

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 June 2011

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APPLICATION REF. NO:	11/00175/FUL
STATUTORY DECISION DATE:	13 May 2011
WARD/PARISH:	PARK WEST
LOCATION:	59 Elton Parade
DESCRIPTION:	Conversion of existing care home to form single dwelling house, erection of 2 No detached dwellings and 2 No detached double garages
APPLICANT:	Prism Planning

APPLICATION AND SITE DESCRIPTION

The application site measures approximately 0.2 hectares and it lies on the western side of Elton Parade. The site includes the existing property, known as Newlands, a garage and a potting shed. Although currently vacant, the site has an existing lawful use as a Care Home and planning permission (ref no 08/01002/FUL) was recently granted on appeal for a single and two storey extension to the existing building to create an 8 bed residential care home with storage to the existing roof space. This planning permission is extant and the applicant has confirmed that a provisional land sale has been agreed with an operator of a nursing home. If planning permission is granted for this proposal, it is unlikely that work would continue on the implementation of 2008 approval.

This proposal is for the erection of two detached properties, associated infrastructure and the erection of two new garages to serve Newlands and Plot 2, along with the refurbishment of the existing garage for Plot 1. The proposal also involves the change of use of Newlands to a single dwelling. Access to the development will be taken off Elton Parade using the existing point of entry to the site.

This is the third submission for this form of development on the site and planning permission for the two previous applications was refused under delegated powers (See Planning History).

The site lies within the West End Conservation Area and it contains trees which are covered by a tree preservation order dated 1983. The surrounding area is predominately residential, although there is a Nursery, a local newsagent and Infants School in the locality

A Statement of Community Involvement event was held on the application site and was attended by approximately 90 residents. The feedback from the event showed that just over 90% of those

who responded were in favour of the proposed development, particularly when weighed against the alternative of the nursing home extension.

PLANNING HISTORY

92/00538/DM In December 1992 planning permission was GRANTED for the use of dwelling house as a family group home for six people with learning difficulties

94/00298/CU In July 1994 planning permission GRANTED for a change of use from residential home used for up to six persons to a residential home for a maximum of eight persons

94/00774/DM In February 1994 planning permission REFUSED for erection of a detached five bedroom bungalow.

04/00026/FUL In February 2004 planning permission REFUSED for the erection of a detached bungalow to provide residential care facility

08/01002/FUL In February 2009 planning permission REFUSED for internal alterations and proposed erection of single and two storey extensions to existing building to create an 8 bed residential care home with storage to the existing roof space. Erection of detached bin store and 1.8m high timber fence enclosure to rear garden with new hard standing to frontage for 8 No. off street car parking spaces. An appeal was ALLOWED in June 2009

09/00740/TF In December 2009 consent was GRANTED for Works to trees protected under Tree Preservation Order (No.6) 1983 - Beech (T2) remove deadwood overhanging road. Lime (T3) sever Ivy growth, remove deadwood, crown lift to 3 metres and crown thin 10%. Lime (T4) remove deadwood, crown lift to 3 metres and crown thin 10%. Silver Birch (T5) raise 2.4 metres above path and remove deadwood. Horse Chestnut (T6) crown thin 10%. Beech (T7) crown clean removing stubs and small structural defects. Beech (T8) crown clean removing stubs and small structural defects, crown raise to 3 metres above driveway.

09/00875/TFC In March 2009 no objections were raised to carry out tree works in a conservation area - removal or felling to ground level 22 No. various trees, removal of hedge and pruning 2 No. trees included in arborist report

10/00247/FUL In July 2010 planning permission was REFUSED for the conversion of existing care home to form single dwelling house, erection of 2 No detached dwellings and 3 No detached double garages

10/00494/FUL In September 2010 planning permission was GRANTED for the removal of exiting timber fence to west boundary and erection of 2.2 metre high replacement fence. Demolition of existing part boundary wall/hedge to the east site boundary and erection of replacement wall, railings and access gates (revised application)

10/00600/FUL In October 2010 planning permission was REFUSED for the conversion of existing care home to form single dwelling house and erection of 2 No. detached dwellings and 3 No. detached double garages (Revised application)

PLANNING POLICY BACKGROUND

National Planning Policy

Planning Policy Statement 1 – Delivering Sustainable Development
Supplement to Planning Statement 1 – Planning and Climate Change
Planning Policy Statement 3 – Housing
Planning Policy Statement 5 – Planning for the Historic Environment
Planning Policy Statement 25 – Development and Flood Risk

Borough of Darlington Local Plan 1997

E2 – Development Limits
E11 – Conservation of Trees, Woodlands and Hedgerows
E12 – Trees and Development
E14 – Landscaping of Development
E25 – Energy Conservation
E29 – The Setting of New Development
E46 – Safety and Security
H3 – Locations for New Housing Development
H11 – Design and Layout of New Housing Development
H13 – Backland Development
T12 – New Development – Road Capacity
T13 – New Development – Standards
T24 – Parking and Servicing Requirements for New Development
T31 – New Development and Public Transport
T39 – Conditions for Pedestrians

The following policies of the recently adopted Core Strategy have also been considered

CS1 (Locational Strategy)
CS2 (Sustainable Design)
CS10 (New Housing Development)
CS 14 (Promoting Local Character and Distinctiveness)

Other Documents

Supplementary Planning Document – Design for New Development
West End Conservation Area Character Appraisal

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received and the concerns can be summarised as follows:

- *The house should remain in its original capacity and restored to its Victorian splendour with a Victorian garden*
- *The addition of two new houses and garages will be changing the character of the street*
- *There will be less green space than there currently is.*
- *It will have an adverse impact upon the conservation area*

- *Trees have already and been removed which is unfavourable and negative to the environment*
- *It will lead to further congestion. The existing day nursery opposite the site has a large influx of cars and people already and the new properties will contribute to this further*
- *The properties will add extra pressure to the local infrastructure such as the roads, pavements and drainage*
- *Design, impact, aesthetics and architecture and the impact it will have on the character of the existing conservation area*
- *The development will have an impact on trees and damage to tree roots*
- *The development appears not to comply with adopted proximity distances*
- *It will impact upon light and privacy on dwellings in Sylvan Grove*
- *The new dwellings would be very close to the boundary of the dwellings on Sylvan Grove and block out light*
- *The Council should use its powers to prevent this “garden grabbing”*
- *The proposed architecture and modern building materials would again be out of keeping with the conservation area.*
- *The West End of Darlington should be preserved in keeping with the existing character and conservation area.*
- *The dwellings are imposing and over bearing and a risk to vegetation, wildlife and amenities*
- *Our fear is that if a flood did occur by altering the natural drainage/imposing a strain on the amenities we would incur cost on damage and future home insurance policies etc*
- *Eton Parade is quite rightly part of the Conservation Area because of the age and unique style of the properties and the surrounding streets. They are important part of Darlington’s heritage in terms of their social history and architectural importance. The development will have a significant impact on the current residential setting*
- *There is no shortage of similar size properties for sale in this particular postcode and there are no legitimate reasons to create any new build. This area is already very well served by several small housing developments of large detached dwellings*
- *There have been previous applications for detached buildings refused planning permission on this site*
- *The only people to gain from this will be the current owners to the expense of the environment. They clearly purchased what they perceived to be a development opportunity. This cannot be allowed to happen*
- *We strongly object to the communications received from the applicants marketing agents advising residents that if the application is not successful then we will be subjected to the imminent build of a secure unit*
- *We are interested to note that one of our neighbours has captured on film bats flying in the vicinity of the house and outbuildings. We would hope that this is fully investigated*

Thirty four letters of support have been received. The contents of the letters can be summarised as follows:

- *I would be in favour of two new houses*
- *I am for the alternative scheme*
- *After looking round the property I cant see any problems with the plans*
- *I am in favour of the building of two houses and not in favour of a secure unit, which would not be good for the area*
- *Until recently the building has been in a dilapidated condition and has depreciated the value of other properties in the street. In this previous condition the property has been a*

target for vandals and has attracted unsociable characters who have trespassed and been up to no good

- *Based on the drawings the proposal make good use of the land, as the buildings are aesthetically pleasing to the eye. The development will have less of an impact than the extension and use as a nursing home*
- *The site would easily accommodate these two proposed houses. Another developer would squeeze many more buildings on this site*
- *Having seen the standard of the main building I have no doubt that the two proposed houses would be done to an equally excellent standard*
- *How the Council could refuse this application when they have granted it in the next door garden is absurd. I can only imagine the Council's motive for this is because they want to have yet another secure accommodation within the West End of town*
- *They will look in keeping with the area*
- *Without a doubt this alternative scheme is very much the best option*
- *The buildings are well designed and in keeping with the style of the original property*
- *I believe it will make a positive enhancement for the area and is the best option for the site. A secure unit would only detract from the neighbourhood and decrease the potential for any other positive development within the area*
- *I support two additional houses and not the secure facility*
- *I would not want to see a secure unit on my doorstep while another unit is only a small distance away. I have no objections to two further houses*
- *This is a beacon project that deserves support from planners and locals alike*
- *Is there a hidden agenda to refuse permission for two houses on this very large plot and grant planning permission for one house in the garden of a nearby plot?*
- *The plan is well thought out*
- *With three supervised units already located in the area it is obvious to the local residents that two tastefully built detached properties would have little or no effect on the surrounding community and would be preferable to yet another unit*
- *As far as I can see the site on Linden Avenue, which has got planning permission for a house, would require an additional entrance and egress point, close to a school with all the problems that might entail and this application, which I understand has been opposed, all three buildings would utilise the existing entrance and egress this causing no problems*
- *There will be less traffic on an already busy street, especially at peak times for the nursery and school*
- *I feel the existing planning for an extension to the nursing home would be detrimental to the local residents and to the area as a whole*
- *There will be less traffic noise at the end of the road where nursery traffic causes a considerable amount of disruption to traffic flow and noise in the mornings and afternoons*
- *Very interested but the housing plan would be the very best for the area and I hope no alternative*
- *Why did the Council give permission to build house in garden of Linden Avenue and refuse permission for two houses on much larger plot*
- *The extended care facility planning permission exists. The dwelling proposal represents a way out of this situation*
- *Do not want a secure unit on this site*
- *The proposed development looks fantastic. I have been looking to move into the West End of Darlington for some time now, especially Elton Parade as I feel it is one of the nicer roads with lovely architecture in what appears to be a very quiet and safe end of town. I*

am very concerned about viewing a house in Elton Parade as moving from a rural area did into involve living in a road with a secure unit in it.

Consultee Response

CE Electric UK has raised no objections to the proposed development
Northern Gas Networks has raised no objections to the proposed development
Northumbrian Water has raised no objections to the proposed development

The Council's Highway Engineer has raised no objections to the proposed development
The Council's Senior Arboricultural Officer has no objections to the proposed development

PLANNING ISSUES

The main issues to be considered here is whether or not the proposed development is acceptable in the following terms

- Planning Policy
- Impact upon the Character and Appearance of the Surrounding Area
- Residential Amenity
- Highway Safety
- Trees

Planning Policy

Planning Policy Statement 3 – Housing reflects policies within Planning Policy Statement 1 - – Delivering Sustainable Development by confirming that good design should contribute positively to making places better for people. Design which is inappropriate within its context, or which fails to take the opportunities available to improving the character and quality of an area and the way it functions, should not be accepted. Development must integrate with, and complement, the neighbouring buildings and the local area.

Whilst the definition of previously developed land has been revised to exclude private residential dwellings but the application site is located 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.

Policy E29 (The Setting of New Development) of the Plan states that new development will be required to respect the intrinsic character of its townscape setting in terms of its siting, design, materials, landscaping and the protection of existing townscape features such as gardens and open spaces which contribute to the character of the setting.

Policy H11 (Design and Layout of New Housing Development) of the Plan is an overarching policy relating to proposals for housing development. However, as the proposal involves the erection of dwellings to the rear of an existing dwelling Policy H13 (Backland Development) of the Plan is also relevant. This policy states that planning permission will not be granted for residential backland development which unacceptably conflicts with the free and safe flow of traffic; the privacy and quiet enjoyment of neighbouring dwellings and gardens particularly those dwellings adjoining the access and the scale and character of the surrounding development.

The supporting text for Policy H13 continues to state that backland development is not acceptable where it involves the loss of significant trees or the loss of an open area which contributes to the amenity of the area.

Impact upon the Character and Appearance of the Surrounding Area

Elton Parade is within the West End Conservation Area and it has a variety of house types along its length ranging from terraces to semi detached dwellings and detached villas. Many of the houses have boundary walls and front gardens and face onto the road. "Newlands" is different to the majority of the other dwellings in the road because it occupies a larger site, has a large garden and its frontage does not face onto the road. Planning permission has recently been granted for the erection of a new close boarded fence on the west boundary and railings on the Elton Parade frontage and this work is currently underway.

The proposal involves the conversion of the existing building into a single dwelling and the erection of two further detached dwellings within the site along with associated infrastructure and two new garages. Two existing structures within the site would be retained and used as a garage and storage space. The new dwellings would be constructed from materials and Artstone detailing to be in keeping with the existing "Newlands" building. They would also incorporate design features such as hipped roofs, dormer windows and ground floor bay windows. All new windows would be timber sash windows and the doors would be timber. The new dwellings would be set back approximately 38.5 metres from the Elton Parade frontage and 20 metres from the west elevation of "Newlands". The new dwellings would measure 6.5 metres in height to the eaves and 9.4 metres to the ridge lines of the roofs.

The previous planning application (reference 10/00600/FUL was refused on the following grounds:

"The proposed development would result in a loss of private garden area, which contributes to the openness and character of the West End Conservation Area and the development does not make a positive contribution to the character and local distinctiveness of the historic environment. Consequently it is considered that the loss of this garden area and the subsequent development would have a detrimental impact on the character and appearance of the West End Conservation Area"

As well as policies contained within the Borough of Darlington Local Plan, this proposal must accord with the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (hereafter The Act) and Planning Policy Statement 5: Planning for the Historic Environment (hereafter PPS5). Section 72 of The Act, requires that *"special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas"* and PPS5, states *"Local planning authorities should take into account the desirability of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place-shaping; and the positive contribution that conservation of heritage assets and the historic environment generally can make to the establishment and maintenance of sustainable communities and economic vitality..."* Additionally, PPS5 states *"Local planning authorities should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use."*

It is considered that both the existing building and garden make a positive contribution to the significance of West End Conservation Area. The building is a well-designed, prominent, traditional building and the garden, whilst presently stripped of vegetation, is a large area of green space, a common feature with larger properties in this area. The proposed development will neither preserve nor enhance the character and appearance of the West End Conservation Area which is characterised by large rear gardens and open spaces. In this area, large houses tend to have large gardens and small houses tend to have small gardens, but this proposal would lead to the loss of green space and three large houses having three small gardens, an anomaly in this area. The proposed new dwellings would have very little amenity space and would be prominent on the street scene, particularly considering the loss of the trees and other vegetation that could have screened them, which have been removed fairly recently.

The loss of garden land would compromise part of the significance of the West End Conservation Area and the two new dwellings would not make a positive contribution to the character and local distinctiveness of this part of the historic environment characterised by green, open space with larger houses.

Local guidance, in the form of the West End Conservation Area Character Appraisal (hereafter the Character Appraisal), describes and assesses the significance of the Conservation Area as follows: "*West End Conservation Area (formerly known as Stanhope / Grange Road Conservation Area) was designated in 1975 and enlarged in 1990 and 1999. Featuring the best of Darlington's early suburban development from the 18th to 20th Century, this Conservation Area has a varied character that provides instructive forms for future suburban development as well as its own intrinsic value...this extensive part of Darlington has extensive tree cover and significant open spaces.*" The Character Appraisal identifies private gardens as making a significant contribution to the character of the area through "mature trees and larger, substantial plots interspersed with smaller plots providing variety". No. 59 Elton Parade stands on a larger plot with a larger garden, surrounded by neighbouring smaller plots and smaller gardens, contributing to the variety the Character Appraisal identifies. This proposal would impact the variety of substantial plots interspersed with smaller plots, by changing a substantial plot to a number of smaller plots and is therefore runs contrary to the content of the Character Appraisal. Development pressure on extensive gardens that are found in the area is identified as intrusive and damaging to the character and appearance of the area in the Character Appraisal.

It is considered that the proposed development would not comply with Policy H13 of the Plan. It would have an adverse impact upon the scale and character of the surrounding development as it would result in the loss of an open area which contributes to the amenity of the area, which in this instance is part of a conservation area.

Whilst the proposed dwellings and associated works are individually adequately designed, the principle of the development has to be considered against national and local planning policies and it is considered that the previous reason for refusing planning permission remains relevant and it has been a consistent approach taken by officers.

Residential Amenity

The application site is within a predominately residential area with dwellings bounded all sides of the site. The rear elevations of the dwellings on Cleveland Terrace and their associated gardens overlook the site from the north (even though there is a short access way between the site and three of the neighbouring dwellings), the eastern boundary of the site fronts the dwellings on the opposite side of Elton Parade; No 49 Elton Parade to the south of the site is a large detached dwelling with a large garden area and Sylvan Grove (a cul de sac) lies to the

west. The site is separated from the neighbouring properties by a mixture of close boarded fencing; high brick walls, hedges and railings.

The second reason for refusing the previous submission was:

The proposed development would have a detrimental impact upon the amenities of neighbouring dwellings on Sylvan Grove by reason of loss of privacy and its overbearing nature when viewed from the neighbouring garden areas.

The property on Sylvan Grove which bounds the western side of the application site is a two storey semi detached dwelling. There is a detached garage within the garden and planning permission has recently been approved for the erection of a 2.2metre high close boarded fence along the boundary with the application site. There are no windows in the side elevation of this property overlooking the application site (apart from windows in the side of a single storey extension) but the site can be viewed from the garden area and indirectly from the windows in the rear elevation.

The two proposed dwellings would be positioned approximately 10 metres from the boundary with the dwelling on Sylvan Grove and there would be one first floor bedroom window from each dwelling facing the existing property rather than two windows per dwelling which was the case in the previous submission. Having considered the overlooking implications, this level of overlooking would no longer result in such significant prejudicial conditions to justify recommending refusal on residential amenity grounds

The new dwellings would comply with the proximity distances contained within Council's Supplementary Planning Document – Design for New Development when measured from the dwellings to the north, east and south.

A single garage would be positioned against the boundary with the dwelling on Sylvan Grove but this is not a building of any significant scale and the retention of the existing garage to be used for Plot 1 removes the need to site two new garages on the boundary as per the previous submission. The garage and the two new dwellings would not be imposing structures when viewed from the dwellings on Sylvan Grove.

The northern elevation of "Newlands" forms part of the boundary and it contains a number of existing openings overlooking a lane and then dwellings on Cleveland Terrace. As this property has been in residential use, albeit commercial, the re use of building as a single dwelling would not raise any residential amenity issues.

It is considered that the revised scheme will result in acceptable residential conditions and will not have an adverse impact upon the neighbouring dwellings.

Highway Safety

The existing access off Elton Parade would be used and each dwelling would have its own garage. The proposal is unlikely to generate a significant increase in traffic and the proposed parking provision is acceptable. The width of the access is slightly sub-standard but it is recognised that widening the existing access would cause potential harm to the adjacent trees which are covered by a tree preservation order. On balance, the Council's Highways Engineer has no objections to the proposal. However, the existing drop crossing and access would need improvement works as they are in a state of deterioration.

Trees

There are a number of trees on the east and south boundaries of the site which are covered by a tree preservation order dated 1991. The application has been accompanied by an Arboricultural Report which looks at the canopy spread and root protection areas of the mature trees on the site. The scheme has been carefully designed so that the siting of the houses and the internal driveways has been located on areas outside the root protection areas, minimising the potential impact of the development on the trees. The scheme also makes use of the location of the existing driveway to minimise unnecessary works on site. The proposed scheme would not have any adverse impact upon the health of the protected trees on the site.

Other Matters

There are two common themes mentioned within the letters of support for the application. Firstly, that this proposal should be approved on the grounds that it is considered a better alternative use for the site than the existing use as a care home, which has gained recent approval for an extension. Officers advise that each application should be determined based on its own individual merits and assessing this proposal against any other extant planning permissions on the site is not a material planning consideration.

Secondly, planning permission (ref no 10/00703/FUL) has recently been approved for the erection of a detached dwelling and double garage within the garden of No 56 Linden Avenue, which is located directly to the north west of the application and also within the West End Conservation Area. Officers strongly believe that whilst the development proposal for this site also raised conservation area issues, there are significant differences between the two submissions to support the two recommendations. The proposal at No 56 Linden Avenue is for one dwelling with a relatively large garden and the existing property would also retain a large garden. Also, the approval on the adjacent site is not for a backland development as it would have a frontage and access off Cleveland Terrace.

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 is within the West End Conservation Area. It is considered that the existing building and garden area makes a positive contribution to the significance of the Conservation Area. The proposed development would result in a loss of private garden area, which makes a contribution to the openness and character of the West End Conservation Area and the development does not make a positive contribution to the character and local distinctiveness of the historic environment. Consequently it is considered that the loss of this garden area and the subsequent development would have a detrimental impact on the character and appearance of the West End Conservation Area contrary to national and local planning policy.

RECOMMENDATION

PLANNING PERMISSION BE REFUSED FOR THE FOLLOWING REASON:

The proposed development would result in a loss of private garden area, which contributes to the openness and character of the West End Conservation Area and the development does not make a positive contribution to the character and local distinctiveness of the historic environment.

Consequently it is considered that the loss of this garden area and the subsequent development would have a detrimental impact on the character and appearance of the West End Conservation Area. The development would thereby be contrary to Planning Policy Statement 3 (PPS3) Housing and Planning Policy Statement 5 - Planning for the Historic Environment and policies E29 (The Setting of New Development); H11 (Design and Layout of New Housing Development), H13 (Backland Development) of the Borough of Darlington Local Plan 1997 and Policies CS2 (New Housing Development) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy.