

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 5 May 2010**

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<b>APPLICATION REF. NO:</b>	10/00114/OUT
<b>STATUTORY DECISION DATE:</b>	22 April 2010
<b>WARD/PARISH:</b>	HAUGHTON WEST
<b>LOCATION:</b>	151 Kingsway
<b>DESCRIPTION:</b>	Erection of dwellinghouse (Outline)
<b>APPLICANT:</b>	Mr C Grey

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**APPLICATION AND SITE DESCRIPTION**

The application site measures approximately 122m<sup>2</sup> and consists of part of a garden area to the north east of No. 151 Kingsway, at the head of a small cul-de-sac. The site itself is currently laid to lawn and is bounded by highway to the north neighbouring garden to the east, an adjoining residential property to the south and open space to the west. There is evidence that at some stage this side garden area was not necessarily in the ownership of the property and was open space. Many of these areas have been enclosed and used for a number of years as residential gardens. Planning permission is sought in outline for the erection of a single two storey dwelling including approval for means of access with all other matters reserved for subsequent approval. As required by the regulations, the applicant has submitted, as a minimum, details of the development which comprise an indicative layout and scale parameters for the building. It is intended that the dwelling will replicate that of the other dwellings along the terrace. These details can be summarised as follows:

- The building would consist of a two storey terraced dwelling;
- The building would be similar in proportions and design to the existing properties in the immediate locality 6.3m wide x 7.6m deep with a maximum height to ridge of 7m approximately;
- The development would have its own driveway with in-curtilage parking provided;
- The surfaces, boundary treatments and external finishes would be consistent with those in the immediate locality;
- Access is to be gained via a newly created access point created by demolishing the garage belonging to 151 Kingsway with in curtilage parking provided for both properties.

The application includes a Design and Access Statement, as required by the regulations.

## **PLANNING HISTORY**

None relevant to the current application.

## **PLANNING POLICY BACKGROUND**

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

E2 – Development Limits  
E11 – Conservation of Trees, Woodlands and Hedgerows  
E12 – Trees and Development  
E13 – Tree Preservation Orders  
E24 – Conservation of Land and Other Resources  
E29 – The Setting of New Development  
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

The following national policy guidance is relevant: -

Planning Policy Statement 1: Delivering Sustainable Development (2005)  
Planning Policy Statement 3: Housing (2006)  
Planning Policy Guidance 13: Transport (2001)

## **RESULTS OF CONSULTATION AND PUBLICITY**

Four objections have been received in respect of the proposed development, raising the following concerns: -

- Whilst this does not abut my land the addition of such a building would obstruct our view of open field, trees and space presently enjoyed.
- We already have a significant problem with too many cars in the area. Any additional traffic would not be welcome environmentally.
- Aesthetically the proposed dwelling will project extremely close to the hedge line not only causing a cramped appearance but also setting a precedent for future developments on the estate.
- Building works would be extremely disruptive as the only place for building trucks to park would be in front of residents garages, located to the rear of the application site.
- There are concerns that demolishing the end garage could damage the adjoining garage.
- A new dwelling would overlook a neighbouring garden to the rear of the application site. Thus invading the occupants privacy.
- The rear garden of 151 is not large enough to accommodate parking for two vehicles.
- Neighbours feel misled that a letter was sent by the applicant stating that an application to extend his property was going to be submitted not that a new dwelling was being applied for.
- The only access available would be from Salters Lane into the garden of No.151 Kingsway. This is a very busy road, with the possibility of damage to the drainage systems and the public footpath due to the weight of HGV's delivering heavy building materials to the site.

- The only reason for this application is the owner wishes to sell his house. This would make it easier to sell on the open market to a builder.

**The Council's Arboricultural Officer** has been consulted and has raised no objections to the proposed development.

**The Council's Environmental Health Officer** has been consulted and has raised no objections to the proposed development subject to a condition requiring the approval of a noise impact assessment including mitigation as appropriate.

**The Council's Highways Officer** has been consulted and has raised no objections to the proposed development. However a condition should be included with an approval requiring that 2 no in-curtilage car parking spaces are provided on the site of 151 Kingway and on the site of the proposed new dwelling.

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

**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.

## **PLANNING ISSUES**

The main planning issues to be considered in the determination of this application are:

- Planning Policy
- Residential amenity
- Character and visual appearance of the locality
- Highway Issues
- Other matters

### **Planning Policy**

The site lies within the development limits and in the context of Policy E2 (Development Limits) and Policy H3 (Location of New Development), housing development is acceptable in principle in such locations, provided that the site is not specifically proposed or safeguarded for another use, and that the development complies with other plan policies. Therefore there is no objection to the proposed development as a matter of principle.

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, 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.

The site can be classified as previously developed land.

The development is considered to be acceptable as a matter of principle. The remaining issues to be considered are whether the proposed development would be acceptable in the context of detailed matters of development control.

### **Residential Amenity**

A detailed assessment in respect of Policy H11 (Design and Layout of New Housing Development) will be carried out when full details of the dwelling are submitted as reserved matters. Objection was raised that the property would overlook the rear garden of a property to the east. There would however be a separation of around 20m from the rear of the indicative dwelling to the boundary fence with the dwelling being around 37m away and at an oblique viewing angle. It is considered that given its relationship with adjacent properties, and the indicative scale parameters provided, it may be possible to develop the site without significant impact on adjacent residential amenity, whilst maintaining a reasonable amount of private amenity space.

### **Character and visual appearance of the locality**

The immediate locality is characterised by two storey terraced dwellings with a staggered layout, pedestrian access is gained from the front of the properties with vehicular access and garages to the rear. Each end of terrace has a sizable side garden that appears to have been a former open area enclosed some time previously. A land registry search has indicated that all land is within the ownership of the applicants. These areas have never been in Council ownership or formally identified as public open space. It is therefore assumed these sections of land must have been acquired from the developer. Most terraces in the area consist of groups of around six dwellings the application site is a smaller row of four dwellings. The proposal would be consistent with this general character and would not be considered to detract significantly from the visual appearance of the locality. The area of openness afforded by the existing garden is limited due to its position at the end of the cul-de-sac and a new dwelling of essentially the same proportions and design to the existing dwellings would not be considered to be out of keeping with the character of the area. When viewed from Salters Lane North these properties are well screened by a thick evergreen hedge. The level of the side garden is also noticeably lower than that of the highway which would also lessen the visual impact of a proposed new dwelling on this site. Members should note however that, the specific details of design can only be assessed at the reserved matters stage.

Objection is raised that this could set a precedent for similar development on the estate. This is the first application of its type for a new dwelling. A number of properties have extended their existing dwellings onto this area of side garden, typically single storey. However not many properties are afforded the screening that the application site has. Any future applications would have to be considered on a case by case basis as it is acknowledged not all of the end plots would be suitable for such development.

**Highway Issues**

The Council's Highways Officer has been consulted on the proposed development and considers that a satisfactory access to the new dwelling can be achieved. Creating access would involve demolishing the existing garage belonging to 151 Kingsway to create a shared driveway to the existing property and the proposed dwelling. The highway officer is satisfied that two in curtilage parking spaces can be provided to the rear of each of the dwellings but has requested a condition, should planning permission be granted, requiring details of these spaces to be submitted and approved in writing.

Concern is raised that owing to the limited parking available on the estate that during construction impact upon neighbours would be unacceptable. There are circumstances where traffic impact on existing residential areas can be a material consideration, usually however for schemes significantly larger than one dwelling. It is acknowledged that there could be some localised disruption but this would not be sufficient reason to recommend refusal.

**Other Matters**

Objection has been raised regarding the applicant's intentions to sell the land for profit. The private interests of the applicant are not a material planning consideration and are therefore not relevant in the determination of this application. The matters Members must consider whether the application is acceptable or not in planning terms are outlined above.

A number of objections have stated that the applicant distributed a letter stating the intention to apply for an extension to the property and not for a new dwelling. On the application form the applicant has made no reference to consultation on this development taking place nor is there a statutory requirement to do so and this is not a material planning consideration and therefore is not relevant to the determination of the application.

**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. It is considered that it is possible to develop the site for a single dwelling whilst respecting the amenity and general character of the area nor impacting on the residential amenities or privacy of neighbouring dwellings, whilst providing an acceptable level of amenity for the occupants of the new dwelling. 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:

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

- 1) A1 Outline (Reserved Matters)

- 2) A2 Outline (Implementation Time)
- 3) E5 Boundary Treatment Submission
- 4) C5 Restriction of PD Rights (Residential)
  
- 5) Notwithstanding any information provided in the submitted application, a minimum of two in-curtilage parking spaces shall be provided for the proposed dwelling.

REASON – In the interests of highway safety.

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

The application site lies within development limits identified in the development plan. It is considered that it is possible to develop the site for a single dwelling whilst respecting the amenity and general character of the area nor impacting on the residential amenities or privacy of neighbouring dwellings, whilst providing an acceptable level of amenity for the occupants of the new dwelling. 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:

Borough of Darlington Local Plan (1997)

E2 – Development Limits

E11 – Conservation of Trees, Woodlands and Hedgerows

E12 – Trees and Development

E13 – Tree Preservation Orders

E24 – Conservation of Land and Other Resources

E29 – The Setting of New Development

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

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

The applicant is advised that works are required within the public highway at the proposed access to the site and contact must be made with the Assistant Director : Highways and Engineering (contact Mr.A.Ward 01325 388743) to arrange for the 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.