

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9 March 2011

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APPLICATION REF. NO:	10/00754/FUL
STATUTORY DECISION DATE:	1 March 2011
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	37 Alexandria Drive Middleton St George, Darlington DL2 1HG
DESCRIPTION:	Erection of detached dwelling house (amended plans received 17 February 2011).
APPLICANT:	Mr Brian Constantine

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of a detached dwelling house on land to the side of 37 Alexandria Drive.

Outline planning permission was granted on 12 December 2007 for the erection of a dwelling (Ref: 07/00986/OUT). This application did not specify the design solution of the proposed dwelling and a full detailed planning application (rather than an application for reserved matters) has now been submitted.

The proposed dwelling would be some 6.7m in width and a maximum of 11.4m in length. These dimensions include a single storey feature to the front that is proposed as projecting 1m from the main front building line of the house. At the side next to No. 37 Alexandria Drive the extension would be some 7.8m in length.

The proposed dwelling would be 5.1m in height to eaves level and a further 3.3m to the ridge. The rear two storey feature would have its eaves level at the same height as the main property but there would only be a further 2.2m to the ridge.

The application was amended from the original proposal to set the first floor level (the main front building line of the house) back by 1m so as to be in line with the other properties in the street. The proposal has also been amended to increase the size of the integral garage to provide a better facility of off street parking on the recommendation of the Highways Officer.

The application site comprises the side garden to a two storey dwelling house. The site is located to the south of Alexandria Drive (to the north of Virginia Estate) and is at the corner of the street. The other houses in the street are two storey semidetached properties.

PLANNING HISTORY

07/00986/OUT – on 12 December 2007 outline planning permission was granted for the erection of a dwelling.

08/00247/FUL – on 24 April 2008 planning permission was granted for the erection of a side garage extension.

PLANNING POLICY BACKGROUND

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

E2 (Development Limits)

H11 (Design and Layout of New Housing Development)

E29 (The Setting of New Development)

T24 (Parking and Servicing Requirement for New Development)

The Council's Design Supplementary Planning Document (July 2009) is relevant to the application.

National planning guidance is relevant to this application particularly Planning Policy Statement 1: Delivering Sustainable Development (2005) and Planning Policy Statement 3: Housing (2010).

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposed development by way of letter and a site notice was also displayed.

An objection has been received from the occupier of **42 Fairfax Road**. The points raised are set out below:

- *There is a hedge on the proposed site.*
- *There is a row of laylandii within approximately 8m of the build.*
- *We will lose most of my privacy in my rear garden and rear room of the house.*
- *The proposed design of the house is not in keeping with late 40s early 50s design of the existing houses.*
- *The proposed house is too large for the site and I believe a 4 bed roomed house is for a family and with what would be left as a rear garden would be too small also there would be no privacy in the 37s or the new house's rear gardens. This is a village estate and not a town one and we like our open spaces on the estate.*
- *The proposed build comes forward of existing build lines.*
- *It is not in line with the Parish Council's line on infill construction.*
- *There is no call for a new 4 bedroom house on the estate as there are a number for sale on other estates in the village.*
- *The proposed dwelling would have a direct impact on the privacy of 6 houses including 37 Alexandria drive*
- *With reference to the last application made 2007 ref: 07/00986/OUT, Northumbrian Water do not have any say in the matter as all foul water and surface water drains are owned by the estate.*
- *I believe your Highways Officer has no say as all roads foot paths and common land are privately owned by the estate and we pay for all the upkeep.*

- *If planning is granted there should be a 3 year limit put on the completion once started of the house so do not have to look at a part built house for year upon year as I believe will be the case.*

An objection was received from the occupiers of **32 Alexandria Drive** which is set out below:

- *There is already congestion and poor parking availability around this area. Also, access to the property would probably contravene the estate rules by requiring access across common land.*

An objection was received from the occupiers of **40 Fairfax Road** and the points raised are set out below:

- *The proposed design of the house is not in keeping with the design of the existing houses.*
- *The proposed house is too large for the site. The proposed 4 bedroom family house would be left with a very small rear garden and appear squeezed into a small area.*
- *The proposed dwelling would have a direct impact on the privacy, light and outlook of 6 houses. This is a village estate where open space is very much appreciated.*
- *The proposed build comes forward of existing build lines and I am also concerned about how far the proposed dwelling extends back into the garden, this appears to be much further than other properties in the row. (How far is the back of this property away from neighbouring back gardens?)*
- *It is not in line with the Parish Council's line on infill construction.*
- *There is a hedge on the proposed site and a row of Lylandii within approximately 8m of the build.*

An objection was received from the occupiers of **55 Fairfax Road** and the points raised are set out below:

- *I hope to ensure that the above application is considered not simply in the immediate locale of the application site but in the wider context of Virginia Estate as whole.*
- *No part of this estate has been adopted by the Local Authority and the administration and maintenance of all parts other than the individually owned houses is undertaken by Middle Oak Management Ltd.*
- *The shareholders of said company are the individual property owners who pay a monthly service charge, (in addition to Council Tax) to meet the upkeep of the considerable remainder of the estate, not least being both the foul water and surface water drainage system and the associated pumping equipment, all now in the seventh decade.*
- *Thus it follows that any development has a potential impact on 138 shareholders and by implication, on all other residents.*
- *Several years ago the directors of Middle Oak Management Ltd, of which I was a serving member, were in consultation with Northumbrian Water regarding various aspects of the drainage system as a whole, following which we concluded that in the view of the considerable number of extensions being added to individual properties at that time, that any remaining capacity of the drainage system would probably be absorbed by that alone and that additional housing was impractical.*
- *Furthermore, in my opinion, this application is what has been referred to as "Garden Development" which is a somewhat contentious subject in this village over recent years.*

- *Virginia Estate may be peripheral to the main part of the village nevertheless the same objectivity and consistency should be applied to the application process as has been applied elsewhere in the village.*
- *Approval would make it difficult to contest any future applications, any of which would be inappropriate in a small residential estate with narrow roads (too narrow for adoption!) and other limiting conditions.*
- *My observations are, I believe, in the broader interests of our imitate local community who have to be, essentially, self reliant.*

An objection was received from **Middle Oak Management Ltd** and the points raised are set out below:

- *We write as directors of Middle Oak Management Ltd (and residents) on behalf of the residents of Virginia Estate. We would like to object to the proposed erection of a two storey dwelling within the grounds of 37 A Alexandria Drive. This is a private estate that is not adopted by the Local Authority or Northumbrian Water, of which the residents in the above named company are the only shareholders.*
- *We have great concern that although an objection was lodged previously with you with regards to the outline application that there does not appear to have been any consideration to the particular circumstances of Virginia Estate and the cost implications to its shareholders. Allowing any resident to build additional dwellings within their gardens could place a tremendous burden on the existing sewage system, resulting in additional costs to the residents.*
- *It is essential that although, we note the Highways Department, Northumbrian Water, CE Electric UK and Northern Gas networks have no objections, as the land is private they do not have jurisdiction and therefore are unable to allow permission for access. The estate is privately owned by the shareholders and solely under Middle Oak Management's authority, which we would ask you to respect on this occasion. Any issues incurred through accessing the drains, electrics etc, will only affect our shareholders as Northumbrian Water board will not take any responsibility for drainage on the estate and are therefore in no position to give permission as is the highways department for access over said land. Darlington Borough Council have refused on at least three occasions to adopt Virginia Estate mainly due to concerns raised by Northumbrian Water board regarding again cost implications of taking over the site.*
- *We therefore strongly request that consideration be given in denying this request due to the financial burden this could place on residents of the estate, who already pay an annual charge for estate maintenance. These costs lie with shareholders of Middle Oak Management and any intrusion could cost each householder a great deal of money should planning permission be given. It is not our intention to permit any new dwelling the rights of access to our amenities rendering the property worthless and we ask that this is made clear when considering this request.*

The **Highways Engineer** commented that the roads in the vicinity of this site are not maintained at public expense and therefore the Council has limited highway control. The Highways Engineer asked if the size of the integral garage could be increased and for a condition to be included to show details of the pavement crossing.

The occupier of **42 Fairfax Road** made additional comments following the response by the Highways Engineer. These comments are set out below:

- *With ref to the above the applicant does not own the land which would be used for the cross over to the garage and therefore you will be looking for parking for 2 no vehicles.*
- *You as Darlington Borough Council should be aware that all common land is owned by the share holders of the estate.*

The **Environmental Health Officer** required a condition to be placed on any granting of planning permission regarding noise (the impact on the dwelling from the A67). The Environmental Health Officer also commented that conditions regarding construction hours and in relation to contamination should be placed on the granting of any planning permission.

CE Electric UK provided a plan showing the approximate location of known Northern Electric apparatus in the area.

Northumbrian Water raised no objections to the proposal.

Northern Gas Network raised no objections to the proposal but advised that there may be gas apparatus in the area.

Middleton St George Parish Council commented that they considered the garden to be a green field site and therefore object to the development.

PLANNING ISSUES

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

- Planning Policy
- Residential Amenity
- Visual Amenity
- Highways Issues
- Other Matters

Planning Policy

The site lies within development limits as set out in Policy E2 (Development Limits) of the Borough of Darlington Local Plan. The proposal is, therefore, acceptable in principle subject to other details of development control.

Policy H11 (Design and Layout of New Housing Development) requires new dwellings to relate well to their surrounding area and respect its predominant character and avoid harming the amenities of adjoining properties.

Policy E29 (The Setting of New Development) of the Borough of Darlington Local Plan ensures that new development will respect the character of its setting in terms of siting, design, materials and landscape.

Planning Policy Statement 3 (Housing) has been updated so that the development of private gardens is not regarded as brownfield development and so would not contribute to the objectives of favouring development on previously used land. The site is however inside the development limits set out in the Local Plan and the proposal is acceptable in principle subject to other details of development control.

Visual Amenity

The design of the proposed new dwelling is in keeping with the area and reflects the character and proportions of the existing properties in the area. Although the proposed dwelling would be detached rather than semidetached, it would still respect the development form, pattern and density of the area.

The main front building line of the proposed house would be in line with the building line along Alexandria Drive. There would, however, be a ground floor feature to the front that would stand forwards of the budding line. There are other properties in the street with front extensions and porches and the proposal would therefore be in keeping with this context.

Residential Amenity

The existing properties to either side have no windows in the side elevations and also have garages as their closest feature to the application site. This arrangement is such that the proposed new dwelling would not result in any significant detrimental impacts to the neighbouring properties to the side.

The separation distances from the neighbouring properties complies with the requirements set out in the Council's Design Supplementary Planning Document. The neighbouring properties to the rear are at a distance of over 24m from the proposed new dwelling. The size and siting of the proposal together with this separation distance is such that the new house would not result in any significant detrimental impacts, in terms of light, outlook or overlooking, to neighbouring properties.

Highways Issues

Virginia Estates is a private estate and the roads have not been adopted by the Council. Notwithstanding this status, the Highways Officer has commented that the proposal, as amended, would provide adequate off street parking and that the proposal would not be harmful to highway safety.

Other Matters

With regard to the comments of Middle Oak Management and other objectors, it should be taken into account that the granting of planning permission would not override or grant any further permission that the applicant may also need in order to construct the proposed dwelling. This application has to be considered on whether it is acceptable in planning terms which is not affected by the status of the area being a private estate.

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

Outline planning permission was granted for a new dwelling on the site in 2007. The site is located within the Development Limits set out in the Local Plan and is therefore acceptable in principle. The design of the proposed dwelling would be in keeping with the general appearance and development pattern of the area. Due to the size and siting of the proposed dwelling, it would not result in any significant detrimental impacts with regard to residential amenity. The proposal would provide adequate off street parking and would not be harmful to highway safety.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B4 Details of Materials (Samples)
3. B5 Detailed Drawings (Accordance with Plan)
4. C5 - Restriction of PD Rights (Residential)
5. Prior to the development being commenced, a scheme for the protection of the proposed residential accommodation shall be submitted to and approved by the Local Planning Authority. The scheme shall include details of sound attenuation methods to be used and shall achieve noise levels of less than 35dB(A) LAeq in living rooms, less than 30dB(A) LAeq in bedrooms, less than 55dB(A) LAeq in garden areas and individual noise events not to exceed 45 dB LAF max in bedrooms. Any works forming part of such a scheme shall be completed in accordance with the approved scheme and prior to any part of the development being first occupied or used.

REASON – In the interests of the amenities of the occupiers of the property.

6. No construction work, including any delivery of equipment or materials, shall take place outside the hours of 08:00 am to 6.00 pm Monday to Saturday and no work shall be carried out on Sundays or Public Holidays.

REASON - In the interests of the amenities of the occupiers of adjacent residential premises.

7. Notwithstanding the submitted plans, development shall not commence until details of all boundary treatments have been submitted to and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

REASON - In the interests of the visual amenity of the area.

8. Prior to the development being commenced, details of a vehicle crossover within the verge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the permission shall only be implemented in accordance with the approved details.

REASON - In the interests of highway safety.

9. The kitchen/dining windows formed in the east side elevation shall be obscure glazed, (hinged to open inwards) and shall not be repaired or replaced other than with obscured glazing.

REASON – To prevent overlooking of the nearby premises.

Suggested summary of reasons for granting planning permission

The proposed development is considered acceptable and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in light of the following Policies of the Borough of Darlington Local Plan 1997:

E2 (Development Limits)

H11 (Design and Layout of New Housing Development)

E29 (The Setting of New Development)

T24 (Parking and Servicing Requirement for New Development)

INFORMATIVES

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.