

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 15 December 2010**

**Page**

---

**APPLICATION REF. NO:** 10/00733/FUL

**STATUTORY DECISION DATE:** 21 December 2010

**WARD/PARISH:** MIDDLETON ST GEORGE

**LOCATION:** 63 Middleton Lane. Middleton St George

**DESCRIPTION:** Modification of planning permission  
08/00216/FUL granted on appeal  
APP/N1350/A/09/2097805 for the erection of two  
detached dwelling houses with associated  
garaging, parking and access –to permit  
alterations to door and window positions on the  
side and front elevations.

**APPLICANT:** M J King

---

**APPLICATION AND SITE DESCRIPTION**

The site is situated on the western side of Middleton Lane to the rear of No.63 and lies within the Middleton St George Conservation Area.

In November 2008 planning permission (Local Planning Authority Ref: 08/216) was granted on appeal for the erection of two detached dwelling houses and is currently being implemented. This application seeks a number of alterations to one of the dwellings which comprise of the following: -

- The insertion of an additional first floor bathroom window and ground floor kitchen window in the south facing elevation;
- An additional first floor bedroom window in the east facing elevation; and
- Repositioning of entrance doorway and additional window to hallway on the ground floor, again in the east facing elevation.

**PLANNING HISTORY**

None other than that mentioned above.

**PLANNING POLICY BACKGROUND**

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

H11 – Design and Layout of New Housing Development

E29 – The Setting of New Development

**RESULTS OF CONSULTATION AND PUBLICITY**

Four letters of have been received from the occupants of two dwellings objecting to the proposed additional bathroom window on the following grounds: -

- Overlooking and loss of privacy even though the window may be fitted with obscure glazing as it may be capable of being opened.
- The additional window will double the amount of light emanating from the bathroom casting light over the adjoining property, resulting in a source of light pollution.

**Middleton St George Parish Council** has objected to the proposals on the grounds that it would take away neighbours privacy.

**PLANNING ISSUES**

The main issues to be considered are the effects on: -

- Residential Amenity; and
- Visual Amenity

**Residential Amenity**

It is not considered that any of the proposed modifications would materially harm the amenities of adjoining residential properties. Regarding the issues raised by the objectors, the bathroom window is shown to be obscure glazed which should be sufficient to ensure a satisfactory level of privacy for the neighbouring residents. Although it would be prudent to attach a condition to any approval requiring the level of obscurity to be agreed by the Authority. In terms of its opening capability the window is of a mock sash type with the lower element fixed and the top half opening out over. Consequently the opportunity for direct overlooking of the neighbouring garden areas and windows in the rear elevations of the adjoining dwellings is likely to be relatively limited. It should be noted in allowing the appeal for the erection of the two dwellings the Inspector did not impose any restrictions on the opening capability of the approved bathroom window or type of glazing that it would be fitted with. Therefore there is already the potential for the neighbouring properties to be overlooked, when the bathroom window is open. Separation distances of approximately 18m and 21m are provided between the south facing elevation of the new dwelling and the rear windows of the objectors' properties, Nos.3 and 4 Cedar Mews, respectively.

**Visual Amenity**

In design terms the proposed alterations are fairly minor and therefore would not have any significant effects on the overall character or appearance of the dwelling. Consequently any impact on the Conservation area or the visual amenities of the area generally will be negligible.

**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 proposed modifications would not result in any material harm to either the amenities of neighbouring or adjoining residents or the character and appearance of the Middleton St George Conservation Area or the locality generally. The application is not considered to raise any issues in relation to crime prevention.

## **RECOMMENDATION**

THAT MODIFICATION OF PLANNING PERMISSION O8/00216/FUL GRANTED ON APPEAL APP/N1350/A/09/2097850 FOR THE ERECTION OF TWO DETACHED DWELLING HOUSES WITH ASSOCIATED GARAGING, PARKING AND ACCESS –TO PERMIT ALTERATIONS TO DOOR ALTERATIONS TO DOOR AND WINDOW POSITIONS ON THE SIDE AND FRONT ELEVATIONS BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) Precise details of the level of obscenity for the additional first floor bathroom window in the south facing elevation shall be submitted to, and approved by, the Local Planning Authority prior to its installation. The glazing shall not be installed unless otherwise in accordance with the approved details and shall be permanently retained thereafter unless agreed in writing by the Local Planning Authority.

REASON – To safeguard the amenities of adjoining residents

- 2) The additional bathroom window shown on the approved plans shall have a fixed lower element with top half opening only. The window shall not be replaced thereafter (unless for a like for like replacement ) unless agreed in writing by the Local Planning Authority.

REASON - To safeguard the amenities of adjoining residents

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

The proposed modifications would not result in any material harm to either the amenities of neighbouring or adjoining residents or the character and appearance of the Middleton St George Conservation Area or the locality generally. The application is not considered to raise any issues in relation to crime prevention. Therefore the proposed development is considered to comply with the policies in the development set out below: -

H11 – Design and Layout of New Housing Development  
E29 – The Setting of New Development