

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 9 March 2011**

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<b>APPLICATION REF. NO:</b>	<b>11/00019/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>9 March 2010</b>
<b>WARD/PARISH:</b>	<b>MIDDLETON ST GEORGE</b>
<b>LOCATION:</b>	<b>63 Middleton Lane, Middleton St George</b>
<b>DESCRIPTION:</b>	<b>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. Resubmission.</b>
<b>APPLICANT:</b>	<b>Mr J King</b>

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**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 current application follows an application (Ref: 10/733) for similar modifications which was refused in December 2010 but incorporates changes with a view to addressing the reason for refusal. The previous application was refused for the following reason: -

*“The first floor windows in the southern elevation would be detrimental to the amenities of No.3 and No. 4 Cedar Mews due to overlooking and loss of privacy and would thereby conflict with policy H12 (Criteria4 and 5) of the Borough of Darlington Local Plan”.*

The application seeks alterations to one of the dwellings and comprises of the following: -

- The insertion of an additional first floor bathroom window, repositioning of the approved bathroom window, and an additional 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.

This application differs from that refused previously in that the first floor bathroom windows are now shown to be a permanently fixed (non opening) obscure glazed type. Whereas the previous design was for a fixed lower section with opening top light.

### **PLANNING HISTORY**

None

### **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**

Two identical letters of have been received from the occupants of an adjoining dwelling stating that no objection is raised subject to the following:-

- That the obscure glazing in the bathroom windows is of maximum obscurity (5 on the Pilkington Glass scale).
- A restriction is placed preventing the windows being replaced with opening lights in the future.

**Middleton St George Parish Council** has stated that it objects to the repositioning of additional windows and door and that the original planning permission should be complied with in order to protect the privacy of neighbouring occupiers.

### **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. The alterations proposed to the bathroom windows would ensure that direct overlooking of neighbouring properties and loss of privacy should not occur. Nevertheless it would be prudent to attach conditions to ensure that these windows shall be permanently retained as a non opening type and also for the glazing to be of the maximum level of obscurity.

#### **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 obscured glazing for the first floor bathroom windows 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 non opening first floor bathroom windows in the south facing elevations shall be permanently retained thereafter, 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 ant 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