

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 July 2013**

**Page**

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<b>APPLICATION REF. NO:</b>	13/00336/FUL
<b>STATUTORY DECISION DATE:</b>	25 July 2013
<b>WARD/PARISH:</b>	COLLEGE
<b>LOCATION:</b>	39 Thornbury Rise
<b>DESCRIPTION:</b>	Proposed conversion of existing garage to form habitable room, erection of a pitched roof over the garage, erection of single storey gable extension and canopy over front entrance and erection of a replacement detached garage to the rear (Revised Description) (as amended by plans received 14 June 2013)
<b>APPLICANT:</b>	Mr Garry Metcalfe

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**APPLICATION AND SITE DESCRIPTION**

The property is a semi detached dwelling with an attached flat roofed garage to the side. The property has a front garden and driveway which slopes down from the footpath towards the property and the rear garden steps down towards a rear lane which runs between the rear of properties on Thornbury Rise and Woodland Terrace to the east. The rear garden is enclosed on the north and south boundaries by a mix of low timber fencing and mature hedges and the east boundary (with the rear lane) consists of a 2.6m high timber fence and a mature row of Cypress Sycamore trees and hedging. These trees and hedging provide a visual barrier between the dwellings on Thornbury Rise and Woodland Terrace.

The proposal involves:

- The conversion of the existing garage to a study and utility room which involves the removal of the garage door and the insertion of a window;
- The erection of a single storey extension to the rear of the garage to create a dining room
- The erection of a pitched roof over the garage and dining room extension
- The erection of a canopy over the front door:
- The erection of a replacement detached garage in the rear garden with access directly off the rear lane between Thornbury Rise and Woodland Terrace. A set of folding access gates would be inserted into the existing boundary treatment with the lane

The application site lies within a residential area. Thornbury Rise consists of semi detached dwellings and Woodland Terrace to the east consists of terraced dwellings with rear yards/gardens

## **PLANNING HISTORY**

None

## **PLANNING POLICY BACKGROUND**

The relevant local development plan policies are:

### **Borough of Darlington Local Plan 1997**

H12 Alterations and Extensions to Existing Dwellings

E12 Trees and Development

### **Darlington Core Strategy Development Plan Document 2011**

CS2 Achieving High Quality Sustainable Design

CS15 Protecting and Enhancing Biodiversity and Geodiversity

CS16 Protecting Environmental Resources, Human Health and Safety

## **RESULTS OF CONSULTATION AND PUBLICITY**

Twelve letters of objection were submitted in relation to the original submission and the concerns can be summarised as follows:

- *The removal of the trees will expose the rear elevation of the applicant's dwelling which means that the dwelling will directly overlook the rear elevations of the properties on Woodland Terrace*
- *The proposals will depreciate the value of our homes*
- *There has been antisocial behaviour in the back lane. The proposed recess in the rear lane will encourage more anti social behaviour*
- *The felling of the trees will have an adverse effect on the environment, wildlife. They are a unique characteristic of the lane offering privacy and a wildlife habitat*
- *The removal of the trees for the garage will set a precedent for future planning requests*
- *There will be safety, access and egress issues from Woodlands Terrace and Boyes Hill Grove should the application go ahead. Some of the properties on Woodland Terrace have rear car parking and garages and building a new garage close to an existing garage cannot be safe*
- *All the properties on Thornbury Rise are of uniform development. Previous extensions and changes to the frontages of the properties have always been conducted in a sympathetic manner. The proposed changes involve changing the garage and installing a window to replace the garage doors. This will change the front aspect of the property significantly together with the proposed addition of a canopy over the front entrance door. Thornbury Rise is a well established street, and the architecture of these properties should be preserved sensitively. The use of the pitched roof that is proposed is completely different to any other change to the frontage that has been adopted by other households in the street, and will look completely out of place. I cannot recall changes of this nature being made to properties of this type in any other location in the Borough. The changes that are proposed to the frontage of this property should be restricted, so as not alter the*

*appearance of the building line, in order to preserve nature of this established development for the future.*

- *The proposal for a recessed entrance I feel is dangerous to users of the lane, as the applicants view will be restricted as he manoeuvres his vehicle in and out of the garage. There is real potential for an accident to occur, as this lane is used frequently as a short cut to and from schools/nurseries in the morning and late afternoon. As a parent with a small child I certainly would stop using the lane for access, if a recessed entrance was allowed to proceed.*
- *The proposal single storey gable extension with pitched roof will be 1.2m from the dividing fence (with 41 Thornbury Rise) and it will extend 3.5m from the end of the house. This will put my east facing patio in shade for most of morning resulting in a loss of light and amenity. The development will be overbearing to my property. The garage involves removing mature trees and the eight foot fence taking away security and privacy of the surrounding gardens. The back lane is badly lit and not wide enough for two cars to pass. The wheelie bins from Woodland Terrace will be outside weekly causing congestion. The proposal will result in a loss of green space with the garage and extension covering a third of the area. The front view of the house will be out of character with other houses in the road*
- *The back lane is only an access route. It is not safe for an increase in traffic. There are blind bends at each end of the lane making it unsafe for children and adults. There is only one street light at one end of the lane. A vehicle cannot turn safely in the lane without blocking it. Two vehicles cannot pass each other and from June wheeled bins will also be blocking the lane*
- *There has been a catalogue of antisocial behaviour in this rear lane. Providing another point for the anti social behaviour. Perpetrators to congregate will undoubtedly escalate the problem*
- *If this development were allowed to go ahead, there will undoubtedly be environmental and cost implication for the community. Loss of mature trees and consequent wildlife. The tree cull would leave an extensive root system. Root shrinkage would cause heave to the soil and substructure and this may result in the collapse of adjacent running sewers and also the surface of the cobbles stones in the back lane*
- *There will be a loss of privacy for both adjacent properties and those on Woodland Terrace.*
- *The proposed application will preclude a substantial amount of the current light available to No 41 Thornbury Rise. The overall concept is not in keeping with the remainder of the properties on or adjacent to Thornbury Rise and Woodland Terrace*
- *The concept of an extended front porch will be totally out of character and aesthetically unpleasing for the whole of Thornbury Rise, changing the aspect of the area. The resultant loss of trees at interface of Woodland Terrace and Thornbury Rise and the construction of the access garage would change the character for residents*
- *If the residents choose to convert their existing garage into a habitable room, then by their own choice they no longer have a garage. I see no reason why they should be allowed to remove well established trees, which provide privacy to both themselves and the residents of Woodland Terrace in order to build a garage. This could create a precedent for other applications*
- *Allowing access onto the back lane behind Woodland Terrace would create a number of problems. Access to the lane has historically been problematic with a number of reports of recent nuisance behaviour, particularly recently plans may exacerbate this. The lane cannot cope with more traffic, it simply is not built to cater for access from Houses on Thornbury Rise. A number of young families use this area as a safe play area for their*

- children. Also the trees in the lane actually provide a green corridor for wildlife and this should be taken into account. With the new wheels bins access would be greatly hindered*
- *We have been residents of Thornbury Rise for 33 years. During that time there have been several extensions to existing properties in the immediate area of No. 39 including our own. These extensions have all been carried out sympathetically with the surrounding properties. The planning proposal for No. 39 bears no resemblance to existing properties. The conversion of the existing garage into a habitable room will change the frontage of the property. This will leave the property without an attached garage necessitating the erection of a replacement garage in the rear garden. The erection of this garage will necessitate the removal of established trees which provide valuable privacy for both Thornbury Rise and Woodland Terrace. Their removal and the provision of a gate will also open up the gardens of Thornbury Rise to the back lane therefore reducing security. There is a historic issue of antisocial behaviour in the back lane which has fluctuated over the years, the main problem being underage drinking. The proposed garage would create a 1 metre recess in the back lane which would offer an ideal location for antisocial behaviour to be conducted out of sight. The lane is used regularly by residents on foot accessing shops in Pierremont Crescent and Woodland Terrace and the possibility of undesirable person or persons lurking undetected would be very intimidating. The gardens are a haven for wildlife and the trees form a major part of their habitat. The wildlife and the green outlook are a very important aspect of where we live. We are very fortunate to be able to enjoy the wildlife which lives in the habitat provided by these trees. We feel very strongly that we should protect what little greenery we have remaining. The loss of these trees could set a precedent and would have a damaging effect on the environment and our surroundings.*
  - *The proposal would exceed the allowable area that can be developed within the curtilage of a dwelling. Several covenants have been placed on properties which and the development could affect the legality of the documents. The trees have a preservation order on them since the properties were erected in 1959. The proposal may damage a main sewer and may result in the release of vermin from the sewers.*
  - *Our property (No 51 Woodland Terrace) already look onto the most disgusting garages which are regularly broken into by vandals and graffiti and anti social behaviour.*
  - *There will be a large environmental impact if this goes ahead with the danger that other such applications causing further destruction of large mature trees could change the nature and usage of the back lane. The back lane is not used as a daily thoroughfare. With the building of this garage, the lane becomes an official access road that is used on a daily basis. If other applications follow this one, the whole character of usage of the lane will change. It is not built for heavy traffic. The proposed alcove in the new garage plan provides another opportunity for youths to gather and cause a nuisance to residents*
  - *We object to the removal of the tree screening in order to build a garage. This would result in us being severely overlooked causing an invasion of our privacy. We object to the recess that will be created in front of the proposed garage. It will provide a place for, and encourage, anti-social behaviour. We object strongly to the erection of the garage. It does not respect the street pattern and would be out of character with the surrounding properties.*
  - *The removal of the trees would leave two of my rear bedroom windows open to viewing. Thornbury Rise properties are higher than Woodland Terrace and their living room/dining rooms are on the same level as my bedrooms. My concern also is that should the trees be cut down what will happen regarding root shrinkage as I would think the roots have grown beneath the back lane and around a water sewage pipe. I also want to raise objection as the garage will face my back gates of which I can back my car into, who has moiré of a right of enter/exit their property first? Would we take it in turns?*

One letter of support was submitted in relation to the original submission which states:

- *The street lighting is no better or worse than it has been for years (we've lived here since 1980). One extra garage will have no impact on this. If street lighting is considered to be an issue than it should be dealt with now for the benefit of existing users, not used as a reason against this proposal.*
- *Anti Social Behaviour is mainly caused by under age drinkers because the back lane is quiet and the existing garages have a concrete canopy that provides shelter from rain. Our house is directly opposite the existing garages. The problem has not been as bad in recent years. The proposal is unlikely to have any impact on this as it is the quiet nature of the lane and the shelter provided by the existing garages that cause the problem. A new recess is more likely to provide a rubbish tip but that would be the garage owners problem to sort out as they would need access to their new garage*
- *If the trees aren't protected by TPO's then I don't see a problem. Yes they are attractive, but many of them are also too tall and in the case of the fir trees probably have a very shallow root system. I for one have been half expecting some of them to be blown down in high winds for years - and its probably Woodland Terrace that they will fall on. We were pleased to see that some of them were trimmed back a little in the last year or so - but others need to be trimmed as well. With their present height they are a potential liability and also block out the evening sun.*
- *Thornbury Rise was built after Woodland Terrace and these trees would not have been mature then. If privacy wasn't an issue when planning permission was originally granted for Thornbury Rise then it shouldn't be an issue now.*
- *Logically most of Thornbury Rise should consider garages beneath their gardens - many of their drives are ridiculously steep and must be virtually un-useable during winter - forcing cars to park on the road. However I appreciate that this would be an expensive solution to their parking problems.*
- *Street Scene - surely it is down to the planners to agree what size window is acceptable to retain the character of Thornbury Rise - it doesn't have to be a large window - it should be kept within the style and size of other existing windows.*
- *We have no objections to this proposal, provided the planners agree a suitable size and style of window to the existing garage. I would however urge the applicant to reconsider the plans with regards to the size of the new kitchen. This seems to be an awful lot of work and expense and the new kitchen still looks very small and compact for the size and style of house. This is the time to review the plans and get it right first time.*

### **Consultee Responses**

The **Council's Senior Arboricultural Officer** has raised no objection to the proposal

The **Council's Highways Engineer** has raised no objections to the proposal

The **Durham Constabulary Architectural Liaison Officer** has raised no objections to the proposal.

### **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposed development is acceptable in the following terms:

- Impact upon Trees
- Residential Amenity
- Visual Amenity
- Highway Safety
- Anti Social Behaviour
- Other Matters

### **Impact upon Trees**

The west edge of the lane between Thornbury Rise and Woodland Terrace is characterised by a timber fence, approximately 2.6m high, and a row of mature trees and hedges. The trees and hedges are in excess of 4m above the fence line and they create a visual barrier between the rear elevations of the properties on both streets.

In order to facilitate the erection of the garage in the rear garden of the application site a section (approximately 6m) of this tree and hedge coverage would be removed. The Council's Senior Arboricultural Officer has inspected the site and he has confirmed that the trees and hedges are not worthy of a tree preservation order as they are in poor form.

The application site is not located within a designated conservation area and therefore the trees and hedges could be removed at any time without consent being required from the Local Planning Authority.

The Council's Senior Arboricultural Officer would not expect the tree removal works to adversely impact upon surface of the back lane or any sewer that runs along the lane. Any damage caused to the lane or the sewer would be dealt with by the relevant authorities.

### **Residential Amenity**

The revised layout for the proposed development shows that the applicant intends to erect a two metre high fence along the boundaries with the immediate neighbouring properties. Officers can advise Members that the erection of such fencing, whilst shown the submitted plans, would not require planning permission.

#### *Canopy and Garage Conversion*

The erection of the canopy and the conversion of the garage to a habitable room would not raise any residential amenity issues.

#### *Single Storey Extension and Sloping Roof*

The proposed single storey rear extension and the roof over the existing garage would be set 1.2m in from the existing boundary with the adjacent dwelling (No 41 Thornbury Rise). The extension would have a utility room window and a doorway in the elevation overlooking this neighbouring dwelling. The applicant has agreed to insert obscure glazing in both of these openings to prevent overlooking of the neighbouring dwelling and this would be secured by a planning condition. The design of the roof on the garage and extension has been amended so that it is a sloping roof with a hip rather than a gable in order to minimise the visual impact of the extension. The extension would comply with the adopted 45 degree code when measured from the nearest principal ground floor opening (patio doors) in the rear elevation of No 41 Thornbury Rise.

The extension would project 2.7m from the rear elevation of the main dwelling and it would contain patio doors in the elevation overlooking No 37 Thornbury Rise. The extension would be approximately 6m from the common boundary which consists of a mature hedge. The hedge would screen the extension and the patio doors when viewed from the neighbouring side. The extension would also comply with the 45 degree code when measured from the nearest principle windows of the neighbouring dwelling.

Due to the removal of the existing hedges and trees, the application site will become very visible when viewed from the rear of the dwellings on Woodland Terrace. The properties on Thornbury Rise are approximately 4m higher than the properties on Woodland Terrace. As previously mentioned, the trees and hedges on the boundary of the application site could be removed at any time without the need for consent. The only issue that Local Planning Authority can consider on the overlooking issue with Woodland Terrace properties is whether or not the window in the end elevation of proposed extension will adversely impact upon those properties. Officers have taken into consideration the proximity distance between the properties and the changes in land levels, and in order to ensure that the proposed extension would not adversely impact upon the properties on Woodland Terrace, the opening would need to be fitted with obscure glazing and this would be secured by a planning condition

#### *The Detached Garage and Access Gates*

The replacement garage would be located at the bottom of the garden, which a section would be lowered in order to achieve level and safe access onto the rear lane. A retaining wall would be erected around the garage and hardstanding area to support the remainder of the surrounding land. The garage would be approximately 3.68m below the applicant's and neighbouring dwellings. It would have an overall height of 3.2m under a hipped roof.

The garage would be visible from the neighbouring properties on Thornbury Rise, but it would be at a lower level than the dwellings and also their gardens which would minimise its visual impact.

The garage would not be highly visible when viewed from the properties on Woodland Terrace.

In the opinion of the Local Planning Authority, the noise emissions from the use of the garage would not justify a refusal of planning permission.

#### **Visual Amenity**

The existing property which is rendered has a projecting double bay window (with hanging tiles in between) and a recessed entrance on the front elevation. The garage projects beyond the front elevation and it has a flat roof behind a parapet. There are examples of other dwellings in the street that have been extended to the side with two storey extensions.

#### *Canopy and Garage Conversion*

The conversion of the existing garage and the works associated with its conversion to a habitable room constitute permitted development and therefore do not require planning permission. As a result, the impact that the works may have on the street scene cannot be considered here.

The proposed canopy over the front entrance would not have an adverse impact upon the host dwelling or the wider street scene due to the minimal nature of the works and also due to the fact the dwelling is on a lower ground level than the public highway.

#### *Single Storey Extension and Sloping Roof*

The new roof above the garage conversion and the dining room extension would be visible above the existing parapet of the garage but the remainder of the extension would not be seen from the public highway. The extension would be rendered and the roof tiles would match the main dwelling. The roof above these single storey buildings would be sloping and hipped to match the design of the dwellings within the street. These works are considered acceptable in design terms and would not harm the design of the host building or the appearance and character of the street scene.

#### *Detached Garage and Access Gates*

The access arrangements for the garage have been revised substituting a recess and garage doors with a set of folding gates, which would match the existing fencing in terms of height and position, when closed and not in use. The garage would then sit behind the gates which would screen the building when viewed from the lane. The garage would be constructed from horizontal boarding with a hipped roof using a green mineral felt covering.

This proposal for a garage leading from Thornbury Rise onto the rear lane, is the first of its kind and will result in a change to the character of this side of the lane however the proposal has been redesigned so that it is in character with its surroundings and would not have an adverse impact upon the appearance of the lane.

#### **Highway Safety**

The original submission included a 1m recess in the boundary line to create a visibility splay from the doors of the proposed garage. As previously mentioned in this report, following concerns raised by the objector's over this recess creating a potential area for youths to congregate the recess has been removed and replaced with a set of folding gates.

When the gates are opened, this allows the occupier an additional 1m of space to manoeuvre the vehicle in and out of the garage which is more available space than for any other existing garages in the locality along the same back lane. The proposals will not impact on the existing highway as the rear lane is currently used by other vehicles to access parking spaces and garages and one more additional garage will not adversely affect access or safety of other users. The Council's Highways Engineer has raised no objections to the scheme subject to the imposition of a condition to ensure that the gates do not open outward over the adopted highway and are fully contained within the application boundary.

#### **Anti Social Behaviour**

When consulted on the original proposal, the Durham County Council Architectural Liaison Officer checked his records and consulted with the Neighbourhood Policing Team and his evidence revealed only three incidents of anti social behaviour had been reported in the last three years, none of which related to the lane to the rear of the application site. The ALO considered it would be unlikely that the garage with a recess would lead to an increase in crime or antisocial behaviour. However the objectors have highlighted antisocial issues and concerns as part of their submissions.

The ALO has provided further comments on the revised scheme and the use of folding gates and he considers they would be an effective solution to the concerns over the recessed access and they would also ensure clear sight lines along the lane whilst providing an extra layer of security for the garage.

#### **Other Matters**

The objectors have raised some issues that Officers need to comment upon.



*Impact upon Sewers*

Northumbrian Water has stated that it appears a sewer does run along the back lane but they consider it should not be affected by the proposed development. NWL are also the appropriate body to take any action should the sewer be damaged. They have commented that it would be appropriate to attach an Informative onto any grant of planning permission advising the applicant to contact them prior to the removal of any trees and the erection of the garage.

*Setting a Precedent*

Court and appeal decisions have established that it is legitimate for decision makers to give weight to the possibility of creating an undesirable precedent when considering whether to grant permission. However, it is not enough for Local Planning Authorities to have a general anxiety that their decisions may be used in the future to justify other proposals. There has to be evidence that there is a real likelihood that similar applications would be submitted and no such evidence has been provided.

*Impact upon the Value of a Property*

The possible effect that a proposal may have on property values is not a material planning consideration.

**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**

There are elements of the proposal which do not require planning permission or any other form of planning consent such as the garage conversion, the erection of the two metre high boundary fencing the removal of the existing hedges and trees in the rear garden.

It is considered that the proposal has been revised so that its appearance is in keeping with the external appearance of the property and will not cause significant harm to the character and appearance of the host dwelling or the surrounding area, and in this case the rear lane. The extension, garage and other alterations have no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and adequate levels of privacy would be maintained due to the imposition of conditions to secure the use of obscure glazing were necessary. The proposal does not adversely affect car parking provision on the site nor impact on highway safety. No issues are raised in relation to crime prevention following consultations with the Durham Constabulary Architectural Liaison Officer. The proposal is considered acceptable in the light of the following local development plan policies

**Borough of Darlington Local Plan 1997**

H12 Alterations and Extensions to Existing Dwellings

E12 Trees and Development

**Darlington Core Strategy Development Plan Document 2011**

CS2 Achieving High Quality Sustainable Design

CS15 Protecting and Enhancing Biodiversity and Geodiversity

CS16 Protecting Environmental Resources, Human Health and Safety

**RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 – Implementation Limit (Three Years)
2. The utility room window and door in the south facing elevation of the single storey extension shall be obscure glazed and shall not be repaired or replaced other than with obscure glazing  
REASON: To prevent overlooking of the neighbouring property
3. The window in the east facing elevation of the single storey extension shall be obscure glazed and shall not be repaired or replaced other than with obscure glazing  
REASON: To prevent overlooking of the neighbouring property
4. The folding gates hereby approved shall not open outwards over the public highway  
REASON – In the interests of the highway safety
5. B5 – Detailed Drawings (Accordance with Plan)

**SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

There are elements of the proposal which do not require planning permission or any other form of planning consent such as the garage conversion, the erection of the two metre high boundary fencing the removal of the existing hedges and trees in the rear garden.

It is considered that the proposal has been revised so that its appearance is in keeping with the external appearance of the property and will not cause significant harm to the character and appearance of the host dwelling or the surrounding area, and in this case the rear lane. The extension, garage and other alterations have no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and adequate levels of privacy would be maintained due to the imposition of conditions to secure the use of obscure glazing were necessary. The proposal does not adversely affect car parking provision on the site nor impact on highway safety. No issues are raised in relation to crime prevention following consultations with the Durham Constabulary Architectural Liaison Officer. The proposal is considered acceptable in the light of the following local development plan policies

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

The applicant is advised to contact Northumbrian Water Asset Protection Team (Niki Mather – 0191 4196603) prior to the removal of the trees and the erection for the garage in order to ensure the sewer is not damaged during the construction period