

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 28 July 2010

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APPLICATION REF. NO:	10/00246/FUL
STATUTORY DECISION DATE:	10 June 2010
WARD/PARISH:	MOWDEN
LOCATION:	21 Osborne Close, Darlington, DL3 9YE
DESCRIPTION:	Erection of a two storey side extension
APPLICANT:	Mr K Flint

APPLICATION AND SITE DESCRIPTION

The application site is a semi-detached property situated on the northern side of Osborne Close. The site is bounded to the south by highway, to the east and west by residential properties and to the north by the substantial rear garden of 211 Carmel Road North.

The property has a modest front and rear garden area with a driveway running to the side. The property has had a small conservatory added to the rear but is otherwise unaltered since construction. The proposed extension would provide a garage area at ground floor level and an ensuite bedroom at first floor level. The proposed extension would have a pitched roof set down in height and set back of the frontage of the original property. The extension would measure 7.6m in length and width of 2.9m the roof would be 7m to ridge and 5.2m to eaves. Materials are to match those of the existing property with red brick walls and red pantile roof. Suitable material samples have been submitted to accompany the application details.

PLANNING HISTORY

None.

PLANNING POLICY BACKGROUND

The following policy of the Borough of Darlington Local Plan is relevant: -

H12 - Alterations and Extensions to Existing Dwellings

RESULTS OF CONSULTATION AND PUBLICITY

Following submission of this formal application for planning permission, the Council undertook a neighbour consultation exercise. To date one objection has been received from the owners of the neighbouring property No. 23 Osborne Close, the following is a summary of the points raised: -

- *The first floor window in the gable, is the window in the bathroom or bedroom, plans and elevations don't seem to tie up.*

Plans were resubmitted that clarified the position of this window and no further objection was raised in relation to its location.

- *Should the extension not be set back from the line of the existing front elevation, so that the extension is definable from the original building?*

The Council's Planning Guidance Note 5 (Alterations and Extensions to Dwellings) seeks such a setback. The applicant modified plans accordingly resolving this objection.

- *The proposed external wall of the new gable is extremely close to the boundary fence, scales approx 400mm, could this dimension be clarified. With a standard 600mm strip footing under the wall and site tolerances I am concerned this is too close to the boundary fence to be constructed with having to take the fence down which I would object to. Would there also be a possibility of undermining my present paved car port, excavating so close to the boundary?*

The applicant provided clarification that there is a separation of 335mm from the outer leaf of the wall to the boundary wall. This clarification was not sufficient to resolve this objection and the neighbour provided further comment that:

I object to the proposal on the grounds that the proposed new gable wall is too close to the boundary fence which separates 21 & 23 Osborne Close.

Taking into account site tolerances etc. in order to construct a 600 wide strip footing, (which may need to extend down further than 900mm due to the presence of the mature trees in the rear gardens of the houses), the gable wall could easily end up right up against the boundary fence or possibly interfering with the fence during construction. I believe that a more sensible gap that you can walk down and maintain the gable wall from within your own plot i.e. 700mm which matches the approved extension planning permission on 23 Osborne Close would be more appropriate.

The Council's Highways Officer commented that although the proposal increases the number of bedrooms and therefore theoretically the parking requirement. A new garage is proposed and though its dimension is below the advisory standard (6m x 3m) for it to qualify as a parking space it would be difficult to make a case for refusal purely based on this as one in-curtilage space will also be available on the garage forecourt and on-street parking is available on the site frontage. Therefore no highway objection is raised to the proposal.

PLANNING ISSUES

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

- Visual Amenity
- Residential Amenity

Visual Amenity

The main dwelling features a dual pitched roof and a small canopy above the front entrance. The proposed extension has a 0.45m setback from the frontage of the existing property and a slight drop in ridge height. This will help the extension to appear subordinate to the original dwellinghouse. It is noted that there are properties of the same style that have been extended at two storeys to the side without a setback, however all of these extensions were granted permission prior to the existence of the Council's Planning Guidance Note 5. Two storey side extensions are commonplace within the streetscene.

It is considered that the proposed development would not have an adverse impact on the street scene and material samples have already been submitted to demonstrate a good match can be found should planning permission be granted.

Residential Amenity

The principal grounds for objection have been in relation to the likely impact upon residential amenity and in particular the structural integrity of the neighbouring property (23 Osborne Close).

Objection is raised that owing to the close proximity of the extended dwelling this could impact upon the foundations of the neighbouring Car Port. It should also be noted that the owners of 23 Osborne Close received planning permission for a two storey side extension at the 6 May 2009 planning committee although this permission has not yet been implemented. All works within this close proximity to a party boundary require agreement between the two parties for works to commence under the Party Wall Act 1996. Should this agreement be possible is not a material planning consideration and as the application stands for determination all of the works are proposed within the applicants own property and an appropriate certificate has been signed to accompany the application. As for if consent can be reached between the two parties this is not a matter that would influence the determination of this planning application.

In relation to the wider impact on residential amenity which the planning system can control there is one side window in the gable end of the property which currently faces a blank side wall of 23 Osborne Close and the roof of the Car Port. Should the neighbouring extension be implemented this window would be in very close proximity to the newly constructed blank gable of 23 Osborne Close and therefore the light it allows in would be significantly reduced. The council has no control as to if this extension will ever be built but the applicant should be aware that it does already have consent and should it be built the light this window allows into the bedroom will be severely restricted. There are no issues with overlooking from this window and the bedroom does have an additional window to the front of the proposed extension. The rear window in the upper floor of the extension is an ensuite bathroom window, which will be obscure glazed and will not overlook neighbouring properties to the side or rear.

With the rear gardens of these properties being north facing side extensions will create some additional shading, however this will mainly impact upon the applicants rear garden. No objection has been raised on loss of light.

Overall, it is considered that the proposed application is acceptable in respect of its impact on the residential amenities currently enjoyed by existing residents, and those to be provided for the future occupiers of the proposed scheme although it should be noted that light from the secondary bedroom window would be severely limited should the approved planning permission at the neighbouring property be implemented. The proposal is therefore compliant with the requirements of Policy H12 of the Borough of Darlington Local Plan.

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 extension 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 adjoining 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

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B5 Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the proposed extension 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 adjoining 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.

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

It should be noted that the permission hereby granted does not remove the necessity to fulfil the requirements of the Party Wall, etc Act 1996.

The applicant should be aware that the neighbouring property at 23 Osborne Close has extant planning permission (at the time of issuing this notice) for a two storey side extension which if implemented would restrict the daylight entering the bedroom window on the eastern gable of the approved plans.