

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 15 December 2010**

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<b>APPLICATION REF. NO:</b>	<b>10/00630/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>11 November 2010</b>
<b>WARD/PARISH:</b>	<b>NEASHAM</b>
<b>LOCATION:</b>	<b>The Barn Hilltop House, Neasham</b>
<b>DESCRIPTION:</b>	<b>Erection of a dormer bungalow</b>
<b>APPLICANT:</b>	<b>Miss J Hamilton</b>

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**APPLICATION AND SITE DESCRIPTION**

The site is situated on the eastern fringe of Neasham Village and is within the development limits of the settlement. It comprises part of the garden area to one of the dwellings within the compact group of residential properties here. A Grade II listed building 'Neasham Hill' is situated to the west of the site.

The site is relatively flat but is elevated approximately 1m above the neighbouring dwellings to the east.

This is a full planning application for the erection of a dormer bungalow measuring some 14.7m in length, 7.8m in width and 6.2m in height at ridge level.

The proposed dwelling would utilise the existing driveway to Hilltop House to gain access to the public highway.

A similar planning application was refused in June 2010 (Application Ref: 10/261) for the reasons of unacceptable impact on adjacent dwellings and poor living environment for the occupants of the proposed dwelling.

**PLANNING HISTORY**

Apart from the planning history mentioned above the only other relevant entries on the planning register are as follows: -

82/39 – In March 1982 Planning Permission was granted for the erection of a dwelling house on the current application site.

09/102- Planning permission was granted in April 2009 to erect a two storey extension to the side of dwelling (The Barn) adjacent to the south western corner of the site.

## **PLANNING POLICY BACKGROUND**

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

- E2 - Development Limits
- E29- The Setting of New Development
- H3- Locations for New Housing Development
- H11- Design and Layout of New Development
- H13- Backland Development
- T13- New Developments – Standards
- T24 - Parking and Servicing Requirements for New Development

The Council's Design of New Development SPD is also applicable.

Planning Policy Statement (PPS) 5- Planning for the Historic Environment is also relevant.

## **RESULTS OF CONSULTATION AND PUBLICITY**

A total of 11 forms of communication have been received from neighbouring residents. Of that total 7 are from one household and 2 from another. The following issues have been raised: -

- It would have a detrimental impact on the residential amenities of neighbouring properties by reason of its scale and siting.
- Loss of view.
- Overlooking and loss of privacy.
- The proposed new dwelling together with the loss of substantial garden area to the existing dwelling would be detrimental to the character and appearance of the area.
- It would fail to meet the approved privacy distances between the new dwelling and East House.
- The existing infrastructure through the adjacent properties is over capacity.
- The site lies within the curtilage of a listed building and therefore listed building consent is required.
- It would detract from the setting of the adjacent listed building.
- When I originally got planning permission for the 'barn' conversion I was asked to relinquish the planning consent for a bungalow on the front lawn as it would cause overdevelopment of the site.
- The existing driveway that would serve the dwelling is narrow and there are no places for a passing place before the drive joins the brow of a hill. The highways authority should be fully informed of this situation as there have already been accidents at this location.
- I will not consent to the use of my drive and therefore do not see how access can be achieved.
- It appears the submitted plans do not take account of the two storey extension to the barn that was granted under application 09/00102/FUL. If this is the case they are erroneous and have not allowed an accurate calculation of separation and privacy distances or spatial relationships of the neighbouring dwellings.

- The application has not been properly validated by the Council in that no statutory proof of ownership was submitted with the application. The applicant was then allowed to submit an amended application form stating that they had verbally informed the owner. The land is in co- ownership and both parties have not given their permission or been properly informed.

**Northern Gas Networks** has no objection to the proposal.

**The Council's Highways Engineer** has made the following comments: -

*“The visibility at the junction of the access road to the site with Neasham Hill is very poor. However, this is an existing access within the 30mph limit and it is unlikely that the traffic associated with the development will be high. Many of the properties on the south side of Neasham Hill have similar limited visibility, it would therefore be difficult to substantiate a recommendation for refusal based on a limited increase in use of an existing sub-standard junction. I would therefore raise no highway objection to the proposal.”*

**The Council's Public Protection Division** has requested the imposition of the standard contamination condition to any approval.

## **PLANNING ISSUES**

The main issues to be considered are: -

- Planning Policy
- Effects on the Character and Appearance of the area
- Residential Amenity; and
- Highway Implications
- Other Matters

### **Planning Policy**

The application site lies within the development limits for the urban area and therefore it would comply with Policies E2 (Development Limits) and H3 (Locations for New Housing Development) of the Borough of Darlington Local Plan.

The development is considered to be acceptable in principle, subject to detailed matters of development control, which are considered in the remaining sections of this report.

### **Effects on the Character and Appearance of the area.**

The overall design of the proposed dwelling is considered acceptable and is unlikely to harm the character or appearance of the area, similarly there is unlikely to be any adverse impact on the setting of the Grade II listed ‘Neasham Hill’, the dwelling further to the west. In respect of the issue of whether the site is in the curtilage of Neasham Hill House and requiring listed building consent the Council's Conservation Officer has made the following comments: -

*“Having looked at historic maps and the Listing for Grade II Listed Neasham Hill House, The Barn is not likely to be related to Neasham Hill House: I can find no evidence of Neasham Hill House described as a farmhouse, historic maps show it has always had a separate access from The Barn, there are (what appear to be historic) boundary walls that separate Neasham Hill*

*House and the proposed new dwelling and The Barn's address is 'Hilltop House', rather than 'Neasham Hill House'.*

*Therefore I could not reasonably argue the proposed development would have an impact on the Listed Building, Neasham Hill House so have no objection to this proposal".*

### **Residential Amenity**

Policy H11 (Design and layout of New Housing Development) sets out a number of criteria against which new housing development must be assessed, which relate to the need to provide an attractive and safe environment, adequate privacy standards in rooms and gardens, the relationship of the proposed dwellings with existing dwellings, car parking standards and safe pedestrian access.

The present scheme is similar to the previous refusal in many respects. However modifications have been made to the scheme to address the reason for refusal. The changes include a reconfiguration of the internal layout and alterations to the fenestration. It is considered that the revised scheme accords with the proximity distances set out in the adopted Design SPD in respect of adjoining and neighbouring dwellings. The majority of windows providing light to principal rooms in the proposed dwelling face north and east, overlooking open countryside. A number of principal windows are proposed in the west facing elevation. However a privacy of approximately 25m would be provided between these and facing principal windows in the dwelling to the East known as 'East House'. A distance of some 18m is provided between windows serving the non habitable rooms in the south facing elevation of the proposed dwelling and the principal windows in the facing dwelling 'Hilltop House', which exceeds the minimum distance of 12.5m set out under the Design SPD.

Overall, it is considered that the proposed development is acceptable in respect of its impact on the residential amenities currently enjoyed by existing residents, and those to be provided for the future occupiers of the proposed scheme.

### **Highway Implications**

No objections are raised.

### **Other Matters**

#### Ownership Certificates

As originally submitted the applicant claimed to own the application site. However during the consideration of the application it was claimed by one of the objectors that this was not the case. Clarification was sought with the applicant's agent regarding this matter and officers were advised that the applicant was in the process of awaiting legal documentation transferring the land into her ownership, but it has been established that at the time of submission of the application the land was not in her control. An amended certificate has subsequently been submitted. The amended certificate indicates that notice of the intention to lodge an application for the development was served in January 2010. It is not a requirement to provide any statutory proof of ownership with an application as suggested by the objector. Similarly it is not for the Local Planning Authority to establish whether ownership certificates have been served on all those parties who may have an interest of the land.

*Two storey side extension (App Re: 09/102) To The Barn*

One of the objectors has stated that if this extension is erected then it would provide an unsatisfactory spatial relationship between the existing and proposed dwellings. Planning permission to extend the dwelling immediately to the east of the application site was granted in April 2009 (This property is in the applicant's ownership). The current application provides parking provision for 'The Barn' where the approved extension would be erected. If this application is approved it would be made conditional that this parking area is constructed and permanently retained. Therefore the approved extension could not be constructed.

**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 application site lies within the development limits identified in the development plan.

The scale, design and appearance of the development is considered acceptable and will not harm the character or appearance of the area or the setting of the nearby Grade II listed building. The development has no significant effects in terms of overbearing impact, loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. Consequently it is considered that there are no material reasons to withhold a grant of planning permission.

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2) B4 Details of Materials (Samples)
- 3) B5 Detailed Drawings (Accordance with Plan)
- 4) J2 Contamination
- 5) The car parking areas shown on drawing No.JH/NH-02 dated July 2010 shall constructed prior to the occupation of the dwelling house and thereafter shall be retained permanently available for parking purposes and for no other purpose without the prior written permission of the Local Planning Authority.

REASON – In order that adequate on-site parking is available in accordance with the Borough Council's Standards.

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

The application site lies within the development limits identified in the development plan.

The scale, design and appearance of the development is considered acceptable and will not harm the character or appearance of the area or the setting of the nearby Grade II listed building. The development has no significant effects in terms of overbearing impact, loss of daylight or sunlight to adjoining dwellings and maintains adequate levels of privacy. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. Therefore the proposed development is considered to comply with the policies in the development plan and Government planning policy set out below: -

**Borough of Darlington Local Plan 1997**

E2 - Development Limits

E29- The Setting of New Development

H3- Locations for New Housing Development

H11- Design and Layout of New Development

H13- Backland Development

T13- New Developments – Standards

T24 - Parking and Servicing Requirements for New Development

**National Planning Policy**

PPS5 – Planning for the Historic Environment