

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 September 2010

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APPLICATION REF. NO:	10/00356/FUL
STATUTORY DECISION DATE:	22 July 2010
WARD/PARISH:	PARK WEST
LOCATION:	94 Blackwell Lane, Darlington DL3 8QG
DESCRIPTION:	Erection of two storey extension to side, two storey extension to rear, two single storey extensions to rear and first floor bay window to front (amended description 8 June 2010) (amended plans received 14 July 2010) (additional plans received 26th July 2010)
APPLICANT:	Mr And Mrs M Mitchell

APPLICATION AND SITE DESCRIPTION

This application was deferred from the meeting of 25 August 2010 for a site visit. The officer recommendation is repeated below for members' consideration. The report has been amended from that presented previously. This is to include reference to additional objection letters (that were received after the previous report was finalised), to refer to an assessment regarding the impact of the development on light and to include an additional Condition (Condition No. 4) regarding the restriction of permitted development rights.

Planning permission is sought for the erection of a two storey extension to the side, a two storey extension to the rear, two single storey extensions to rear and a first floor bay window to front.

The proposed two storey rear extension would run across the full width of the house (some 11.4m) and would project of 2.3m from the main rear building line of the house. The two storey extension would be 5.7m in height to eaves level and a further 2m to ridge level. The two storey rear extension would feature two hipped roofs with a lean-to roof in between

A single storey rear extension is proposed towards the middle of the house. This extension would be 4.8m by 3.9m (sited to the rear of the proposed two storey rear extension). The single storey rear extension would be 2.4m in height to eaves level and a further 2.4m to the top of the lean-to roof.

The proposed two storey side extension would be 4.55m in width and 6.6m in length. The extension is proposed as being set back from the main front building line of the house by 1.6m. The two storey side extension would be 5.6m in height to eaves level and a further 2m to ridge level.

To the rear of the two storey side extension, a single storey rear extension is proposed. This extension (which would also join the proposed two storey rear extension) would be 4.7m in width and 6.2m in length. This single storey rear extension would be 2.5m to eaves level and a further 1.2m to ridge level.

A bay window is proposed at first floor level over an existing bay window. The proposed bay window would be 3.1m in width and would project some 0.9m from the front building line.

Amended plans were received on 14 July 2010. The amended plans reduced the width of the two storey side extension and single storey rear extension (to the rear of the proposed side extension) by 0.5m to give a greater separation from the side boundary. The width of the rear extension was also increased and a lobby feature omitted. The amendments to the proposal also included siting a door on the rear elevation rather than on the side as originally proposed.

Additional plans were received on 26th July 2010 as plans had not previously been submitted that showed the side elevation of the proposed single storey rear extension (the extension to the rear of the proposed two storey side extension).

PLANNING HISTORY

There is no planning history associated with this site.

PLANNING POLICY BACKGROUND

The following policy of the Borough of Darlington Local Plan is relevant: -

H12 – Alterations and Extensions to Existing Dwellings

The Council's Planning Guidance Note 7 (Alterations and Extensions to Dwellings) is also relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposal by way of letter. The initial description given to the proposal was inaccurate and occupiers of neighbouring properties were re-consulted.

An objection / representation was received from the occupiers of **57 Woodcrest Road**. The points raised are set out below:

- *The existing building has two very powerful intrusive spotlights which actually beams directly into the upper windows of my property. If the planning proceeds at 94, the extension would be somewhat nearer to the rear of my house. I'd like to request if these spotlights are to be replicated on the new extension, that they are deflected or shaded, and are not in direct line with my upper storey windows.*

An objection was received from the occupiers of **55 Woodcrest Road**. The points raised are set out below:

- *It appears to be quite an extensive development. Two storey extension, to both the rear and side, also two single storey extensions to the rear. As I have an existing issue with external lighting illuminating my property to the upper level, which is intrusive evening and night, as the property is extending to the rear and therefore becoming nearer to my property, I am concerned that this illumination and glare will become worse. I would therefore like to request that any lighting is directed to ground level at the rear of 94 Blackwell Lane, and positioned so not directed at my property. As this is an extensive development, I would like confirmation that this is to be for private use and not business use. It was for business use I would be concerned as regard to possible additional usage, noise and light.*

An objection was received from the occupiers of **96 Blackwell Lane**. The points raised are set out below:

- *We would like to register our comments regarding the above planning application. Whilst we recognise and understand our neighbour's desire to extend his property; having viewed the plans, we feel we must point out the potential impact that this will have on our property in terms of outlook, light and privacy.*
- *Our own property at No. 96 Blackwell Lane is immediately adjacent and downhill to the property at No. 94.*
- *The plans to alter the upstairs bedroom window on the immediate left of our property form a flat fronted type to a bay window means that our property will now be overlooked at the front when this is not the case at the present time.*
- *The planned extension immediately on our boundary includes the addition of a side entrance door, the use of which will mean additional noise and visual intrusion into our garden / patio area as again we are downhill and therefore immediately overlooked at this boundary.*
- *The height and width of this side extension also means that light to the left side of our garden will be reduced as this property will then be over half the length of the boundary fence. In addition we assume that the extension plans will require the removal of various mature shrubs and trees which currently provide privacy for both properties at this boundary. Our outlook at that boundary will then in effect be mostly brick wall.*

An objection was received from Prism Planning on behalf of the occupier of **92 Blackwell Lane**. The points raised are set out below:

- *The proposed development comprises a series of single and two storey extensions to the property at the side and rear of the property. Two storey extensions are proposed to the side and rear of the property directly affecting our client's amenity.*
- *It remains the case that applications for planning permission have to be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purpose of this application the Development Plan simply comprises the Borough of Darlington Local Plan... all LPAs having been advised by the new administration to have no regard to the Regional Spatial Strategy for the North East.*
- *Policy E1 of the plan is a keynote policy which requires new development amongst a range of matters, to safeguard the quality of life of existing residents. The proposed development, by reason of its height, overall bulk and massing adversely affects the privacy of my clients and would lead to a significant loss of light to their bedroom. As such the proposal would fail to safeguard the quality of life of my clients, contrary to the provisions and objections of Policy E1.*

- *Policy E29 is concerned with the appearance of new development, including the need to protect gardens and open spaces. In this part of Blackwell Lane, the area has a distinctive townscape character and quality derived from the relationship between the house and gardens. The proposals, involving substantial extensions across virtually the full width of the plot would result in the loss of important open space between properties leading to the appearance of a cramped and awkward development, out of keeping with the character of the area and clearly contrary to the objectives of E29. It is considered that the extension needs to be considerably reduced in scale to comply with this policy.*
- *Policy H12 of the Local Plan specifically addresses the provision of extensions to residential properties. The policy requires new proposals to be acceptable in terms of their impact upon the street scene, not to lead to excessive loss of light to neighbouring properties as well as to respect the privacy to neighbouring properties and not to have any overbearing effects. The proposals involve a very substantial two storey extension across the full width of the site extending towards my client's property. This side extension is 5m in width. The facing elevation of my client's property has a primary bedroom window facing onto this extension. As currently proposed the extension will lead to both an unacceptable loss of light and have an overbearing effect on this bedroom. The two windows in the 1st floor bedroom will have uninterrupted views over all the private rear amenity area of my client. This is clearly contrary to the core objectives of Policy H12.*
- *My client feels that this element of the proposal should ideally be removed from the application. If not, it should be significantly reduced in scale and the number of windows should be reduced and those remaining should be obscure glazed and non-opening. Conditions should also be imposed preventing the insertion of other windows at any later stage through the removal of 'permitted development' rights.*
- *The single storey extension providing a games room, taken together with the garage /bedroom extends almost 13 metres along the full length of the property. It is considered that this will have an unacceptable impact upon my client's amenity. The games room in particular will be heavily glazed and is likely to lead to noise pollution in what should be a quiet rear garden area. It is appreciated that conditions could be imposed preventing windows from being open, able to minimise nuisance. However it is doubtful whether such a condition could be properly enforced by the LPA.*
- *It is therefore considered that taken as a whole the proposal conflicts with the three key policies cited ...and that accordingly the proposals should be rejected as not being in accordance with the Development Plan. We are not aware of any other material considerations that would warrant setting the provisions of the plan to one side.*

An objection was received from another occupier of **92 Blackwell Lane**. The points raised are set out below:

- *I am replying to strongly object to this application. Having looked at the plans, the end elevation diagram indicates walls will be built onto our near boundary of my property. The height proposed of the double garage two storey extensions will severely affect the amount of light, areas of my home and gardens will receive. This will not only affect the garden itself but will have a detrimental impact upon my family's enjoyment of the garden as we have seating in the most severely affected area. The light and wind (ventilation) that normally keep this areas flooding problem to a minimum, are going to be blocked totally by the building of the two storey garage, increasing the probability of flooding. That will be compounded even further by the building of extended boundary*

walls, allowing no natural drainage. The light to most of the rear garden in the winter will be blocked and reduced for long periods in the summer.

- The two storey garage extension will block/limit the light available into my bedroom's principal window.
- *The two windows on the rear of bedroom one (even without using the 45 degrees rule) will have an overbearing impact upon us. Directly overlooking my home and garden, which will take away any privacy we presently have, which is the reason we bought our home in the first place.*
- *I object to the games room being built past the rear of the principal dwelling, and also onto or near my boundary fence. Reasons, privacy, natural drainage, height of the roof/room, maintaining my fence and the volume of noise expected to emanate from a GAMES room that has a large amount of opening . sliding windows. A length of over 6 metres past the house seems excessive.*
- *The proposed development by reason of size, depth, width, height and massing would have an unacceptable adverse impact on the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visually overbearing impact.*
- *The proposed extension would be out of keeping with the design and character of Blackwell Lane.*
- *If this application goes through it is easy to see further applications for similar developments in the immediate vicinity, which would further change the character of the conservation area.*
- *In order to convert a large existing bedroom into a study and build a new bedroom over the garage to replace the one they already have. This project will cause major disruption, significant changes of character to the area, privacy, and an overbearing impact upon our home, light and drainage issues. An extra bedroom is clearly not a priority in this application.*

An objection was received from the occupier of **90 Blackwell Lane**. The points raised are set out below:

- *I have now examined the documents at your Customer Service Centre and am concerned about the effect this disproportionately large extension will have on the character of the local area and so am writing to register my objection to this proposal.*
- *As you know, Blackwell Lane is noted for the varied mix of high quality detached and semidetached houses fronting onto mature conservation area trees, with the spaces between these dwellings contributing significantly to its open character. This is particularly so of the central garages come up to the respective site boundaries and allow open views above them and between the properties.*
- *Over the past few years a number of semidetached houses in the area have been granted planning permission to demolish their garages and have two storey extensions built in their place bringing the dwelling up to the full width of its site frontage. If adjoining properties were to be allowed similar extensions, the character and openness of Blackwell Lane would be replaced by a virtually closed row of terraced houses.*
- *In view of the national planning guidelines with respect to the adverse effects an overlarge extensions of this nature will have on the character of the original house, the neighbouring properties and the area as a whole, I trust you will find sufficient grounds for rejecting this application.*

An objection / representation was received from the occupiers of **53 Woodcrest Road**. The points raised are set out below:

- *No problems with the design. My only request is that any external lights show consideration to the neighbours to the rear. the previous owners had lights that shone into the rooms at night.*
- *With a separate playroom of such a size can you confirm if it is a private dwelling and not a potential nursery.*

Following the amendments to the application, occupiers of neighbouring properties were re-consulted.

An additional objection letter was received from Prism Planning on behalf of the occupier of **92 Blackwell Lane**. The points raised are summarised below:

- *Our client feels that these alterations do nothing to address the fundamental concerns expressed in our previous letter and that the proposals remain a substantial infringement on the privacy and amenity of our clients. Furthermore, the proposals remain contrary to the Development Plan and we can still see no justification for departing from the Development Plan. Accordingly, I trust that the Planning Authority will continue to reject these proposals until such times as substantial amendments are made to the layout, height and massing of the development.*

An additional objection letter was received from the occupier of **90 Blackwell Lane**. The additional points raised are summarised below:

- *I note that only minor changes are proposed, non of which will do much to reduce the adverse effect this disproportionately large extension will have on the character of the local area.*
- *I had previously described how Blackwell Lane is noted for the varied mix of high quality detached and semi-detached houses fronting onto mature conservation area trees, with the spaces between these dwellings contributing significantly to its open character. This is particularly so of the central section of Blackwell Lane between Hartford Road and Glenfield Road where only single storey garages come up to the respective site boundaries and allow open views above them and between the properties. The modifications now reduce the width of the two storey extension by only a token 50 centimetres relying almost entirely on the garden of 92 to provide the distance between dwellings appropriate to this part of Blackwell Lane.*

An additional letter was received from the occupiers of **96 Blackwell Lane** and the points raised are set out below:

- *We note the change which now places the side entrance door to the rear of the property; this is a welcome alteration which addresses one of our key concerns regarding the previous iteration of the plan.*
- *Whilst we note that the changes to the upstairs front right window remain in place, we are willing to accept this alteration in light of the amendment to the side entrance position.*

- *Our other previously documented concerns regarding the overall outlook at the boundary and the potential removal of the shrubs and trees which currently provide privacy has been allayed somewhat following recent discussions with the applicants.*

A further objection letter was received from the additional occupier of **92 Blackwell Lane**. The additional points raised are summarised below:

- *I note that there have been some minor alterations to window positions, revised doorway openings and an increase in massing of the development (games room has increased substantially in size).*
- *The games room has two walls of folding doors in addition to the ones covering most of the ground floor playroom and garden room. I am very concerned about noise levels especially in the summer. Is it possible to limit the number folding doors on games and play rooms?*
- *No. 94 has removed shrubbery (planning application states no removal of shrubbery).*
- *The small garden between the properties will now die due to lack of light rendering it dead land.*
- *My neighbour should be limited to single storey extensions, which will have no impact on the special character and street scene of the area.*
- *I feel these alterations do nothing to address the fundamental concerns expressed in my previous letter and that the proposals remain a substantial infringement on the privacy, amenity of my family and impact on the street scene. Furthermore, the proposals remain contrary to the development plan and I can still see no justification for departing from the Development Plan. Accordingly, I trust that the Planning Authority will continue to reject these proposals until such time as substantial amendments are made to the layout, height and massing of the development.*

Following the submission of additional plans, occupiers of neighbouring properties were again sent consultation letters.

Another additional objection letter was received from both the occupiers of **92 Blackwell Lane** and the points raised are set out below:

- *The building of the double extension so close to us will obstruct the path of direct sunlight to a once sunny garden. But blocking out sunlight to our home is also undesirable as it reduces significantly the passive solar heating available, thus putting up energy costs and increasing our carbon footprint. The width, height and close proximity of the building will cause overshadowing. It will effect the length of time during which overshadowing will occur. Overshadowing is more likely in late afternoon and early evenings as well as in winter-times when the sun is low in the sky when our heating requirements are at there highest.*

There have been various correspondences with the occupiers of **92 Blackwell Lane**. The issues raised (which re-emphasise points already raised by the objectors) are set out below:

- *The building of the games room, playroom and a double extension to the rear all contain large folding doors allowing excessive noise pollution. Is it possible for some of these folding doors to be removed from the planning application as Policy E49 (Noise Sensitive Development) states?*

- *Regarding Policy E25 (Energy Conservation). An old house as this relies heavily on solar passive heating as the construction methods used in the 1930s are different from today's practices. The modern house with cavity wall insulation and double glazing is designed to keep heat in, unlike an old house that does not retain these measures. The passive solar heating is extremely important to such dwellings as heat retention is difficult and sun is an important factor from Autumn to Spring and do not understand the Planning Officer's reply saying it is difficult to quantify. A 100% blockage of evening sun will put up my heating costs considerably as the sun is my primary source of heating to half of the home facing south west. A 30—50% increase in heating costs and 10% lighting increase. The modern home relies on heat retention and passive solar is not a factor. Unfortunately an old detached house is heavily dependant on passive solar heating.*

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

PLANNING ISSUES

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

- Planning Policy
- Visual Amenity
- Residential Amenity

Planning Policy

Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan includes provision that extensions and alterations to dwellings will be permitted providing that they are in keeping with the design of the property, street scene and surrounding area. Policy H12 also seeks to ensure that adequate daylight and privacy to neighbouring properties is maintained.

Visual Amenity

The proposed side extension would feature a set back from the main front building line of the house and a dropped ridge. The fenestration arrangements and general detailing would be in keeping with the host property. The proposed rear extensions would not be harmful to the character of the property (which would remain as a large detached house). Due to the setting to the rear, the proposed rear extensions would not be highly visible features in the area although they would be visible from neighbouring properties.

The proposed bay window to the front would appear as a subordinate and in keeping feature and would not be harmful to the visual amenity of the property.

Residential Amenity

The side elevation of the neighbouring property to the west (Number 96) is set some 10m from the side boundary line with the application property. There is also a detached garage as an intervening feature between the properties. Due to the separation distances and the size of the proposed extensions, the proposal would not result in any significant detrimental impacts to this property in terms of light or outlook.

The side elevation of the neighbouring property to the east (Number 92) is set some 5m from the side boundary with the application property. This property has a bedroom window located at first floor level on its side elevation. There are no other windows on the side elevation (facing the application site) on Number 92.

The rear building line of Number 92 is set further behind that of the application property (by approximately 2m). The first floor bedroom window on Number 92 is located towards the rear of its side elevation. Number 92 is also set on higher land as compared to the application property. The proposed side extension would be set some 5.5m from the side elevation of Number 92.

The proposed two storey side extension would not project beyond the rearmost building line of the application property although the single storey extension would and a two storey extension is proposed on the rear elevation. The proposed two storey side extension would not be sited directly in front of the bedroom window at Number 92 due to the staggered building lines although it would be clearly visible from this window.

The proposed two storey rear extension would be located in front of the bedroom window at Number 92 but at a distance of some 10m. This extension would project some 2.3m from the rear building line of the application property which is on lower ground compared to the neighbouring property to the east (Number 92).

There is an additional window on the rear elevation of Number 92 which serves the same bedroom as the side window. This additional window is, however, of a secondary nature and the side window is the main window serving this room.

In considering the separation distances from the neighbouring property to the east and taking the changes in site level into consideration, although the proposed two storey side extension (and the other extensions) would be visible from the bedroom window at Number 92, the proposal would not result in such a significant detrimental impact in terms of light and outlook as to necessitate the refusal of the application on these grounds.

Since the committee meeting on 25 August 2010, further analysis has been carried out using computer modelling software to assess the impact of the proposed two storey side extension on light received to the side bedroom window at Number 92. This exercise has concluded that the proposal will not have a significant detrimental impact regarding loss of light to the neighbouring bedroom window.

There would be a bedroom window located on the rear elevation of the proposed two storey side extension. This would not directly face the neighbouring garden of Number 92 but views into this garden from the window would be possible. Due to the position and the angle to the first floor bedroom window on the side elevation of Number 92, the bedroom window on the proposed extension would not result in any issues of direct overlooking.

Due to the size and siting of the proposed extensions and the separations distances with neighbouring properties, the proposal would not result in any significant issues with regard to overlooking. The property has a lengthy back garden and the proposal would not result in any significant detrimental impacts to the residential amenity of other neighbouring properties to the rear of the site.

There is no change of use associated with the application and Policies in the Borough of Darlington Local plan regarding noise sensitive development (Policy E4 - Noise Sensitive Development) are not directly relevant to the application. The proposal does not raise any specific issues with regard to noise generation that would be different from any other residential property.

The impact of the proposal on the passive solar gain (through the side wall) of the neighbouring property to the east (Number 92) is difficult to assess, not least as solar heat is also converted back from the earth throughout the day. Policy E25 (Energy Conservation) of the Borough of Darlington Local Plan relates to the design and orientation of new dwellings and seeks to encourage developers to consider how they can design new housing developments so that, where possible, they utilise opportunities for passive solar gain and minimise wind-chill heat loss. Policy E25 would not normally be considered relevant to applications for extensions to existing residential properties. It is not considered that these issues of passive solar heating would be sufficient to justify the refusal of the planning application.

In the objection letters from the occupiers of properties on Woodcrest Road it is stated that there are problems with security lights shining into neighbouring properties. Domestic security lights fitted to the existing property or to the proposed extensions do not require planning permission and are therefore outside the scope of what can be controlled through planning. The applicants have, however, been advised of the points made by their neighbours in this regard.

An objector has queried whether the property would be used for business purposes. The application is for a householder development, no business use is proposed and an application for a change of use would be required for any such change.

An objector has made comments regarding the removal of small trees and shrubs. The application does not specify any changes proposed to the landscaping of the property. The property is not in a conservation area and there are no TPOs on the site. Planning permission is not required for the removal (or planting) of shrubberies.

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 proposal would be in keeping with the external appearance of the property and will not harm the visual amenity of the area. due to the size and siting of the proposed extensions, the proposal would not result in any significant detrimental impacts to residential amenity. The proposal is consistent with policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION:

1. A3 Implementation Limit (3 years)
2. B4 (Samples)
3. B5 Detailed Drawings (Accordance with Plan)
4. No additional flank windows or other glazed openings shall be formed in the side walls of the extensions hereby approved without the prior written consent of the Local Planning Authority.

REASON – To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

Suggested summary of reasons for granting planning permission

It is considered that the proposed extension by reason of its size, position and 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. The extension has no significant impact in terms of loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. 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. The proposal is considered acceptable in the light of policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 and the Council's adopted supplementary planning guidance.