

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 2 July 2008**

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<b>APPLICATION REF. NO:</b>	<b>08/00244/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>11 May 2008</b>
<b>WARD/PARISH:</b>	<b>HARROWGATE HILL</b>
<b>LOCATION:</b>	<b>29 The Leas</b>
<b>DESCRIPTION:</b>	<b>Erection of a Detached Dwelling (as amended by plans received 16th &amp; 30th April 2008 and 27th May 2008)</b>
<b>APPLICANT:</b>	<b>Mr N. Bell</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site consists of an infill site with a street frontage facing south east onto The Gateway and is formed, from the acquisition of elements of adjoining curtilages, from parts of the rear curtilages of 29, 31 & 33 The Leas. Overall dimensions are 11.8m width and 14 metres.

In accordance with the amended plans, this application seeks to erect a two storey detached dwelling with integral garage. In terms of its dimensions the proposed dwelling would be 9.9m width, 6.5m deep with a height of 5.05m to the eaves (7.25m to the apex of the double pitch hipped roof).

An amended site location plan received on 30 April 2008 indicates the correct position and relationship with the dwelling at 1 The Gateway which benefited from the erection of a 3.3m wide full side extension to the house granted planning permission in 2001 (01/00498/FUL).

Main windows to the proposed dwelling would be positioned solely to the front and rear elevations with none positioned on the side elevations of the dwelling. As such, orientation of windows would be over the highway and, to the rear, over the garden area of the site and neighbouring gardens. Amended plans received on 27 May have altered the upper floor windows serving the bedrooms to substitute clear glazing with obscure glazing in the lower panels with clear glazed top opening casement windows in the upper panels.

Vehicular access to the site would be provided by a 2.8m wide gateway onto the Highway with parking for 2 vehicles provided within the front curtilage.

**PLANNING HISTORY**

No previous planning history.

## PLANNING POLICY BACKGROUND

### Borough of Darlington Local Plan Policy

H3 Locations for new Housing Development

H4 New Housing Development in and Around the Town Centre

H11 Design & Layout

E2 Development Limits

E29 Setting of New Development

T24 Parking and Servicing Requirements.

### Central Government Policy

PPS3 - Housing

## RESULTS OF CONSULTATION AND PUBLICITY

**Highways:** The existing dwelling at 29 The Leas has a vehicle access to the rear of the property onto The Gateway and the footway and verge has not been strengthened to accommodate this. It is therefore recommended that a condition be included in any planning permission granted requiring that a legitimate vehicle crossing be constructed to 29 The Leas in conjunction with the vehicle crossing for the proposed dwelling. However, the Council's Highway Officer would raise no highway objection to the proposal. Works would be within the public highway and the development, if granted would require numbering. It is therefore requested that appropriate informatives be included on any planning approval that might be granted.

**Tree Officer:** 2 semi/mature Cypress trees in reasonable form and condition are located within rear garden.

A Mature Lime (*Tilia spp*) in good form and condition is located within the verge to the south of the proposed development.

A Mature Plane (*Platanus x acerifolia*) in good form and condition is located within the verge to the south of the proposed development.

**Northern Gas:** No objection

**Northumbrian Water:** No objection

**CE Electric:** No objections

**Environmental Health:** Scrutiny of the Landmark data and historic maps show that the site is located on the edge of an old clay pit. Indeed, the western side of the site may actually be over the edge of the clay pit. It is not known what the clay pit was filled with, which appears to have taken place in the first quarter of the 20th century. The depth of the clay pit is not known. Where housing exists, or is planned on or near such clay pits, the possibility of landfill gas affecting the buildings must be considered. In addition, the infilled materials may be contaminated, and the ground conditions would need to be checked in order to ascertain whether they are suitable to build on. Given the scale of the development, it may be overly onerous to require the developer to carry out a full landfill gas testing exercise, which would require several monitoring visits, over at least a 3 month period. As an alternative, it would be acceptable if the

developer were to install gas protection measures in the dwelling. These would comprise a ventilated void under the floor and a sealed gas-proof membrane (relevant guidance should be consulted for full details on gas protection measures).

Due to the sensitive end use of the site, the ground would need to be checked for contamination, and the landfill gas issues needs to be addressed. Therefore, it is recommended that a contaminated land condition is attached to any permission which may be granted.

The site is located adjacent to other residential properties, therefore, it is recommended that a condition is attached restricting the hours of operation of construction activities. Reasonable hours would be 8.00am-6.00pm, Mon-Fri, 8.30am-2.00pm Sat, and not on Sundays or Bank Holidays.

**Urban Design:** The Council's Urban Design Officer has stated that the addition of the proposed dwelling to the street will provide a more active frontage in comparison to the current fence.

**Ward Councillor:** Councillor Burton has stated

"I have visited and spoken to the residents whose homes border with this proposed development, and would like to point out that two of these residents' properties have had extensive extensions built which are not shown on these drawings. (NB the plans have now been corrected to show detail).

- The house adjacent (no. 1 The Gateway) has had a 3m 2 storey extension built
- The house to the rear (no. 35 The Leas) has had a 4m 2 storey extension built

In view of this, I object to this application on behalf of these residents."

**Neighbours:** A total of 14 letters have been received from residents of 7 dwellings locally objecting to the proposal on the grounds of :

1. That the proposal is too big for the plot;
2. Loss of light and overshadowing
3. Proximity to other dwellings;
4. Drainage
5. Drawings incorrect- extensions to 29 The Leas and 1 The Gateway not included in site plan;
6. Conifer tree to be lost is used by nesting birds;
7. Loss of aspect.

One letter of support for the application has been received from a neighbour

## PLANNING ISSUES

This proposal would seek to utilize parts of the rear curtilages to 29, 31 and 33 the Leas to create a 220 square metre (approx) infill development plot with a frontage on to the Highway at the Gateway.

In terms of National Government Guidance Planning Policy Statement 3 recognises, in respect of housing development, that previously developed land shall include residential curtilage within the designated development limits of towns and villages. The principle of development of the land, in itself, would not therefore be in doubt and would accord with Policy E2 and H3 of the Borough of Darlington Local Plan being on previously used land within the development limits of Darlington.

Amended plans received on 27 May 2008, indicate a four bedroom dwelling with hipped pitch roof. Main windows would be orientated to the front and the rear of the dwelling with no windows or doors on the side elevations. Front windows would have a predominant overview of the street with only an oblique view of part of the rear garden of 29 The Leas. Window to window interface between the the front bedroom window of the proposal and bedroom windows of 29 the Leas would be 12 metres at an angle of less than 30 degrees from the horizontal plane defined by the front elevation of the proposed dwelling. Main rear living room windows would mainly face over the rear garden areas of 35 The Leas with only an oblique view of the rear and side garden areas of 1 The Gateway, an extended dwelling that has no windows on its side extension closest to the site.

The angle of view from the rear bedroom windows of the proposed dwelling to the rear garden and elevations of 33 and 35 The Leas would be sufficiently oblique over and at a distance in excess of 12 metres, to prevent any overlooking of these properties. None of the windows to the proposed dwelling would be visible from the dwelling and garden at 31 The Leas. However, the applicant has further amended the proposal (plans received by this Authority on 27 May 2008) to introduce an element of obscure glazing to the rear bedroom windows with only the upper top opening casements being clear glazed. This would further reduce the incidence of overlooking from the proposed dwelling primarily over the rear garden areas of neighbouring dwellings. On balance, the proposal would comply with the requirements of Policy H11 of the Local Plan in not adversely affecting the privacy of adjacent dwellings.

Issues of overshadowing, loss of aspect and light have been raised by local residents. Orientation of the site is north west/south east with main area of overshadowing being to the north of the dwelling onto the rear garden of 35 The Leas. Dwellings at 35, 31 and 29 are located to the south west of the site that would not be directly affected by overshadowing. The blank side elevation and part of the narrow residual side garden area adjacent to the extension to the dwelling at 1 The Gables would experience some overshadowing but no main residential windows or primary garden areas to the front or rear of this dwelling would be adversely affected. Though the proposal would be close to the side elevation of the extended dwelling at 1 The Gables no main elevation windows would be affected and the proposal would not be readily visible from the windows of this dwelling. Distances of 12 metres would separate the proposed dwelling from the rear elevations of nearby dwellings in The Leas. Whilst the proposal would form a new presence in the street it would be in the form of an additional building within a suburban landscape that would be of a scale mass and design commensurate with the overall character of the area. As such, the proposal would comply with the requirements of Policy H11 of the Local Plan in respect of the likelihood of overshadowing to neighbouring dwellings.

The design of the dwelling would position a two storey dwelling on the site that broadly follows the design cues of the neighbouring dwellings in that the structure would be two storey, rectangular in shape and utilize a hipped pitch roof design. In addition, the drawings indicate that the upper floor will be rendered to the front and rear in a similar manner to neighbouring properties and, though set at an angle, would broadly follow the building line. Though the curtilage would be limited in its size, amenity space would be provided to the side and rear of the dwelling with sufficient parking and turning area at the front for two vehicles. The front boundary would be defined by a 1.2m high dwarf wall and railings and pillars and 2.8m wide gated entrance. The Council's Urban Design Officer is of the opinion that the addition of the proposed dwelling to the street would provide a more active frontage in comparison to the current fence and that the design is in keeping with the scale, form and massing of the houses. The proposal would therefore relate well, in terms of its spatial relationship with other dwellings in the immediate area in accordance with Policy H11 of the Local Plan and also afford sufficient amenity space within the curtilage of the dwelling.

With regard to Policy H11 (Design and Layout of New Housing Development), the proposed development to erect a full two storey dwelling of a design and scale is commensurate with those surrounding and would relate well with the site. The development would therefore avoid damaging the amenity of other adjoining properties and effectively utilize land without over-intensification of the existing residential area.

The Council's Tree Officer advises that the semi mature Cypress conifer located on the rear boundary, though in reasonable form and condition, is of no particular merit but suggests that a condition be imposed on any planning permission granted to protect the Mature Lime and Plane located on the highway verge during construction works

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

## **CONCLUSION**

Development of this infill site for a single dwelling is consistent with guidance contained within PP3 and the requirements of the Council's own Policy contained within Policies H3 and E2 of the Local plan being within development limits and in close proximity to the town centre.

The dwelling would, in terms of its location, scale and design, be commensurate with the character of the area and the local street scene and, there would be no material adverse impact or detriment to the residential amenity of adjacent dwellings. The proposal is therefore considered to be in accordance with Policies E2 (Development Limits), H4 (New Housing Development in and around the Town Centre and Other Centres) and H11 (Design and Layout of New Housing Development) of the Borough of Darlington Local Plan 1997

## RECOMMENDATION

1. A3 - Implementation Limit (Three Years).
2. B5 – Detailed Drawings (Accordance with Plans)
3. B4 – Details of Materials (Samples).
4. Details for the provision of a vehicular cross-over from the site onto the highway shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupancy of the dwelling.  
**Reason:** In order to maintain highway safety in accordance with saved Policy T24 of the Borough of Darlington Local Plan.
5. J2 – Contamination.
6. Notwithstanding the details shown on the approved plans, precise drawings showing foundation details to incorporate a ventilated void under the floor and a sealed 2000 gauge membrane shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Construction of the foundations shall be carried out in accordance with the approved plans.  
**Reason:** In order to prevent any landfill gas that may be present from entering the building and in order that the Local Planning Authority may be satisfied as to the details of any remedial measures proposed in accordance with guidance contained within Planning Policy Statement 23 (Pollution Control).
7. During the period of construction works, building materials shall not be stored on the highway verge and the mature Lime (*Tilia spp*) and Plane (*Platanus x acerifolia*) trees on the highway verge shall be protected from compaction and spillages.  
**Reason:** In order to protect trees that have an amenity value in the local landscape from damage by compaction, severance, or from material spillage during the period of construction in accordance with the requirements of saved Policy E11 of the Borough of Darlington Local Plan.
8. During the period of construction, construction work on the site shall not be undertaken on the site outside the hours of 8.00am-6.00pm, Mon-Fri, 8.30am-2.00pm Sat, and not on Sundays or Bank Holidays.  
**Reason:** In order to protect the residential amenities of nearby dwellings.
9. G6 – Private Vehicles (Parking).
10. The windows formed in the upper floor of the rear elevation shall be obscure glazed with top opening clear glazed casements in accordance with the design and type indicated in amended elevation drawing (SK)08/731/104/RevC received by the Local Planning Authority on 27 May 2008. The windows shall not be repaired or replaced other than with windows of a similar design and obscure glazing within the lower frames.  
**Reason –** In order to prevent overlooking of nearby premises in accordance with the requirements of saved Policy H12 of the Borough of Darlington or Local Plans.

## SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The application site lies within development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area. 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

E12 – Trees and Development

E29 – The Setting of New Development

H3 Locations for new Housing Development

H4 – New Housing Development in and around the Town Centre and Other Centres

H11 – Design and Layout of New Housing Development

**Central Government Policy**

PPS3 - Housing

**INFORMATIVES**

- The applicant is advised that works are required within the public highway and contact must be made with the Assistant Director Highway (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 also advised that contact must be made with the Highways Manager (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development.