

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 24 September 2014**

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<b>APPLICATION REF. NO:</b>	<b>14/00618/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>19 September 2014</b>
<b>WARD/PARISH:</b>	<b>HURWORTH</b>
<b>LOCATION:</b>	<b>22 Friars Pardon HURWORTH DARLINGTON DL2 2DZ</b>
<b>DESCRIPTION:</b>	<b>Erection of 1 No dwelling</b>
<b>APPLICANT:</b>	<b>C/o Agent England &amp; Lyle</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site consists of part of the garden area of 22 Friars Pardon, located at the head of a cul-de-sac, which is situated on the western fringe of Hurworth and accessed from Roundhill Road to the east. The site itself currently includes a lawn and is bounded to the east and west by residential properties, to the north by the road and to the south by a public footpath. Within the garden of the neighbouring property to the east, 20 Friars Pardon, there are three trees which are subject to a Tree Preservation Order for their group value. The site is adjacent to Hurworth Conservation Area.

Planning permission is sought for the erection of a single detached bungalow with rooms in the roof space. The building would be similar in proportion to the existing properties in the locality with a maximum width of 9.6m and a maximum depth of 14.6m. The maximum height of the dwelling would be 5.8m to the ridge. This does represent an approximately 1m increase over the immediately adjoining bungalows but is not as high as three dormer bungalow style properties opposite. The proposed development also includes an integral garage and a separate driveway with in curtilage parking provision.

The current proposal is the same as a scheme allowed at appeal on 17 July 2010 (Ref: 09/00672/FUL). This permission was not implemented and has now lapsed.

**PLANNING HISTORY**

Outline planning permission was granted on 7 March 2008 for a detached bungalow (Ref: 07/00292/OUT).

Planning permission was refused on 15 January 2010 for the erection of a dormer bungalow (Ref: 09/00672/FUL). A subsequent appeal was allowed.

Planning permission was refused on 4 June 2010 for the erection of a dormer bungalow (revised scheme). A subsequent appeal was dismissed.

## **PLANNING POLICY BACKGROUND**

The following policies of the development plan are relevant.

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality Sustainable Design
- CS10 New Housing Development
- CS14 Promoting Local Character and Distinctiveness

The National Planning Policy Framework 2012 is relevant. The above policies are considered to be compliant with the National Planning Policy Framework.

The Council's Design for New Development Supplementary Planning Document 2011 is also relevant.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Occupiers of neighbouring properties have been consulted by way of letter and a site notice has been displayed.

Objections have been received from the occupiers of 29 neighbouring properties. The points raised are summarised below:

- *The proposal would result in privacy and overlooking issues.*
- *There would be detriment to the light received to neighbouring properties.*
- *The proposal breaches the 45° code.*
- *The increase in traffic and on street parking would be problematic including to emergency vehicles.*
- *The proposed bungalow would be out of keeping with the character of the area.*
- *The proposal would be harmful to the visual appearance and open character of the area.*
- *Details of proposed materials have not been provided.*
- *Previous applications have been refused.*
- *The proposal is only intended to make money.*
- *There are problems with drains and flooding in the area which the proposal will exacerbate.*
- *It is not clear if the proposal will use mains drains.*
- *The proposal could stop extensions to existing properties due to overlooking.*

- *The estate would become overdeveloped.*
- *The proposal will lead to the loss of at least one mature tree.*
- *The tree report is out of date.*
- *The proposal would set a precedent.*

**Hurworth Parish Council** objected to the application raising the following points:

- *It would be overdevelopment of the site.*
- *The design is out of keeping with the area.*
- *The proposal would be close to protected trees with overhanging branches.*
- *There would be overlooking of No. 20 Friars Pardon.*
- *The visual aspect from No. 24 Friars Pardon would be affected.*
- *There are flooding issues in the area.*
- *The vehicle turning area would be compromised.*
- *There are already traffic and parking problems in the area.*

The **Highways Engineer** raised no objections.

The **Environmental Health Officer** raised no objections.

The **Conservation Officer** raised no objections.

The **Arboricultural Officer** asked for an updated Arboricultural Impacts Assessment to be submitted (which has been received).

**Northumbrian Water** made no objections.

**Northern Power Grid** raised no objection.

**Northern Gas Network** raised no objection.

## **PLANNING ISSUES**

The main issues to be taken into consideration are:

- Planning Policy
- Residential Amenity
- Visual Amenity
- Trees
- Highway Matters
- Drainage / Flooding
- Other Issues

### Planning Policy

The site lies within the development limits and in the context of Policy E2 (Development Limits), housing development is acceptable in principle, subject to other considerations.

### Residential Amenity

The proposed dwelling would be located some 4.5m from the side elevation of the nearest property to the east (20 Friars Pardon). Although the proposal would break the 45° line taken from the nearest habitable room window on the rear of No. 20 (a lounge / patio door) by some 1.6m, given the separation distances between the dwellings, no significant detrimental impacts are considered to be likely regarding light and outlook.

This matter was considered by the Planning Inspector when allowing the appeal in relation to the previous identical development. The Inspector considered that, bearing in mind the proposed 4.5m separation between the walls of the bungalows and the relatively low eaves height of the proposal, no material harm would be caused to the living conditions of the residents of No. 20 by way of loss of light.

There would be some 14.5m from the side of the proposed dwelling to the front elevation of 24 Friars Pardon. This is consistent with the proximity distances set out in the Design of New Development Supplementary Planning Document which would require a separation distance of 12.5m. Overall there would be no significant detrimental impacts in terms of light and outlook to this property. Due to the siting of the proposed dwelling and the distance to other neighbouring properties, no significant detrimental impacts would be raised regarding light and outlook.

Regarding overlooking issues, no significant issues would be raised as the main windows would be located on the front and rear elevations facing the road to the front and the public footpath to the rear. Rooflights are proposed in the side elevations of the roof and an en-suite window on the western elevation. A condition requiring these to be obscure glazed would be reasonable to prevent overlooking issues. A utility room window, a kitchen window and a breakfast room window would be located on the east elevation of the proposed dwelling. These windows would overlook part of the garden of 20 Friars Pardon. However given the relatively oblique angles involved, there would be no direct overlooking of the neighbouring property itself. Moreover given the boundary treatment (timber fence) and the setting of the proposed dwelling some 0.9m from the boundary line, no significant overlooking issues would be raised.

### Visual Amenity

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. The proposal would be consistent with this general character. The proposed dwelling would be approximately 1m higher than the neighbouring properties to the east and west but the dormer bungalows opposite (No. 32, 34 and 36 Friars Pardon) are significantly higher than that proposed. Overall the proposal is not considered to be harmful to the visual amenity of the area and would not harm the significance of the adjacent Hurworth Conservation Area.

In allowing the previous appeal the Planning Inspector considered that the proposed bungalow standing in the large gap between No. 22 and No. 20 would not be out of keeping with its surroundings.

### Trees

A tree survey has been submitted with the application. It would be possible to carry out the development without impacting significantly on the protected trees within the adjacent site.

It is recommended that a planning condition be attached regarding tree protection measures during works on site.

A small ornamental cherry tree on the application site would have to be felled to allow for the proposed dwelling. This tree is not protected and is not located within a conservation area and so can be removed without permission.

### Highways Matters

The Council's Highways Engineer has been consulted on the proposed development and considers that a satisfactory access to the new dwelling can be achieved. The turning head of Friars Pardon 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. The proposal includes space for at least two parking spaces within the curtilage of the dwelling.

### Drainage / Flooding

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 concerns of flooding 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 incorporating run-off limitation. This should help to ensure that an additional dwelling would not have a negative impact upon the local drainage system.

Foul drainage would be connected to the existing network and this would be a matter for the applicants to sort out with Northumbrian Water and under the Building Regulations.

### Other Issues

In relation to the points raised by the objectors not already covered above, any future application for extensions to neighbouring properties would have to be considered on their own merits; however, it would be unlikely that the location of the proposed dwelling would reduce the capacity for extensions and alterations over what is already feasible.

Objectors have mentioned the issue of setting a precedent for other such developments if planning permission is granted. This would not be the case as any other applications elsewhere would have to be decided on their own merits.

## **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 the 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.

## **RECOMMENDATION**

That planning permission be granted subject to the following conditions:

- 1) A3 - Statutory Time limit (3 Years)
- 2) B5 – Detailed Drawings (Accordance with Plan)
- 3) 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.

- 4) C5 - Restriction of PD Rights (Residential)
- 5) 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.

- 6) Before the first occupation of the dwelling hereby permitted the velux windows (rooflights) in the east and west elevations and the en-suite window in the west elevation shall be fitted with obscured glass and shall be permanently retained in that condition.

REASON – in the interests of the amenities of occupiers of adjacent residential premises.

- 7) E5 - Boundary Treatment Submission
- 8) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.
  - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping

approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

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

- 9) 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.

- 10) Prior to the commencement of the development precise details showing the creation of a footway to link the proposed dwelling to the existing pedestrian infrastructure shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of highway safety

## **INFORMATIVES**

The applicant is advised that works are required within the public highway, to construct new vehicle crossing and extend the footway to the frontage of the proposed dwelling and contact must be made with the Assistant Director: Highways, Design and Projects (contact Mr. S. Pryke 01325 406664) arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.

## **THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

Borough of Darlington Local Plan 1997:

- E2 Development Limits
- E12 Trees and Development

Darlington Core Strategy Development Plan Document 2011:

- CS2 Achieving High Quality Sustainable Design
- CS10 New Housing Development
- CS14 Promoting Local Character and Distinctiveness