

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 June 2009**

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<b>APPLICATION REF. NO:</b>	<b>09/00149/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>11 May 2009</b>
<b>WARD/PARISH:</b>	<b>HEIGHTON AND CONISCLIFFE</b>
<b>LOCATION:</b>	<b>Laburnum House, Denton</b>
<b>DESCRIPTION:</b>	<b>Demolition of existing dwelling and erection of replacement dwelling with detached single garage (amended plan received 22 April 2009)</b>
<b>APPLICANT:</b>	<b>Mrs Jane Mannion</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site falls within the Denton Conservation Area. The previous dwelling on the site was a traditional modern two storey dwelling constructed from rendered brick work , concrete block walls and a concrete tiled roof,. There was a single storey conservatory to the rear. The dwelling had experienced fire damage in the 1970s, which had been cosmetically faced over as opposed to being repaired to a correct structural standard. A retrospective conservation area consent application (reference number 09/00151/CAC) for the demolition of that existing dwelling also forms part of this Agenda. The proposal involves the erection of a two storey replacement dwelling and detached garage.

Previously two planning applications were submitted and subsequently withdrawn for the demolition of the dwelling and the erection of a replacement dwelling. The applications were withdrawn following officer advice in order to improve the design of the new dwelling.

As well as the previous dwelling being demolished, the detached garage has been built and the foundations for the new dwelling have been laid without the benefit of conservation area consent or planning permission. No further work has occurred on site.

The Council's "Denton Conservation Area Character Appraisal" describes Denton as a small agricultural village located approximately six miles north west of Darlington. There are two farm cottage style properties adjacent to the application site which form the remainder of the street frontage. Fields belonging to Denton Hall Farm form the north and west boundaries.

## PLANNING HISTORY

08/00149/FUL In January 2009 an application for the erection of a replacement dwelling was withdrawn

08/00911/CAC In January 2009 an application for conservation area consent to demolish the existing dwelling was withdrawn

## PLANNING POLICY BACKGROUND

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

- E2 – Development Limits
- E7 – Landscape Conservation
- E8 – Area of High Landscape Value
- H3 – Locations for New Development
- H11 – Design and Layout of New Housing Development
- T24 – Parking and Servicing Requirements for New Development

Government advice relating to development within a Conservation Area is contained within Planning Policy Guidance Note 15- Planning and the Historic Environment

## RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received from Raby Estates, who are the owners of the adjacent properties. They have raised the following issues:

- *The redevelopment proposals “are suburban in nature” and will therefore be detrimental to No 2 Denton Cottages;*
- *We are unaware that there is a settlement limit in Denton, but if this is so, development should not be allowed since it constitutes a new house in the open countryside by virtue of the applicants decision to demolish the existing property without planning permission;*
- *As you are aware, demolition of Laburnum House proceeded without planning permission and considerable physical damage has been caused to the Estate’s property (2 Denton Cottages). The property has been undermined and we are taking further advice from our Chartered Structural Engineer on this issue. Furthermore, the Estate, through its solicitors has contacted the owner who has ignored our correspondence to date. We are aware that there are infringements of the Party Wall Act and we look to the Local Planning Authority to assist us in this regard, particularly since construction work has commenced without the benefit of planning permission or conservation area consent.*

### **Denton Parish Meeting**

Denton Parish Meeting has recommended that the application be approved.

### **Northern Gas Networks**

Northern Gas Networks have no objections to the development

### **CE Electric UK**

CE Electric UK has no objections to the development

**Northumbrian Water**

Northumbrian Water has raised no objections to the development

**PLANNING ISSUES**

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

- Planning Policy
- Visual Appearance and Character of the Conservation Area
- Residential Amenity
- Highway Matters
- Contaminated Land
- Other Matters

**Planning Policy**

Policy E2 (Development Limits) of the Local Plan states that most new development will be located inside the development limits defined by the Plan. Policy H3 (Locations for New Housing Development) states new housing development will normally be approved within the development limits of villages within the Borough, which includes Denton. The application site is situated within the development limit boundary for Denton village and therefore the development would comply with Policies E2 and H3.

Policy E8 (Area of High Landscape Value) seeks to secure development of a high standard of design reflecting the scale and traditional character of the buildings in the area and does not detract from the high landscape quality.

Policy H11 ((Design and Layout of New Housing Development) seeks to secure new housing developments of good design and layout which, amongst other objectives, relate well with the surrounding area and protects the amenities of adjacent properties.

**Visual Appearance of the Conservation Area**

The previous dwelling was a traditional modern two storey dwelling constructed from rendered brick work, concrete block walls and a concrete tiled roof. There was a single storey conservatory to the rear. The dwelling had experienced fire damage in the 1970s, which had been cosmetically faced over as opposed to being repaired to a correct structural standard. A Structural Report identified that there were structural defects to the property, which were of serious concern and it recommended that the property should be demolished and rebuilt as opposed to attempting to remedy the problems. The dwelling was constructed prior to the designation of the Denton Conservation Area and the Council's Conservation Officer considered that the building had a negative impact on the character of the conservation area. Whilst the dwelling has already been demolished, Officers have no objections to its demolition.

The design of the replacement dwelling has been the subject of revisions following discussions between the applicant and the Council's Conservation Officer. The building would be constructed with rough cast render walls, with pantile roof tiles, stone cills and heads with water tables on both ends of the gable roof. A single storey extension would replace the conservatory to the rear and a small porch with a gable end roof would be situated to the front. The design, size and location of the windows on the front elevation have been revised but the Conservation

Officer has agreed to the use of UPVC windows as there are other similar examples in the village.

The garage would be situated to the front of the application site and it would also be constructed with rough cast render walls and a pantile roof.

The Conservation Officer has commented *“These final amendments to this resubmission are an improvement on previous plans, having taken on board my comments about the porch and the window openings. The result is an improved new building in Denton Conservation Area”*.

In visual appearance, design and layout terms, the proposal would comply with Policies E8 and H11 of the Local Plan and Planning Policy Guidance Note 15.

### **Residential Amenity**

The proposed dwelling is located in almost the same position as the previous dwelling, which means it is set behind the front wall and projects beyond the rear wall of the adjacent property, but the size of the footprint is slightly larger. The two-storey element of the proposed dwelling would measure 8.5m wide; 9m long with an overall height of 7.9m. This is approximately 2m longer than the previous building. The single storey extension at the rear measures 8.5m wide; 3m long with an overall height of 3.5m under a sloping roof.

The rear windows of the adjacent dwelling are at ground floor level and facing north east. The previous building would have had an impact on the amount of light entering the rear of the neighbouring property and it would not have complied with the 45 degree code. Whilst the proposed dwelling is slightly larger, it is set approximately 1m further away from the boundary and would not significantly alter the outlook from the adjacent dwelling or the amount of daylight entering it.

There would be no window openings in the elevation of the dwelling, facing the rear garden of the adjacent dwelling, but notwithstanding this it would be considered appropriate to impose a planning condition to prevent windows being inserted in the future that would cause a loss of amenity for the neighbour.

In residential amenity terms the development would comply with the requirements of Policy H11 of the Local Plan.

### **Highway Matters**

The Council’s Highway Engineer has commented, *“Though I would raise no highway objection in principle to the application the private access that serves the development is an unmetalled muddy track. There is concern that soil or debris will be washed or carried onto the public highway from this track. This track is outside the red line boundary of the development, however given these concerns the applicant should be contacted to explore whether or not it is possible to secure improvements to this track.”*

*Also, the proposed block paved driveway is only 4.8m in length. This is shorter than we would normally expect, and it could lead to parked vehicles encroaching onto the access track. However, this track is not adopted and it is not well used I would therefore not consider that any alterations would be required to the proposed layout”*

The track, which runs along the front of the application site and the neighbouring dwellings, is outside of the ownership of the applicant and therefore improvement works to it cannot be secured at the present time.

### **Contaminated Land**

The Council's Environmental Health Officer has commented, "*The development includes front and rear gardens. Although there was a previous residential property on the site, made ground may be present, which could contain contamination. Therefore, as a minimum, a Desk Study report including a walk over survey and the results of some trial pits in the garden areas should be submitted. Any made ground or suspect contamination would then require further sampling and testing with associated risk assessment, and if necessary remediation and validation. In addition, if any topsoil is to be imported for garden areas, it would need to be tested for contamination and the results submitted to this section for approval. Therefore, I would recommend that the standard contaminated land condition be attached to any permission, which may be granted.*

*Due to the close proximity of the site to existing residential properties, I would recommend that the hours of operation of construction activities are restricted to 8.00am-6.00pm, Mon-Fri, 8.00am-2.00pm Sat, and not on Sunday's or Bank Holiday's, except with the prior agreement of the Local Planning Authority."*

### **Other Matters**

The Party Wall etc Act 1996, mentioned in the letter of objection, provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring dwellings. However, the Act is not enforced by the local planning authority and the issues raised in the objection letter are civil matters as are the concerns raised about property being undermined. Officers are aware that work has been carried out on the site without the benefit of any planning permissions and consents but no further work has taken place and officers are satisfied that an acceptable form of redevelopment has now been agreed which will benefit the Denton Conservation Area.

### **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 development limits identified in the development plan. The design and layout of the development accords with the relevant policy in the development plan. The development respects the amenity and general character of the area and the Denton Conservation Area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The proposal accords with the relevant policies in the development plan set out below:

- E2 – Development Limits
- E7 – Landscape Conservation
- E8 – Area of High Landscape Value

- H3 – Locations for New Development
- H11 – Design and Layout of New Housing Development
- T24 – Parking and Servicing Requirements for New Development

Planning Policy Guidance Note 15 – Planning and the Historic Environment

## **RECOMMENDATION**

PLANNING PERMISSION BE GRANTED SUBJECT OF THE FOLLOWING CONDITIONS:

- A3 – Implementation Limit (Three Years)
- B4 – Details of Materials
- No additional flank windows or other glazed openings shall be formed in the north eastern elevation of the dwelling hereby approved without the prior written consent of the Local Planning Authority  
REASON: To prevent overlooking of neighbouring dwellings.
- J2 – Contamination
- No construction works shall take place outside of the hours 0800 to 1800 Monday to Friday and 0800 and 1400 on Saturday. No work shall take place on Sundays or Bank Holidays  
REASON: In the interests of residential amenity
- Notwithstanding the details shown on the approved plans, the block paved driveway and path at the front of the dwelling shall be constructed of porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. Details of the driveway shall be submitted to and approved by the Local Planning Authority prior to the commencement for the development. The development shall not be carried out otherwise than in complete accordance with the approved details.  
REASON: To prevent the risk of flooding.
- B5 – Detailed Drawings

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

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