

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 DECEMBER 2009

Page

APPLICATION REF. NO:	09/00672/FUL
STATUTORY DECISION DATE:	24 November 2009
WARD/PARISH:	HURWORTH
LOCATION:	22 Friars Pardon
DESCRIPTION:	Erection of 1.No dormer bungalow (additional information received 28/10/09, amended plan received 16/11/09).
APPLICANT:	Mr L Puchala

APPLICATION AND SITE DESCRIPTION

The application site measures approximately 327m² and consists of part of the garden area of No. 22 Friars Pardon, at the head of a cul-de-sac, which is situated on the western fringe of the village of Hurworth and accessed from Roundhill Road to the east. The site itself is currently laid to lawn and is bounded to the east and west by residential properties, to the north by public vehicular highway and to the south by public footpath. Within the garden of the neighbouring property to the east, No. 20 Friars Pardon are three trees, which are subject to a Tree Preservation Order for their group value. The site lies outside, but immediately adjacent to the Hurworth Conservation Area to the South.

Full planning permission is sought for the erection of a single detached dormer bungalow. The building would consist of a dormer bungalow with an integral garage. The building is similar in proportions to the existing properties in the locality with the main section of the building measuring 8.6m in width and 13.8m deep. The building does feature a wider section towards the rear of the building and a small single storey entrance hall/bedroom. The maximum height of the dwelling is 3.5m to eaves (the rear section of the western elevation is 2.5m) and ridge height of 6m, this does represent a 1m increase over the immediately adjoining bungalows but not as high as three dormer bungalow style properties opposite. The proposed development also includes a separate driveway with in curtilage parking provision. A small section of rear patio is also provided within the proposed rear garden area.

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

PLANNING HISTORY

07/00292/OUT – Outline planning permission was granted for the erection of a detached bungalow in a similar (but slightly narrower) location. Details of layout, scale, appearance, access and landscaping were reserved. Permission expires 07 March 2011.

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

Nine letters of objection have been received in respect of the proposed development, the following is a summary of concerns raised: -

- *This current application is a two-storey dormer building whereas the previous application was for a single storey bungalow. The proposed building will sit between bungalows and is not in keeping with the visual aesthetics. The pitch of the roof on the proposed application conflicts with surrounding buildings so in this regard it does not blend in.*
- *The footprint of this application is larger on the site than the previous proposal and it appears too large for the site providing a reduced acceptable level of amenity for the occupants of the proposed dwelling.*
- *I have noted that Northumbrian Water had no comments on the previous proposals in this regards, but it is undeniable that some problems are apparent. At times the Fire Brigade has had to attend to clear water from the road gullies to prevent houses being flooded. Over the past various extensions to houses and bungalows in the road have been constructed, most will no doubt contain further sanitary facilities. This additional strain on the system will probably now exceed the original drainage design; the addition of another property discharging into the combined drainage system would exacerbate the already overstretched capacity.*
- *We are most concerned and dismayed by the application by the residents of No.22 Friars Pardon for a dormer bungalow in their garden. In view of the fact that the intention is to build this on an incredibly small plot, and which will be directly opposite the front*

windows of our own house, we feel strongly that the building would have a very detrimental effect on the value of our own property.

- *We are currently affected by the number of vehicles, including a caravan belonging to the applicants which are parked in the cul-de-sac. This has caused problems for vehicles turning (particularly emergency services).*
- *The fire brigade have been summoned on five occasions in the past year because of the drains overflowing which was made more difficult due to the vehicles parked in the cul-de-sac.*
- *The development(housing estate) was well designed, to ensure an appropriate balance between green space and the built environment. We feel that allowing this planning application to be granted will set a precedent within the area for further development and reduction in green space. The resultant increase in housing density and loss of open areas will be detrimental to the ambiance of Friars Pardon.*
- *The proposed 6 metre high building or 4.5 metre, if single storey, would encroach into the tree canopy.*
- *Recently we received (at No. 20 Friars Pardon) planning approval (09/00569/FUL)for a single storey side extension. A drawing has been provided that indicates the proposed dwelling fails the 45 degree rule from both new windows and that of the existing development. It is believed the proposed development contravenes this rule and the occupants right to light.*
- *There are habitable rooms that overlook our property (No. 20 Friars Pardon) and bedroom windows that would be a privacy issue.*
- *The footprint takes up a significant area of the small plot and does not sit neatly within the streetscene.*
- *When taking into account the drive and terrace area there would be a significant reduction of soakaway area would be lost in a cul-de-sac that has a history of flooding.*
- *We would strongly recommend a site visit, with the development pegged out, before any final decision is made.*
- *We consider the proposed application by reason of its size, position and appearance is not in keeping with the character of the surrounding properties and is not sympathetic to the surrounding area.*
- *I do not think this is an appropriate development, the building seems to be much further back than all the other properties.*
- *The development may disturb the protected trees and also disturb the rookery.*
- *We get the evening sun in the garden and this will surely block it (No. 18 Friars Pardon).*
- *The change of the 'Outline Plan', dated 27/6/07 from the 'erection of a detached bungalow' to a 'dormer bungalow' entails raising the height of the proposed building to nearly two metres above the other bungalows. Moreover, by including windows in the roof it compromises the privacy of the property adjacent to it.*
- *There is a flood risk in this section of Friars Pardon from the sloping field behind the bungalows. This has been exacerbated by the drainage system failing to take away water speedily enough. One more building would impede the water even more.*
- *Should permission be granted the turning area would be severely restricted during construction of the bungalow.*
- *Shepherds, who built this award-winning estate ruled out an extra building on this site as it would have created a squashed-in effect in this particular area and spoil the estate for the residents.*

- *This development will spoil a beautifully planned estate. It will spoil the quality of life for those who have to look out on it – surely in this day and age quality of life counts for something.*
- *The existing foul sewage system for house numbers 22,24,26,28 and possibly 30 is on our (No.26 Friars Pardon) land. Would the foul sewage from this dormer bungalow be connected to this drain? We have had problems in the past and over recent years we have suffered severe street flooding and we believe the sewage and drainage system may not sustain any additions to the infrastructure without major upgrading. Would the council be upgrading the sewage/drainage system?*

Hurworth Parish Council has been consulted and has objected to the proposed development on the following grounds:

The proposed development represents overdevelopment of the site with the scale and mass of the proposals being inappropriate in that location. Hurworth Parish Council also recognises the loss of privacy to adjacent properties together with the negative impact on their outlook. Concern was also expressed regarding the reduced turning circle it would provide for traffic, also concerns in regard to flooding.

The Campaign for the Protection of Rural England (CPRE) have objected to the proposal as the proposed dwelling is far too large for the site and the dwelling is far larger than others in the street and is consequently out of proportion with its locality.

The Council's Arboricultural Officer has been consulted and has raised no objections to the revised proposal. If the development is approved it is recommended that a condition be imposed to protect the root protection area during construction.

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

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
- Trees
- 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 following outcomes for 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 is embraced within the definition of previously developed land, as defined in Annex B of the above guidance. The acceptability of the scheme given the context of the site and the characteristics of the area will be considered in more detail in the following sections of this report.

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

When considering proposals for infill development it is important to consider impact upon residential amenity of existing properties as well as the amenity afforded to the proposed dwelling. Objections have been received that the proposed dwelling will affect the amenity of a number of neighbouring residential properties, particularly in terms of shading and overlooking.

The proposed dwelling is larger than that of the indicative layout submitted with the previous outline application and in proposing a dormer bungalow instead of a traditional bungalow the issue of an additional storey should be considered in determining likely impact on amenity.

Firstly considering overlooking issues windows both to the front and rear of the dwelling raise no significant concerns. The main upper floor bedroom windows face due north over the public highway and south towards the rear garden and public footpath. There are a number of side facing rooflight windows proposed in each side facing roof slope. It is unlikely that these windows will be low enough within the rooms to afford views to the side towards neighbouring rear gardens. In order further safeguard neighbouring amenity it is recommended that should consent be granted these rooflights should be obscure glazed. The side facing ground floor window apertures are kept to a minimum. The western elevation contains one small window to an ensuite shower room, which will require obscure glazing. This window faces towards the

existing garage of 22 Friars Pardon. On the eastern elevation towards the rear of the property are three windows and a door to a utility room, kitchen and breakfast room respectively none of which would be classed as primary living accommodation. These windows face towards the rear garden of 20 Friars Pardon but only offer oblique views towards living rooms at this property. The owner of 20 Friars Pardon has objected to the proposal on the grounds that when viewed from the rear of the existing property the development fails to comply with the 45 degree rule. The nearest window to a habitable room in the existing dwelling is a lounge window/patio door. When measured from the centre point of this opening the development does fail the 45 degree rule by approximately 1.6m which is not considered excessive when combined with a side separation of 4.5m from the side wall of 20 Friars Pardon and the opposing wall of the proposed dwelling. It should be noted that planning permission has recently been granted for a side extension to 20 Friars Pardon within a portion of this space. However as yet no work has started on this extension nor does the planning authority have any control as to if the development is undertaken at all. It is therefore only considered appropriate to assess impact from the existing dwelling at the time of considering this application. It is acknowledged that should the extension be constructed the outlook from the rear facing bedroom window would be restricted and shaded to the west by the proposed dwelling. It would not be considered appropriate to consider impact upon a development that remains unimplemented.

Objections have also been raised that by virtue of the size and location of the proposed dwelling an unacceptable amount of shading will be caused. The dwelling will undoubtedly create some additional shading towards both immediately adjoining properties at 20 Friars Pardon and the existing property at 22 Friars Pardon. This shading will be limited to certain periods of the day 20 Friars Pardon in the evening and No. 22 in the morning. The additional shading cast towards 22 Friars Pardon in the morning will be limited to mainly non-habitable rooms such as the entranceway and attached garage. 20 Friars Pardon could however experience some loss of daylight in the evening in a section of their rear garden, which could extend towards the livingroom door/window. It should be noted that the properties on this side of Friars Pardon have south facing gardens that will already experience shading for large parts of the year caused by the belt of protected mature trees within the rear gardens. Against this backdrop additional shading caused by the proposed dwelling is likely to be minimal and any additional shading that is created would be minimised to mainly non habitable rooms in the adjacent property at 22 Friars Pardon and a section of rear garden at 20 Friars Pardon.

The proposed dwelling is afforded a reasonable standard of amenity space with a modest front garden area with in curtilage parking for at least two vehicles. The property would also have a reasonable sized rear garden are of approximately 9.5m in length and 11.8m in width (112m² area).

Should planning permission be granted it is recommended that permitted development rights be removed from this development as any additions or alterations to the property would have potential to significantly impact upon neighbouring amenity and would need further consideration.

Character and visual appearance of the locality

The immediate locality is characterised by gable fronted detached bungalows, set back from the highway in a cul-de-sac arrangement with plots of a similar size and has an open feel due to the relatively consistent existence of grassed front gardens and variety of trees visible from public vantage points. 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 provides a dwelling of similar proportions to the existing bungalows in a design which would not be considered to be out of keeping with the character of the area. In providing a dormer bungalow the dwelling does represent a higher dwelling (1m higher) than that of the bungalow dwellings immediately to the east and west. It should be noted that opposite the application site are three dormer style bungalow developments (32, 34 and 36 Friars Pardon) that are significantly higher than that proposed. These properties also feature a steeply sloping roof pitch. The roof pitch of the proposed dwelling is not considered to vary too greatly from that of the other bungalow properties to be prominent. It is shallower at an angle of 30 degrees as opposed to the bungalows at around 32 degrees. Within this context it is not considered that a 1m increase in ridge height will have a discernable negative impact upon the overall appearance of the area.

There is a general duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to ensure that, in determining applications in, or adjacent to Conservation Areas, special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. The Hurworth Conservation Area boundary lies to the south of the application site. The Conservation Officer has been consulted and is of the opinion that the proposal will have no additional impact on the conservation area to that of the existing cul-de-sac. The development could only *enhance* the adjacent Conservation Area if built in a style and material quite different than the existing cul-de-sac.

Trees

A tree survey has been submitted with the application. The results of this survey indicated that a small section of the proposed dwelling fell within the Root Protection Area (RPA) of a protected Mature Ash Tree. The scheme was subsequently amended to ensure the development was outside of the RPA. The Council's Arboricultural Officer is satisfied that it would be possible to carry out the development without impacting significantly on the protected trees within the adjacent site. Furthermore, he considers that it would be possible to provide adequate protection during construction works. It is recommended that a planning condition be attached to any approval to secure submission and agreement of tree protection prior to and during any works on site.

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. It should be noted that the turning head of Friars Pardon at this point is larger than average at a width of some 14.5m immediately in front of the proposed dwelling and wider elsewhere at 22.1m with a depth of 17m. During a number of visits undertaken by officers there were a few cars parked within this turning head but within such a larger area this should not pose a significant obstruction to most road vehicles.

The proposal does include space for at least two parking spaces within the curtilage of the dwelling.

Other Matters

Other matters raised by objection include the impact of any further development on the existing drainage system. Historically there have evidently been problems caused by localised flooding within this section of Friars Pardon. Northumbrian Water has been consulted and has raised no objections to the proposed development. It should also be noted that the application site is not within an area identified by the Environment Agency as being at risk of flooding. In response to

these concerns it is proposed that should planning permission be granted a condition be imposed to require the prior submission and approval of a scheme to deal with surface water drainage scheme incorporating run-off limitation. This should help to ensure that an additional dwelling would not have a negative impact upon the local drainage system.

There is no evidence that the development would impact upon any nearby rookery. Rooks are not identified as a protected species. Although all nesting birds are afforded protection under the Wildlife and Countryside Act 1981

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 the proposed single dwelling will respect the amenity and general character of the area and will not significantly impact 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

Planning permission BE GRANTED subject to the following conditions:

- 1) A3 - Statutory Time limit (3 Years)
- 2) E5 - Boundary Treatment Submission
- 3) C5 - Restriction of PD Rights (Residential)
- 4) No development shall commence until a scheme for the provision and implementation of a surface water drainage scheme incorporating run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON – To reduce the risk of flooding.

- 5) D1 – Obscure glazing (east and west elevation velux windows).
- 6) Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees on the site. The submitted details shall comprise generally the specification laid down within BS5837: 2005 and shall include fencing of at least 2.3m high and consist of a scaffolding frame,

braced to resist impacts, supported by a weld mesh wired to the uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place not less than seven days before the commencement of any demolition work and the Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of demolition work to allow an inspection of the measurements to ensure their compliance with the approved scheme of protection. Notwithstanding the above approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erection of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

REASON - To ensure that a maximum level of protection in order to safeguard the wellbeing of the trees on the site and in the interests of the visual amenities of the area.

- 7) 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.

- 8) Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission (including samples) shall be submitted to, and approved by, the Local Planning Authority in writing prior to the commencement of the development and the development shall not be carried out otherwise than in strict accordance with any such approved details. Such details should consider the use of timber cladding to part of the frontage of the building as this is a local feature.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

- 9) Notwithstanding any details provided on the approved plans the ‘soldier course’ brickwork above windows and doors shall be omitted from the development.

REASON - Soldier coursing is not a feature of the local area.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within development limits identified in the development plan. It is considered that the proposed single dwelling will respect the amenity and general character of the area and will not significantly impact 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, to adjust level of existing kerbs, 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.

THIS PROPERTY IS LOCATED ADJACENT TO A NUMBER OF TREES SUBJECT TO TREE PRESERVATION ORDER WHICH ARE IN SEPARATE OWNERSHIP OUTSIDE OF THE CONTROL OF THE APPLICANT. ANY APPLICATIONS BY THE OWNERS, OR SUBSEQUENT FUTURE OWNERS OF THE PROPERTY HEREBY APPROVED, TO UNDERTAKE WORKS TO THESE TREES PURELY FOR AMENITY REASONS WILL BE UNLIKELY TO BE SUPPORTED.