

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 28 July 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00106/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>19/04/10</b>
<b>WARD/PARISH:</b>	<b>HAUGHTON EAST</b>
<b>LOCATION:</b>	<b>8 St Andrew's Close, Darlington DL1 2EB</b>
<b>DESCRIPTION:</b>	<b>Erection of detached two storey dwelling house and detached double garage (amended plans and supplementary letter dated 28.06.10)</b>
<b>APPLICANT:</b>	<b>Mr And Mrs C Moore</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission is sought for the erection of a large 3 bedroom detached property. The house would be similar in design to the neighbouring property and would also be of a similar height at approximately 8.5m.

The main body of the house would be some 14m in width and 8.5m in depth. At ground floor level there would be a single storey utility room feature to the side that would be some 3m in width. There would also be a two storey off-shot to the rear which would be approximately 5.5m in width, 2.5m in depth and have a height to ridge level of 7m.

To the front a two storey front off-shot is proposed that would be 5.2m in width, 2.4m in depth and 7m in height to ridgelevel.

A detached double garage is proposed to the south east of the house. This garage would be some 6.2m in width, 6.4m in depth and a maximum of 4.5m in height. The garage would feature a dual pitched gable roof.

Access would be direct from the adjoining public highway, a double garage is provided along with the driveway which provides additional parking spaces.

The proposal has been amended to minimise the potential impact on trees as the original proposal would have unacceptably impacted on the root protection area of three trees. The amended proposal reduces the footprint of the proposed house and re-orientates it to face north west rather than north as previously proposed.

Planning permission was granted in 2003 for a detached house on the site (Ref: 2/00738/FUL) and a further application was granted for a variation to the proposed scheme in 2004 (Ref: 04/00303/FUL). Neither of these permissions have been enacted.

The application site comprises the side garden area to the existing detached family dwelling at 8 St Andrews Close and is within Haughton Village Conservation Area. The application site is located at the southern extremity of St Andrews Close, a development of detached family dwellings which form a cul-de-sac accessed off Haughton Green.

The site is relatively flat but has a number of mature trees on the northern and southern boundaries which are protected by Tree Preservation Orders or otherwise by their status inside the Conservation Area.

## **PLANNING HISTORY**

02/00738/FUL, on 2 April 2003 planning permission was granted for the erection of a four bedroom detached dwelling house with integral garage (as amended by plans and additional information received 8 January 2003 & 18 March 2003).

04/00204/TFC, on 2 April 2004 no objection were raised to a notification under S211 of the Town and Country Planning Act 1990 to fell tree in a Conservation Area.

04/00303/FUL, on 10 May 2004 planning permission was granted for the erection of a four bedroom detached dwelling with integral garage (Revised scheme varying planning permission 02/00738/FUL dated 2 April 2003).

80/01038/LBC, on 21 May 1981 planning permission was granted for alterations and extensions to existing building to convert to three residential units and erection of eleven dwellings.

84/00318/DM, on 12 September 1984 planning permission was granted for the erection of a dwelling house.

## **PLANNING POLICY BACKGROUND**

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

E2 (Development Limits)

E12 (Trees and Development)

H11 (Design and Layout of New Housing Development)

E7 (Landscape Conservation)

E29 (The Setting of New Development)

T24 (Parking and Servicing Requirement for New Development)

The Council's adopted Design Supplementary Planning Document (July 2009) is relevant to the application.

National planning guidance is relevant to this application particularly Planning Policy Statement 1: Delivering Sustainable Development (2005), Planning Policy Statement 3: Housing (2010), Planning Policy Statement 5: Planning for the Historic Environment (2010) and Planning Policy Statement 25: Development and Flood Risk (2006).

## **RESULTS OF CONSULTATION AND PUBLICITY**

Occupiers of neighbouring properties were advised of the proposal by way of letter.

An objection has been received from the occupiers of 6 Kennel Lane and the points raised are summarised below:

- *The proposed new building would cause a visual impact and overlook and shadow not only our property but other private dwellings in the vicinity.*
- *The inclusion of yet another building would spoil the open aspect, that is currently enjoyed by the residents of the area.*
- *Being a conservation area, we are concerned that the proposed new building may cause damage to the trees, of which most are in the region of 200 years old. Not to mention the impact on the native wildlife.*
- *The design of the proposed new building, we feel is out of character with the existing private dwellings.*

An objection has been received from the occupiers of 7 Haughton Green and the points raised are summarised below:

- *The proposed new dwelling at 8 St Andrew's Close will be much larger than the other houses there and will be out of keeping not only with St Andrew's Close, but also Haughton Village itself.*
- *It also looks very close to the river and has a 20% potential for flood risk which does not seem very sensible, especially in the current climate.*

An objection has been received from the occupier of 7 St Andrew's Close and the points raised are summarised below:

- *I have seen the notice on the lamppost outside 8 St Andrew's Close but, as a said, I feel it only fair and just that another one should have been placed at the entrance of St Andrew's Close, so other residents in the immediate area could have seen it. It seems that this will not happen – all very favourable to the applicant!*
- *I have lived here since 1993 and have enjoyed privacy and a very pleasant view – that is why I moved here. Should this building go ahead, my privacy will go and my view will be completely obliterated – also the value of my property will be greatly reduced. I will be completely overlooked from all the windows that face the rear of my property and I will look onto a car park! It could also potentially affect the quality of light reaching my garden.*
- *Looking at drawing L02 the footprint of this proposed house and garage is enormous- its just as big as Number 8 and takes up the majority of the site. If I stand at my kitchen sink and draw an imaginary line from the rooftop of Number 8 eastwards (to form a street view), it will completely fill in my view, it will seem like a block of flats! I (Like occupants of Numbers 6, 5 and 4) live in the back of my house, i.e. my living area looks out towards Number 8. the aspect from the rear of my property is very important to me – it will go.*
- *At present, the garage of Number 8 is not used as a garage but as storage – their cars are always left out on the drive. Also there are often caravans parked there (indeed last weekend there were 2 caravans and 2 lorry type vehicles parked right up to the fence of Number 6 – very unsightly. With another very large house on the site, the number of cars in the area will increase. It could turn out to be a large parking site – not only for cars but also for caravans and other large vehicles – most unsightly and certainly not in keeping with the area.*
- *St Andrew's Close is not the easiest road to get in and out of and the flow of traffic will be much greater and potentially hazardous for the present residents.*

- *Number 8 has huge white floodlights on at night – until the small hours. This is most disturbing – not to mention light pollution. If there are flood lights on the proposed house, it will look like Blackpool illuminations!*
- *I am concerned about the trees – some of which have already been cut down! I do not want to see the trees (most of which are protected by TPOs) damaged in any way – they greatly enhance the view. If any trees are lost the view of the property will be monstrous.*
- *As I said, it is huge (certainly not similar to the other properties – only Number 8) the gym and sauna area could be classed in floor space as bedrooms – i.e. a 5 bedroom house. Its grand central entrance does not reflect the surrounding properties. It will totally dominate the site and is certainly not appropriate in a conservation area. It will be an over-development of the area. It will not enhance the view from either the Northern or the Southern aspect. It will not blend effortlessly into the existing estate. If it is going to be used by the present owners of Number 8, surely it is far too big – a bungalow may be a better choice and certainly less invasive? I am concerned that the construction of the drive and related use will weaken the fence of both my house and Number 6.*
- *It is quite evident in this area that, as soon as we have more rain than usual, the present drains have difficulty in coping – in fact that don't (sic) on Haughton Green itself. If this building goes ahead the water will have to drain somewhere else – this can't be good. Indeed, I understand that people have to apply for planning permission if they want to turn a small front garden into an off road parking space because of the lack of drainage that would occur should a garden become a solid filled in area? This is somewhat contradictory!*
- *In conclusion, I would like to say that I do not like the design of this very OTT property. It will not only ruin my outlook and de-value my property, it does not fit in with the rest of St Andrew's Close (apart from Number 8 itself) – it is just too big. It will create a huge volume of extra traffic, parking problems, danger on the present road and noise disturbance.*

An objection has been received from the occupiers of 10 Haughton Green and the points raised are summarised below:

- *The design is significantly larger than the other properties in this area and is not in keeping with the Haughton Village conservation area.*
- *The design is significantly larger than the other properties in the St Andrew's Close area.*
- *Its size will be an intrusion on existing properties in St Andrew's Close, particularly as the design is to construct a raised platform to reduce flood risk. Similarly the river frontage would be out of keeping with the surrounding green space along the opposite river bank.*
- *20% of the design is in a "significant" flood risk area as it is adjacent to the River Skerne. As the existing drainage system will be put under pressure the risk to other properties is increased. This loss of green space from the existing garden would further exacerbate this risk.*
- *Increased traffic along St Andrew's Close and exiting onto Haughton Green.*

A letter was received from the occupiers of 8 Kennel Lane and the points raised are summarised below:

- *I have looked at the plans...and the tree report. If the report is part of the conditions then I have no objections to the development. The trees numbered 1, 2 and 3 have worried me*

*for some time. No. 3 shed a limb a couple of years ago damaging the fence, if it had been over the cottage it would have destroyed the roof.*

Following the amendment to the application, occupiers of neighbouring properties were re-consulted. An additional objection letter was received from the occupier of 7 St Andrews Close. The points raised are summarised below:

- *After looking at the amended plans, it seems that the applicants are still struggling to fit far too big a size property onto a small plot that has protected trees on it and is in a flood plain. Simply from these two points this application should be refused.*
- *The comments I made in my objection letter dated 17 March still stand.*
- *Displayed Notice of Planning Application – There is not one on public show. The only notice on the lamp post outside number 8 is relating to the previous application with comments required by 2 April 2010. Should there not be a notice displayed for the revised application?*
- *Revised Planning Application – It appears that the house has been repositioned at an angle in order to squeeze it into an all too small plot. I will be overlooked, my view will be obliterated and the value of my property will decrease. My living area is at the back of my house (as is that of numbers 6, 5 and 4) and looks towards number 8 and the aspect from the rear of my property is important.*
- *Parking – already cars, lorries and sometimes caravans are parked on the site. This will only increase and cause problems. I do not want to look out onto a car park.*
- *Road Safety – the added volume of traffic (not to mention the speed of some of the vehicles already going to number 8 and the noise they make) will be much greater and possibly dangerous.*
- *Floodlights – The present ones are most disturbing. The possibility of more will be even worse (not to mention light pollution).*
- *Protected Trees – There are a number of trees on the site (and surrounding area) that have TPOs. The proposed building is still very near to these trees. Their roots could be damaged and the trees may be permanently damaged and eventually die off completely spoiling the area.*
- *Proposed Revised Building – It is not in keeping. It is far too big for the site. the drive could both weaken the nearby fences and possibly tree roots.*
- *Flood Risk – The flood plain is along the fence at the bottom of my garden, where some protected trees are. Any more building on the site will only make the possibility of flooding even worse, as the drainage will be reduced. At the moment when it rains heavily the local drains can't cope. It will only get worse.*
- *Conclusion – It is not appropriate to put another property on this small site, within the flood plain. In time the actual route of the river Skerne and nearby riverbank could be altered and this should not be allowed to happen.*

The occupiers of 10 Haughton Green re-sent their objections which are set out above.

The **Highways Officer** raised no objections to the proposal.

The **Environmental Health Officer** commented that a condition should be imposed regarding land contamination and that a condition should be imposed requiring the submission of details regarding a lighting scheme.

The **Arboricultural Officer** required a condition specifying tree protection measures during construction work.

The **Conservation Officer** commented on the initial design of the proposal including the fenestration detail and the porch feature. The proposal has been amended to take account of these comments.

The **Environment Agency** initially objected to the application as insufficient information was provided regarding flood risk and biodiversity. The Environment Agency has withdrawn its objections following further information on flood risk and biodiversity provided by the Architects.

The Environment Agency has advised that a condition requiring the protection of a 'buffer zone' next to the River Skerne (which bounds the site to the rear) be included with any permission particularly as Otters are known to be present along the river.

The Environment Agency has also advised that the amended siting for the proposed dwelling overcomes the initial concerns regarding flooding. The Environment Agency also requires a condition regarding surface water drainage to ensure the satisfactory disposal of surface water from the site.

**Northumbrian Water** required a condition be imposed on any permission for a scheme for the diversion of apparatus as a public sewer crosses the site and the original proposal would have built over the sewer. The amended scheme appears to site the proposed building further from the sewer however a condition requiring any necessary diversion of the sewer would be appropriate.

**CE Electric** provided a record showing the approximate locations of known Northern Electric apparatus in the area.

**Northern Gas Network** raised no objections to the proposal but advised that there may be apparatus in the area.

## **PLANNING ISSUES**

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

- Planning Policy
- Residential Amenity
- Visual Amenity and Conservation Issues
- Highways Issues
- Tree Issues
- Flooding and Drainage Issues

### **Planning Policy**

The site lies within development limits as set out in Policy E2 (Development Limits) of the Borough of Darlington Local Plan, the site has no special designation other than being located in the Conservation Area.

Since the application was submitted Planning Policy Statement 3 (Housing) has been updated and the development of private gardens would now no longer be regarded as brownfield development and so would not contribute to the objectives of favouring development on previously used land. Notwithstanding this change, the site remains inside the development

limits set out in the Local Plan and the proposal is acceptable in principle subject to other details of development control.

### **Residential Amenity**

The privacy distances and relationship to nearby residential properties are acceptable and comply with the standards set out in the Design SPD. The properties to the north of the site are at a higher level than the application site. There would be more than 40m from properties to the north on St Andrews Close. The proposal will not significantly impact upon the residential amenity or privacy of existing properties.

The proposal provides adequate privacy in rooms and gardens of the proposed and existing properties. The proposal provides adequate daylight and sunlight to principal rooms and will not adversely affect the same to existing properties.

### **Visual Amenity and Conservation Issues**

The proposal, although a large family dwelling, relates well to the surrounding area. The house will be similar in height to the existing property and be set within its own plot which is comparable in size to that of the neighbouring properties.

Planning Policy Statement 5 (Planning for the Historic Environment) states that in considering the impact of a proposal on any heritage asset, local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds for this and future generations.

Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining an application within a conservation area the Local Planning Authority should pay particular attention to preserving or enhancing the character and appearance of the area. Case law has established that whilst a proposal need not necessarily be required to enhance the area, a proposal should have at least a neutral effect and should not detract from the appearance and character of the area. The built form and design of the proposed dwelling is sympathetic to the character of the existing buildings and is judged to have at least a neutral impact on the character and appearance of Haughton Village Conservation Area.

### **Highways Issues**

The Highways officer has commented that the gates and dropped crossings are already in place at the access point to the development and sufficient in-curtilage parking will be provided.

### **Tree Issues**

The site has a number of mature trees on the north and southern boundaries. The trees are covered by Tree Preservation Orders and make a significant contribution to the visual amenity and character of the area. The proposal has been designed to minimise the impact on trees and no trees would need to be felled as a result of the development. A condition requiring tree protection measures during construction would be appropriate.

### **Flooding Issues**

The site is located within Flood Risk Zone 2 and a Flood Risk Assessment (FRA) has been submitted with the application. The flood risk from flooding is approximately 1% annually. The measures identified in the FRA to alleviate the impact of flooding include having a rainwater harvesting system and designing the property so that ground floor level will be relatively high and higher than those of neighbouring properties. Flood Risk Issues have been taken into

consideration and the proposal is in accordance with Planning Policy Statement 25 (Development and Flood Risk).

### **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**

Planning permission has been granted previously for a dwelling on the site. The proposal would be in keeping with the design of neighbouring properties and would not harm the character and appearance of the Conservation Area. The size and siting of the proposal is such that it will not result in any significant detrimental impacts in relation to residential amenity. The proposal will not be harmful to highway safety and will provide sufficient in-curtilage vehicle parking. The proposal will not result in any unacceptable impacts on the trees of the site. Issues of flood risk have been taken into account and the proposal is acceptable in this regard.

### **RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A3 Implementation Limit (3 years)
2. B4 Details of Materials (Samples)
3. B5 Detailed Drawings (Accordance with Plan)
4. J2 (Contamination)
5. No development shall commence until details of the proposed lighting scheme together with a lighting impact assessment have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

REASON – In the interests of the amenities of occupiers of neighboring properties.

6. No development shall commence until details of a scheme for the diversion of the Northumbrian Water apparatus which crosses the site or details which illustrate that a diversion of the apparatus is not required have been submitted to and approved by the Local Planning Authority. Thereafter the development shall only be carried out in accordance with the approved details.

REASON – a public sewer crosses the site and building work over or close to this apparatus will not be acceptable.



7. Prior to the commencement of the development hereby approved (including demolition work), details shall be submitted of a scheme to protect the existing trees on the site. The submitted details shall comprise generally the specification laid down within BS 5837 and shall include fencing of at least 2.3m height, consisting of a scaffolding frame braced to resist impacts, supported by a weldmesh wired to uprights and horizontals to dissuade encroachment. The agreed scheme of protection shall be in place before the commencement of any work, including demolition operations. The Local Planning Authority shall be given notice of the completion of the protection works prior to the commencement of any work to allow an inspection of the measurements to ensure compliance with the approved scheme of protection. Notwithstanding the above specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:

- a) The raising or lowering of levels in relation to the existing ground levels;
- b) Cutting of roots, digging of trenches or removal of soil;
- c) Erecting of temporary buildings, roads or carrying out of any engineering operations;
- d) Lighting of fires;
- e) Driving of vehicles or storage of materials and equipment.

REASON – To ensure that a maximum level of protection in order to safeguard the well being of the trees on the site and in the interests of the visual amenities of the area.

8. Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the River Skerne shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of the planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

REASON – Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

9. The siting of the house should be as shown on drawing number PL01 Rev B.

REASON – To ensure that the development lies outside of the area shown to be at risk from flooding

10. The development hereby permitted shall not be commenced until such time as a scheme for the surface water disposal system has been submitted to, and approved in writing by, the local planning authority.

REASON – To prevent flooding by ensuring the satisfactory disposal of surface water from the site.

### **Suggested summary of reasons for granting planning permission**

The proposed development is considered acceptable and will not cause significant harm to the character and appearance of the area. The proposal has no significant impacts in terms of residential amenity. The proposal does not adversely impact on highway safety. No issues are raised in relation to crime prevention. The proposal is considered acceptable in light of the following Policies of the Borough of Darlington Local Plan 1997 and National Planning Guidance:

E2 (Development Limits)

E12 (Trees and Development)

H11 (Design and Layout of New Housing Development)

E7 (Landscape Conservation)

E29 (The Setting of New Development)

T24 (Parking and Servicing Requirement for New Development)

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2010)

Planning Policy Statement 5: Planning for the Historic Environment (2010)

Planning Policy Statement 25: Development and Flood Risk (2006)

### **INFORMATIVES**

The applicant is advised that contact must be made with the Assistant Director : Highways and Engineering (contact Ms. P.Goodwill 01325 388760) to discuss naming and numbering of the development.