

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15 February 2012

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APPLICATION REF. NO:	11/00810/FUL
STATUTORY DECISION DATE:	2 February 2012
WARD/PARISH:	PARK WEST
LOCATION:	59 Elton Parade
DESCRIPTION:	Variation of Condition 11 (Approved plans) of planning permission 11/00175/FUL dated 20 June 2011 for Conversion of existing care home to form single dwelling house, erection of 2 No detached dwellings and 2 No detached double garages to permit revisions to the design of the approved dwellings and existing dwelling and to the layout of the approved development
APPLICANT:	Mr Mike Odysseas

APPLICATION AND SITE DESCRIPTION

Planning permission (See Planning History) was granted by the Planning Applications Committee for the conversion of the existing care home (Newlands) to a single dwelling house and the erection of two further dwellings with associated detached garages. The development is currently under construction.

This planning application is to vary condition 11 attached to the planning permission in order to implement the following revisions to the approved scheme:

Newlands

- Replace the associated detached garage with an underground garage/parking space within the hardstanding area;
- The boundary wall for this property would be reduced in height from 1.9m high to 1.7m high and it would be a freestanding continuous wall due to the removal of the detached garage

Dwelling on Plot 1

- Revisions to the detailing surrounding the French doors and artstone details on the rear elevation;
- The introduction of solar panels on the east and west roof slopes of the associated garage

- The internal floor levels have been revised to accommodate under floor heating throughout

Dwelling on Plot 2

- The enlargement of the single storey rear extension to incorporate a garden room. The single storey extension would extend the full width of the dwelling
- Revisions to the detailing surrounding the French doors and artstone details on the rear elevation;
- The introduction of solar panels on the east and west roof slopes of the associated garage
- The internal floor levels have been revised to accommodate under floor heating throughout

The Site

- The site layout and landscaping has been very slightly modified as a result of the removal of the garage belonging to Newlands

The application site measures approximately 0.2 hectares and it lies on the western side of Elton Parade within the West End Conservation Area. It contains trees which are covered by a tree preservation order dated 1983. The surrounding area is predominately residential, although there is a Nursery, a local newsagent and Infants School in the locality

PLANNING HISTORY

The most recent and relevant entries are:

11/00175/FUL In May 2011 planning permission was GRANTED for the conversion of existing care home to form single dwelling house, erection of 2 No detached dwellings and 2 No detached double garages

11/00175/CON In October 2011 an application to discharge conditions 2 (vehicular access), 3 (external materials), 4 (Design Statement), 5 (Construction Management Plan), 6 (Means of Enclosure), 8 (Landscaping), 9 (Hard Surfaces), 10 (Tree Protection Measures) attached to planning permission 11/00175/FUL was APPROVED

11/00570/FUL In October 2011 planning permission was GRANTED for the erection of a single storey orangery to the rear of the existing dwelling and an increase in height of existing windows on north elevation

11/00583/CAC In October 2011 conservation area consent was GRANTED for the demolition of a lean to extension to rear of existing dwelling

PLANNING POLICY BACKGROUND

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development
Supplement to Planning Statement 1 – Planning and Climate Change
Planning Policy Statement 3 – Housing
Planning Policy Statement 5 – Planning for the Historic Environment

Planning Policy Statement 25 – Development and Flood Risk

Borough of Darlington Local Plan 1997

E2 – Development Limits
E12 – Trees and Development
E14 – Landscaping of Development
H13 – Backland Development

Darlington Core Strategy Development Plan Document 2011

CS1 (Darlington's Sub Regional Role and Locational Strategy)
CS2 (Achieving High Quality, Sustainable Design)
CS10 (New Housing Development)
CS14 (Promoting Local Character and Distinctiveness)
CS19 (Improving Transport Infrastructure and Creating a Sustainable Transport Network)

Other Documents

Supplementary Planning Document – Design for New Development
West End Conservation Area Appraisal

RESULTS OF CONSULTATION AND PUBLICITY

Three letters of objection have been received and the concerns can be summarised as follows

- *I understand that permission has been sought to install a space saving car storage device at 59 Elton Parade, Darlington.*
- *I am concerned once again about this development and a little confused as to why permission was granted in the first place for 3 detached houses on a plot that is so small. The houses are crammed in, with little or no garden and looking directly onto each other - who is going to buy such a house?*
- *If there isn't enough room for a double garage for each property why was permission granted? I hope that you will look again at the permission that has been granted and apply some commonsense.*
- *I suggest that a number of site visits take place and observations made from neighbouring properties to fully appreciate the impact.*
- *It still concerns me that these 3 storey houses will overlook my property and my neighbours in Sylvan Grove, why was it necessary to allow the attic rooms?*
- *Whilst the creation of a subterranean car storage park has certain aesthetic and security merits I am concerned about the effects of the necessary excavations and its possible effects on pre-existing tree roots*
- *There is a very large presumably protected Beech tree on the nearby eastern boundary with presumably a very large root system and I would object to the garage development if root damage occurred which might harm this fine tree. I am aware that a couple of years ago a similar large Beech tree close by was felled for some alleged disease*
- *When planning was passed for the two dwellings a reason for the permission being granted was that there was not a lack of green space with the approval of the orangery and the single storey extension to one of the new dwellings may I suggest that a site visit be undertaken by the planning department as there has been a notable loss of green space in our opinion*

- *Design, impact, aesthetics and architecture and the impact it will have on the conservation area. The attic rooms are intrusive to our privacy and property and the owner wants to change the plans again. In our opinion it is not in keeping with the conservation area. How can a 21st century high tech underground parking bay be in keeping with the conservation area?*
- *Why suddenly is there a need to alter the drive and boundaries – does the orangery and garden room have anything to do with this – yet more changes to the original plans?*
- *What noise will the underground parking bay generate? I suggest that this will affect our privacy and also disturb the conservation area with noise implications*
- *Currently during heavy rain, the gardens are liable to flood which will be intensified by building additional extensions and the underground garage. Natural drainage will run down towards our property (7 Sylvan Grove) which is at a lower ground level potentially putting us at risk to flooding. A principal concern is that this would be intensified by altering the natural drainage patterns*
- *The impact on drainage is a concern. The existing dwelling shares drainage with Cleveland Terrace which currently cant cope with heavy rain adding additional amenities will cause additional flooding and concerns would be in relation to potential sewerage problems*
- *Impact of privacy and light into out garden and house*
- *Perhaps the planning department can reassure me that this development does not impinge on laws of garden grabbing*
- *I would hope that the west end of Darlington can be preserved in keeping within the existing character and conservation area and for these plans to be rejected on the basis and grounds they are totally out of keeping of the existing locality*

Consultee Responses

Northern Gas Networks have raised no objections to the application

Northumbrian Water has no objections to the application

Northern Power Grid has no objections to the application

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

The **Council's Environmental Health Officer** has raised no objections to the application

The **Council's Sustainable Development and Climate Change Officer** has raised no objections to the application

PLANNING ISSUES

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

- Planning Policy
- Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Highway Safety
- Trees
- Flooding

Planning Policy

The redevelopment of the site for residential purposes has been established by the grant of planning permission in 2011. This application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (which allows changes to the conditions applying to existing planning permissions) to vary condition 11) which states:

The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and the plans submitted therewith and approved by the Local Planning Authority, or as shall have been otherwise agreed in writing by the Local Planning Authority.

When determining such applications, the Local Planning Authority must consider any national and development plan policies and other material considerations which may have changed significantly since the original grant of planning permission. There have been no such changes to planning legislation and therefore this proposal is acceptable in general planning policy terms.

The relevant planning conditions attached to the original planning permission have been satisfactorily discharged and work has now commenced on site. Therefore the main issues to be considered here are whether or not the proposed revisions to the scheme are acceptable in development management terms.

Impact upon the Character and Appearance of the Surrounding Area

The application site is within the West End Conservation Area and it is considered that the proposed amendments are not substantially different from the previously approved scheme and will have little impact on the significance of the West End Conservation Area.

The underground garage for the property would result in the omission of a detached double garage. The roof of the car port structure would be covered with the same material as the surrounding drive and when the structure is below ground there would only be a barely visible seam on the ground that would only be obvious when standing in the area itself. When the structure is above ground it would be fairly utilitarian in appearance but it is not envisaged to remain open unless a car is being raised or lowered from the car port itself. It is considered that this revision to the approved scheme would not cause harm to the Conservation Area.

In order to achieve the requirements of Sustainable Homes Code Rating 3, which is a requirement of the Supplementary Planning Document – Design for New Development and the Core Strategy, the proposal involves the erection of solar panels on the west and east elevations of the garages for the dwellings on Plots 1 and 2. The positioning of such features on these less prominent outbuildings is welcomed and would minimise their impact upon the Conservation Area. The Council's Sustainable Development and Climate Change Officer has raised no objections to this part of the application.

The revisions to the design of the rear elevations of the two new dwellings are very minor and the addition of a garden room to the dwelling on Plot 2 is considered acceptable in visual amenity terms.

A new brick wall to fully enclose the rear garden of Newlands, following the omission of the detached garage is considered acceptable along with the additional areas of tarmac for the shared driveway. The Local Fire Authority has requested that the drive be widened marginally to allow a Fire Engine to reverse onto the site. The widening of the driveway has also resulted in minor changes to the radius of corresponding curves

Overall it is considered that the proposed revisions to the approved scheme will not significantly harm the significance of the West End Conservation Area and they would comply with Planning Policy Statement 5 – Planning for the Historic Environment

Residential Amenity

The car port that has been included as part of this application, generates approximately 70dB when in operation. The source of the noise is caused by the hydraulic systems within the structure of the car port. The noise will therefore vary depending upon the position of the unit, for example the noise will be at its greatest when the car port is at its highest level and will decrease as it lowers. The noise will also be intermittent due to the nature and non continuous need to be in use. The Council's Environmental Health Officer has considered the application and has commented that the garage will not create any significant noise issues. It has also been confirmed that there will be no noise associated with the solar panels on the roof slopes of the garages.

The enlargement of the single storey extension to the dwelling on Plot 2 will not raise any residential amenity issues in terms over overlooking the neighbouring dwellings to the west due to the height of the boundary fence, which is in excess of two metres high.

Highway Safety

The access to the site remains unchanged from the approved scheme and therefore the Council's Highways Engineer has raised no objections to the proposal

Trees

There are a number of trees on the east and south boundaries of the site which are covered by a tree preservation order dated 1991. The underground car port would be sited in the same location as the previously approved detached double garage, which is outside of any root protection areas of the trees within the site.

Flooding

The highest part of the application site is at the boundary with Sylvan Grove (to the west) and then it slopes away down towards Elton Parade (to the east). Any water falling into the site would follow the natural contours of the land towards Elton Parade. The applicant has also included a French drain on the boundary with Sylvan Grove. With regard to the underground car port a water pump will operate to keep the car port free of water and any water will proceed to the mains drainage through an attenuation system in line with modern SUDS principles.

Northumbrian Water was consulted on the application and they have raised no objections to the proposal.

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 redevelopment of the site for residential purposes has been established by the grant of planning permission (reference number 11/00175/FUL) in 2011. This application has been

submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 to vary condition 11) attached to the original planning permission to revise the approved scheme.

The proposed revisions have been considered and they are deemed acceptable in terms of their impact upon the West End Conservation Area, the amenities of the neighbouring dwellings, highway safety, and the trees within the site protected by a preservation order. The scheme has also been designed to give consideration to the potential flooding of area outside of the application site. The following planning policies have been taken into consideration

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RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 - Implementation Limit (Three Years)
2. Notwithstanding the details shown on the approved plans, the design and colour scheme of the car port shall be in complete accordance with the details shown on the letter from Prism Planning dated 6 February 2012 (ref no: 212/10 JB) unless otherwise agreed in writing by the Local Planning Authority
REASON: In the interests of the visual appearance of the locality
3. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The redevelopment of the site for residential purposes has been established by the grant of planning permission (reference number 11/00175/FUL) in 2011. This application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 to vary condition 11) attached to the original planning permission to revise the approved scheme.

The proposed revisions have been considered and they are deemed acceptable in terms of their impact upon the West End Conservation Area, the amenities of the neighbouring dwellings, highway safety, and the trees within the site protected by a preservation order. The scheme has also been designed to give consideration to the potential flooding of area outside of the application site. The following planning policies have been taken into consideration

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