellings to the rear would not be adversely affected by the proposed development.

The roof of the conservatory would be fitted with clear thermal self cleaning toughened glass and in the opinion of the Local Planning Authority there is sufficient distance between the fence and the west elevation of the conservatory to allow for maintenance.

Visual Amenity

There are other examples of conservatories of varying size and appearance to the rear of properties in the locality of the application site and this addition would not have an adverse impact upon the visual appearance and character of the area. The conservatory would not be visible from the public highway to the front of the properties.

The conservatory would be erected upon an existing patio area and in the opinion of the Local Planning Authority sufficient amenity space and garden area would be retained once the conservatory has been constructed.

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

It is considered that the proposed conservatory by reason of its size, position and appearance is in keeping with the external appearance of the property and will not cause significant harm to the character and appearance of the host dwelling or the surrounding area. The extension has no significant impact in terms of loss of daylight or sunlight to neighbouring dwellings and maintains adequate levels of privacy. The proposal does not adversely affect car parking provision on the site nor impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in the light of policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 and the Council's adopted supplementary planning guidance.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. The high level windows formed in the section of the conservatory hereby approved that run along the boundary with No 124 Blackwell Lane (for a length of 3.9m) shall be obscure glazed and fixed shut and shall not be repaired or replaced other than with obscure glazing
REASON: To prevent overlooking of the neighbouring dwelling
3. B4A – Details of Materials
4. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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