

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 June 2011

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APPLICATION REF. NO:	11/00207/FUL
STATUTORY DECISION DATE:	24 May 2011
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	5A The Spinney, Middleton St George Darlington DL2 1HD
DESCRIPTION:	Erection of dwelling house and detached garage
APPLICANT:	Mr Graeme Johnstone

APPLICATION AND SITE DESCRIPTION

Planning permission is sought for the erection of a detached dwelling house and garage on land to the side of 5A The Spinney. Planning permission has previously been granted for a dormer bungalow on the site but this permission was not enacted and has now lapsed.

The proposed dwelling would be some 10m in width and some 8.2m in depth (including the proposed porch). The proposed dormer bungalow would be some 3.7m in height from ground level to eaves level and a further 3.5m to ridge level. The design includes dormer windows to the rear and roof lights to the front.

The proposed detached garage would be some 6m by 4.5m and would be 4.2m in height to ridge level. The vehicular access would be next to the existing access to 5A The Spinney. An area of hardstanding constructed of permeable paver blocks is proposed to the front of the house and garage.

The design of the proposed dormer bungalow features solar panels on the front elevation which would form part of a hot water system for the property. A rainwater harvesting system is also proposed that would feature a water butt for use on the garden and underground storage units so that the water collected could be used for non-potable applications in the house such as for flushing toilets.

The proposal includes the installation of a mini-sewage treatment plant as the existing properties are served by a private drainage system that is near capacity. The mini-sewage treatment plant would be located in the adjoining field (which is in the same ownership).

The application site comprises land to the side of 5A The Spinney. The application site lies within The Spinney a residential development to the west of the Virginia Estate to the east of Middleton St George. The area is predominantly residential and is characterised by detached and semi detached family dwellings.

Number 5 The Spinney is located to the south east of the application site and this property has its main entrance door and a first floor window in its side elevation, facing the site. There are also stables close to the site.

PLANNING HISTORY

82/00296/MISC, on 14 July 1982 outline planning permission was granted for the erection of nine detached dwelling houses and garages.

85/00552/MISC, on 8 January 1986 planning permission was granted for the erection of a dwelling house (5A The Spinney).

87/00544/MISC, on 16 December 1987 planning permission was granted for the erection of a private stables block.

04/00481/OUT, on 2 July 2004 outline planning permission was granted for a bungalow and garage.

04/00481/RM1, on 11 July 2007 planning permission was granted for the details of siting, design, external appearance and landscaping to the previous outline permission.

PLANNING POLICY BACKGROUND

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

E2 (Development Limits)

H3 (Locations for New Housing Development)

H11 (Design and Layout of New Housing Development)

E29 (The Setting of New Development)

T24 (Parking and Servicing Requirement for New Development)

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

CS1 (Locational Strategy)

CS2 (Sustainable Design)

CS10 (New Housing Development)

The Council's 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) and Planning Policy Statement 3: Housing (2010).

RESULTS OF CONSULTATION AND PUBLICITY

Occupiers of neighbouring properties were advised of the proposed development by way of letter and a site notice was also displayed.

An objection was received from the occupiers of **3 The Spinney** and the points raised are set out below:

- *The estate on which the applicant resides is a private estate where the majority of houses pay a sum of £20 a month to maintain the roads and utilities instead of the council.*
- *A provision should be made to both the residents of 5A the spinney and the new residents of the planned build that they too have to partake in the scheme. It is believed the former don't pay into this scheme.*
- *With an additional 2 cars pounding the cul de sac it is grossly unfair for those paying tenants to have to maintain the roads without some form of input from the applicant and the new build resident.*

The **Highways Engineer** has raised no objections to the proposal.

The **Arboricultural Officer** commented that the trees are not worthy of protection.

CE Electric UK provided a plan showing the approximate location of known Northern Electric apparatus in the area.

Northumbrian Water raised no objections to the proposal.

Northern Gas Network raised no objections to the proposal.

Middleton St George Parish Council objected on the grounds that this is an infill site and may set a precedent for further development in the area which is already congested. The Parish Council are also concerned with the drive into this development and this wall adds to the traffic problems.

PLANNING ISSUES

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

- Planning Policy
- Residential Amenity
- Visual Amenity

Planning Policy

Planning Policy Statement 3 (Housing) sets out that the development of private gardens is not regarded as brownfield development and so would not contribute to the objectives of favouring development on previously used land. The land on which the house would be built is, however, inside the development limits set out in the Local Plan and the proposal is acceptable in principle subject to other considerations.

Policy E2 (Development Limits) and H3 (Locations for New Housing Development) of the Borough of Darlington Local Plan sets out that new housing development should be located inside the development limits which are intended to safeguard the character and appearance of the countryside and to focus development in the most sustainable locations.

The majority of the site and the area where the dwelling and garage are proposed are located within the development limits but the western third of the site lies outside these limits. The part

of the site outside the development limits will provide part of the rear garden space to the new dwelling. The layout and plot size is comparable to the existing property at 5A The Spinney. The encroachment of the garden beyond the development limits is not significant and the proposal accords with Policies E2 and H3 of the Local Plan.

Visual Amenity

Policy E29 (The Setting of New Development) of the Borough of Darlington Local Plan ensures that new development will respect the character of its setting in terms of siting, design, materials and landscape.

The design of the proposed new dwelling is in keeping with the area and with the other properties in terms of scale and appearance. The construction of a dormer bungalow would, however, have a more modest character compared to the existing two storey dwellings to either side of the site. The development of a dwelling in this area would respect the development form, pattern and density of the area.

Residential Amenity

Policy H11 (Design and Layout of New Housing Development) requires new dwellings to relate well to their surrounding area and respect its predominant character and avoid harming the amenities of adjoining properties.

There are no properties to the north or west of the application site. To the south is the side elevation of 5A The Spinney which does not include any windows. To the east is the side elevation of 5 The Spinney which includes the main entrance door to this property and a small first floor window. The side elevation of 5 The Spinney does not face directly onto the proposed new dwelling and would be separated by a distance of some 13m.

The proposed detached garage would be located close to the side boundary with 5 The Spinney although it would be set off from the boundary line and there are some existing conifer trees along this boundary.

The size and siting of the proposed dormer bungalow is such that it will not result in any significant detrimental impacts, in terms of light, outlook or overlooking, to neighbouring properties.

Other Matters

With regard to the comments of the objector, it should be taken into account that the granting of planning permission would not override or grant any further permission that the applicant may also need in order to construct the proposed dwelling. This application has to be considered on whether it is acceptable in planning terms which is not affected by the status of the area being a private estate.

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 site where the new dwelling would be built is located within the Development Limits set out in the Local Plan and is therefore acceptable in principle. The design of the proposed dwelling would be in keeping with the general appearance and development pattern of the area. Due to the size and siting of the proposed dwelling, it would not result in any significant detrimental impacts with regard to residential amenity. The proposal would provide adequate off street parking and would not be harmful to highway safety.

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. C5 - Restriction of PD Rights (Residential)
5. Notwithstanding the submitted plans, development shall not commence until details of all boundary treatments have been submitted to and approved by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

REASON - In the interests of the visual amenity of the area.

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:

E2 (Development Limits)

H3 (Locations for New Housing Development)

H11 (Design and Layout of New Housing Development)

E29 (The Setting of New Development)

T24 (Parking and Servicing Requirement for New Development)

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.