

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3<sup>rd</sup> August 2011**

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<b>APPLICATION REF. NO:</b>	11/00187/FUL
<b>STATUTORY DECISION DATE:</b>	3 JUNE 2011
<b>WARD/PARISH:</b>	HURWORTH
<b>LOCATION:</b>	37 THE WAYSIDE
<b>DESCRIPTION:</b>	ERECTION OF 2 NO. DETACHED DWELLINGS
<b>APPLICANT:</b>	MR B. HENDERSON

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**APPLICATION AND SITE DESCRIPTION**

**This application was reported to the 6<sup>th</sup> July meeting of the Planning Committee, where Members resolved to visit the site. The site visit took place on the 29<sup>th</sup> July 2011. The matter is reported back to this committee for determination.**

37 The Wayside is a detached bungalow property set within a substantial garden area at the head of The Wayside cul-de-sac. It is bounded to the north and south by residential properties and to the west by agricultural land. The site is well screened by a number of mature trees, although one willow tree located on the southern boundary has been removed during the consideration of this application.

Full planning permission is sought for the erection of two detached dwelling houses on plots to either side of the existing 37 The Wayside Bungalow. The plot to the South will herein be referred to as 'Site 1' with the northern plot being 'Site 2'. Both properties are of the traditional design and effectively form a 4 bedroom 'dormer bungalow' property with living accommodation provided within the roofspace and each with a single detached garage.

**PLANNING HISTORY**

None relevant to the consideration of this application.

**PLANNING POLICY BACKGROUND**

The following policies from the Darlington Core Strategy Development Plan Document are relevant to the determination of this application:

CS2 – Achieving High Quality, Sustainable Design

And the adopted Design of New Development Supplementary Planning Document 2009 (Design SPD)

The following saved policies of the Borough of Darlington Local Plan are relevant to the determination of this application:-

E2 – Development Limits

E14 – Landscaping of Development

H7 – Areas of Housing Development Restraint

T8 – Access to Main Roads

## **RESULTS OF CONSULTATION AND PUBLICITY**

Seventeen letters of neighbour notification and a site notice were issued which expired on 3 May 2011. Seven objections have been received in total six from residents of The Wayside and one from the former Councillor for Hurworth.

Objections can be broadly split into five categories:

- Residential Amenity Objections
- Visual Amenity Objections
- Highway Safety Objections
- Tree matters
- Other matters

### Residential Amenity Objections

Residential Amenity objections are primarily raised by the immediately adjoining neighbours at 35A and 39 The Wayside. Site 1 to the south of 37 The Wayside is nearest to the adjoining neighbour at 35A The Wayside residential amenity objections are raised owing to the limited space available at the head of the Wayside cul-de-sac particularly during construction. Concern is raised that there will be significant disruption and blockage of the road footpath and private driveways during this time. These matters will be considered in relation to highway safety even though it is acknowledged that some of the matters raised also impact upon residential amenity.

The Occupants of 39 The Wayside raise a number of objections in relation to the property on Site 2. It is considered that the proposed dwelling would *'reduce the amount of light to my kitchen and other south facing views.'* It is considered that in general the proposal would have a significant impact upon all the south facing views currently enjoyed by the occupants of 39 The Wayside. It is stated by the occupant that *'I currently have a pleasant aspect of a 1920's bungalow, with good separation between our properties. This development would destroy that rural aspect, and would also overlook my property.'* It is also raised that as the existing property of 39 The Wayside would overlook the proposed property that the new dwelling would have compromised privacy. These points will be considered in greater detail later in this report.

### Visual Amenity Objections

*'The addition of two two-storied four bedroom houses is not compatible with the present houses on The Wayside. The majority of homes are one storey bungalows, several with dormer*

*additions, and one two storey semi-detached dwelling....The plans for the homes through not superimposed upon the area on which they seek to build, appear to have a large footprint for a small area quite in contrast to other homes on the street...The character of The Wayside is enhanced by large rear gardens and compact front gardens.’* A few comments are provided by residents that the proposed dwellings will look out of place but no specific details of which aspects are of particular concern are provided. It appears that the primary concerns are with over development of the site and to some extent the height of the proposed dwellings.

### Highway Safety Objections

The majority of objections relate to highway safety matters and particularly the obstruction and restriction in manoeuvrability around the turning head of The Wayside cul-de-sac. *‘Building two additional dwellings would make over 40 homes on the cul-de-sac, increasing the traffic and adding to the congestion. The street is narrow and has many vehicles parked on the street.’* Concern is raised that this existing situation will make it difficult for emergency vehicles to access the street which would be exacerbated by the creation of two additional dwellings. It is also considered that *‘the construction of two additional driveways within the small area at the end (turning head) that already has five driveways would be unattractive and potentially hazardous.’*

Objection is raised that the Councils Design of New Development SPD discourages cul-de-sac developments from serving more than 25 dwellings. The Wayside is significantly larger than this already but it should be noted the guidance provided relates primarily to new developments at a whole and does not relate to additions or modifications to established street layouts. Such proposals will be determined on their individual merits.

### Tree Objections

*‘How will the safeguards that are necessary to preserve the trees and shrubs on the property be overseen? Root protection is critical to the health of a tree or shrub. Heavy equipment and storage of building materials can compact soil and consequently damage roots.’*

Concern is raised by the owner of 39 The Wayside as to the impact of the development upon a silver birch tree within the curtilage of his property but likely to be impacted upon by the proposed works. These concerns have been echoed by the Council’s Arborist and will be considered in greater detail later in this report.

### Other matters

Objection is raised that there is not a clearly identified need for development of this type in Hurworth nor does it provide ‘affordable housing’. Whilst it is appreciated that other forms of housing development may be considered more beneficial to the Village of Hurworth it is not a relevant consideration in determining this planning application. Affordable housing provision applies to proposals for 5 or more dwellings outside of the main urban area.

Concern is also raised about the impact of the proposal on existing property prices which is not a material planning consideration. However it is acknowledged that this is linked to a perceived loss of residential amenity which will be considered.

In addition the existing ward Councillor for Hurworth has objected on grounds that the development would be out of character with other dwellings in The Wayside, the visual effect of

the development, its impact on the privacy of residents and light to their properties, impact on trees and impact on traffic congestion and accessibility.

Concern is also raised that the creation of two additional dwellings will compromise the drainage capabilities within the locality.

Hurworth Parish Council have raised concerns in relation to the proposal and these will be reported verbally to the planning committee.

The Council's Highway Engineer raises no highway objection in principle to the proposal however concern is raised in relation to the junction of the private shared drive with The Wayside. the proposed layout will not provide an acceptable visibility at its junction with the Wayside. A condition is recommended should approval be recommended requiring that the proposal for access to the development is re-designed such that the private shared drive meets the public highway at right angles and there is an acceptable intervisibility between vehicles on the proposed drives. A condition will also be required for provision of a properly constructed footway crossing.

The Council's Environmental Health section raises no objection to the principle of the proposal but has recommended that the standard condition to investigate potential ground contamination be investigated.

Northumbrian Water has raised no objection to the proposed development

## **PLANNING ISSUES**

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

- Planning Policy
- Impact on residential amenity
- Impact on the visual appearance of the locality
- Highway Issues
- Trees and development
- Other issues raised by objectors.

### **Planning Policy**

The application site lies within the development limits as defined by saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan and is not a site that has been identified as being subject to any particular policies or proposals. Given its position within the settlement, and the siting of the proposed building, the proposal complies with policies E2 (Development Limits) and CS2 (Achieving High Quality, Sustainable Design) in terms of principle in this location.

### **Impact on residential amenity**

Objection has been raised on the grounds of impact on residential amenity primarily relating to the proposed dwelling on Site 2 and the existing property at 39 The Wayside. 39 The Wayside is a former bungalow property set within a sizable corner plot set back around 40 meters from

the public highway. The site is currently separated from the side garden area of 37 The Wayside by a belt of small trees and shrubs which are to be retained. It is noted that the upper floor dormer bedroom window currently overlooks this private garden area. This window is the nearest habitable room in this property and at its closest point is around 19 meters from the nearest point of the proposed dwelling on Site 2. This nearest element of the proposed dwelling has no windows in the north facing elevation. Even had there been a window to a non-habitable room on this elevation the Design SPD recommends a minimum separation of 12.5 meters which is comfortably complied with. The existing property will overlook to some extent the side garden of the proposed dwelling but this relationship is no different to that already experienced.

The proposed dwelling on site 2 is set back about 6.5 meters further than the original dwelling at 37 The Wayside and therefore the outlook from the front of 39 The Wayside should not be significantly restricted. It is noted that there is concern that the proposed dwelling would limit light to the rooms on the southern elevation of 39 The Wayside however it has been demonstrated that separation distances have been comfortably complied with between non-habitable rooms such as a kitchen. It is also recommended that permitted development rights be restricted in order that any future additions to the property can receive further detailed consideration.

### **Impact on the visual appearance of the locality**

The Wayside is characterised by a mixture of housing types and styles. Primarily the predominant use is small bungalow properties particularly towards the east and the junction with Roundhill Road. Towards the head of the cul-de-sac there are some larger properties including 2 two-storey semi-detached dwellings. Most properties along The Wayside have sizable rear gardens but with limited space to the front and the majority of the width of the plots utilised. The plot afforded to 37 The Wayside is undoubtedly the largest on the street and does have a substantial amount of land to either side which is currently used as garden.

The design of the property is traditional in its appearance and is intended to replicate and compliment some of the existing design features of the area such as hipped roofs and bay window features. Although the proposed properties provides two floors of accommodation the first floor accommodation is provided within the roofspace. The height of the proposed dwellings are therefore minimised and at their highest extent measure 6.6 meters to ridge. At this height the dwellings would not appear out of context with the surrounding dwellings. With retention of existing planting and some supplementary planting cover both plots could be well integrated into the surroundings. Objection is raised that the creation of two additional driveway accesses into the turning head which already has four vehicular accesses off it will be unsightly. The most recent site layout proposes a shared access off the existing drive of 37 The Wayside so no additional access point would need to be created although it is appreciated that there will be an increase in vehicle movements using this existing drive. There are highway safety implications that will be considered in a separate section of this report but in the meantime it is not considered that the proposals as they stand will have a negative impact upon the streetscene of The Wayside. A condition is recommended should planning permission be granted for the submission of a landscaping scheme which should further help to blend the proposed dwellings into their surroundings.

### **Highway Issues**

The Council's Highway engineer raises no objections to the principle of development and the creation of two additional dwellings on the wayside. It is noted that some difficulties are already

experienced with inconsiderate parking of vehicles however there are separate measures in place to control parking infringements such as obstructing footpaths and private driveways. Each dwelling has sufficient in curtilage parking provision that it should not be necessary for vehicles to be parked out on the public highway. The Council's Highway Engineer has concerns about the visibility afforded within the shared driveway and that a revised scheme should be sought via condition should planning permission be granted along with associated improvements to the footpath crossing.

### **Trees and Development**

A tree report was submitted in support of the planning application. There is still an outstanding concern raised by the council's Arborist in relation to a Birch Tree within the curtilage and ownership of 39 The Wayside. The Council's Arborist has commented that it would appear that this tree will be affected by the proposed development but that this may be resolved by the use of a no dig construction. Should planning permission be granted a condition is recommended to require a scaled plan and scheme of the proposed drive to Plot 2 the areas which will be a no dig construction within the RPA of TO1.

With the submission of satisfactory details to protect this tree it is considered that sufficient tree coverage can be retained to effectively screen the development. A landscaping scheme to provide additional selective planting as also recommended should planning permission be granted. With these measures in place it is considered that the proposal will comply with saved Policy E14 of the Borough of Darlington Local Plan.

### **Other issues raised by objectors**

Concerns relating to impact upon the surface water drainage are noted and a condition is recommended subject to planning permission be granted to require the submission and approval of surface water drainage details to ensure that the proposal will not have a negative impact upon the existing arrangements.

### **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. The design and layout of the development accords with the relevant policies in the development plan and respects the amenity and general character of the area. The application is not considered to raise any issues in relation to the existing car parking arrangements. Conditions have been recommended to control future extensions of the proposed dwellings in addition to improvements to the access arrangements and provision of supplementary landscaping.

**RECOMMENDATION**

Planning permission BE GRANTED subject to the following conditions:

- A3 – Three Year statutory time limit
- B5 – Implementation in accordance with approved plans
- B4 – Material Samples
- C5 – Restriction of permitted development rights.
- E2 – Landscaping scheme
- E5 – Boundary Treatment Submission
- J2 – Contamination
- K4 – Surface Water Drainage

**Construction Method Statement**

No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and materials;
  - c) storage of plant and materials used in constructing the development;
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- and
- h) measures for the protection of the natural environment.
  - i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

Prior to the commencement of development, details of sightlines between the shared driveway and the public highway be submitted to and approved in writing , by the Local Planning Authority together with a scheme that ensures the private shared drive meets the public highway at right angles and it is demonstrated there is an acceptable intervisibility.

**REASON :** In the interests of highway safety.

**Vehicular access and Footway Crossing**

Prior to the commencement of the development hereby authorised details of an improved and metalled vehicular access and footway crossing to the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be implemented in full accordance with a time scale to be agreed with the Local Planning Authority.

REASON – In the interests of highway safety

Tree Protection

Notwithstanding any details submitted in the submitted application, prior to the commencement of development hereby approved, details shall be submitted of a scheme to protect the existing Birch Tree (Marked TO1 on the submitted details). The details shall include a scaled plan of the Root Protection Area taking into account the existing driveway of 39 The Wayside and shall clearly illustrate the location and width of the proposed driveway together with a method of no dig construction within the RPA of TO1 and appropriate protective fencing. Upon receipt of acceptable details the Local Planning Authority shall provide written confirmation and the development may progress in accordance with the approved details.

REASON: To ensure that a maximum level of protection in order to safeguard the well being of trees adjoining the site.

**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 policies 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:

Darlington Core Strategy Development Plan Document

CS2 – Achieving High Quality, Sustainable Design  
Design of New Development Supplementary Planning Document 2009

Saved policies of the Borough of Darlington Local Plan

E2 – Development Limits  
E14 – Landscaping of Development  
H7 – Areas of Housing Development Restraint  
T8 – Access to Main Roads

**INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED**

*The applicant is advised that works are required within the public highway, to construct new vehicular pavement crossing, and contact must be made with the Assistant Director : Highways, Design and Projects (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, Design and Projects (contact Ms.P.Goodwill 01325 288760) to discuss naming and numbering of the development.*