

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 June 2008

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APPLICATION REF. NO:	08/00143/FUL
STATUTORY DECISION DATE:	19 April 2008
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	Former Thorntree House, Middleton Lane, Middleton St George
DESCRIPTION:	Erection of detached dwelling (as amended by plans received 15 May 2008, amended description)
APPLICANT:	KATE BROUGH

APPLICATION AND SITE DESCRIPTION

The application site is within the remaining grounds of Thorntree House, a late 19th century domestic dwelling situated on the western side of Middleton Lane at its junction with Neasham Road and within the Middleton One Row Conservation Area.

Planning permission is sought for the erection of a two-storey dwelling house to the grassed area immediately to the north of Thorntree House. The dwelling has been designed to take the form of a gatehouse building with design features consistent with the main dwelling such as external treatment and quoin stones. It has been designed to read as a modest and subservient dwelling associated with the house.

A Design and Access Statement has been submitted as required by the Regulations.

PLANNING HISTORY

The site has a lengthy planning history, however, only the most relevant are included for the purposes of this report:

79/00573/FUL - In September 1979 outline planning permission was refused for the erection of eight detached dwelling houses with garages.

04/01077/CAC - In February 2005 Conservation Area Consent was granted for the demolition of the detached double garage at Thorntree House.

04/01076/FUL - In February 2005 detailed planning permission was granted for the erection of eight dwelling houses and the provision of a double garage to Thorntree House to replace that to be demolished under planning permission reference number 04/01077/CAC to allow for the construction of an access road to serve the development.

05/00669/FUL - In August 2005 planning permission was granted for an amendment to the above scheme to permit amended designs to house no's 1-4.

06/00518/FUL - In September 2006 planning permission was granted for the demolition of the rear wing of Thorntree House, conversion of the existing dwelling to 2 No. dwellings and the construction of 3 No. terraced dwellings and double garage.

PLANNING POLICY BACKGROUND

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

- E11 - Conservation of Trees, Woodlands and Hedgerows
- E12 - Trees and Development
- E14 - Landscaping of Development
- E24 - Conservation of Land and Other Resources
- E29 - The Setting of New Development
- E46 - Safety and Security
- H3 - Location of New Housing Development
- H11 - Design and Layout of New Housing Development
- R1 - Designing for All
- T12 - New Development - Road Capacity
- T13 - New Development - Standards
- T24 - Parking and Servicing Requirements for New Development

The following national policy guidance is relevant: -

- Planning Policy Statement 1: Delivering Sustainable Development (2005)
- Planning Policy Statement 3: Housing (2006)
- Planning Policy Guidance 13: Transport (2001)
- Planning Policy Guidance 15: Planning and the Historic Environment (1994)

RESULTS OF CONSULTATION AND PUBLICITY

A total of nineteen objections have been received from local residents raising the following concerns:

- *The overdevelopment of the former garden of Thorntree House is preposterous, it is a property with a very prominent position within the village which has been desecrated – the development which has taken place already has already seriously damaged the character of the area; The development is within the conservation area where policy states that development must be sympathetic to and add character to the area;*
- *The access is appalling – directly into the dreadfully laid out traffic calming and very close to the primary school; The traffic / road access to the development is potentially dangerous due to the congested area adjacent to the school;*
- *The infrastructure of the village is already considerably overstretched and cannot realistically take any more;*
- *We object to the proposal / assumption by Mrs Brough that land forming the verge on the immediate right of the entrance road can be, or should be used as additional parking spaces*

for this bungalow – the whole of the verge to the right of the estate is currently being used for ad-hoc parking and looks awful;

- *Where is the promised landscaping and additional trees that were to be provided in exchange for the original developer removing lots of trees and shrubs? The above verge was to be part of that and was intended to be planted with trees and shrubs, not to have cars parked on it – the aforementioned landscaping scheme was pursuant to a planning condition;*
- *Footpaths still need to be installed adjacent to the entire road / highway in this development and cars parking on an verges would need to pass over said footpaths to park – this has got to be unsafe; Plus cars visiting the building would be manoeuvring onto verge to park in a blind spot very close to a main road – why does a small bungalow need all this extra parking anyway? - It has a driveway, please do not allow it.*
- *Please ensure that the tree protection zones for all preserved trees in this building plot are marked on the drawings accompanying this application – if the current owner of the plot is not aware what she can or cant do within them then how is any future owner of this bungalow expected to know how to protect and ensure longevity for these preserved trees?; Please ensure that preserved trees T15, T17, T18 and T19 are given proper fenced protection zones and that the footprint for this bungalow does not encroach on the protection zones of any of the trees surrounding it; In addition could you ensure that any driveways that encroach a protection zone are built using a ‘no dig’ construction technique and that any work is supervised by a qualified arborist;*
- *We think that the proposed building does cause overlooking problems to the houses in Salisbury Place from its dormer windows;*
- *I object to the application on the grounds of cumulative impact on the conservation area; The character of the conservation area is being changed by stealth with many ad hoc developments; The loss of garden and green space in the conservation area;*

One letter of support has been received from a local resident making the following comments:

- *As a resident of Thorntree Villas I believe that the land in question is of little or no amenity value to Thorntree House and it would be sensible to see it developed - it is a logical ‘next step’ in the development of Thorntree House and would essentially mark the final completion of the development.*

The Council’s Highways Officer has raised no objections to the proposed development.

The Council’s Rights Of Ways Officer has raised no objections to the proposed development.

The Council’s Urban Design Officer has raised no objections to the proposed development.

Northern Gas Networks has raised no objections to the proposed development.

Northern Electric has raised no objections to the proposed development.

Northumbrian Water has raised no objections to the proposed development.

Middleton St George Parish Council has objected to the proposed development on the following grounds:

- *The site is overdeveloped already and further building would be a safety issue with regard to the traffic. The road is already severely congested - additional traffic would create more problems.*

PLANNING ISSUES

The principle of residential development on this site has been established by the granting of planning permission for the construction of three dwellings in 2006, which remains extant. As there has been no material change in planning circumstances the main planning issues to be considered in the determination of this application are whether the new scheme and its location on the site, relative to adjoining properties and site constraints, raises further planning issues. As such, the main issues are:

- Visual amenity and impact on the character or appearance of the Middleton One Row Conservation Area
- Residential Amenity
- Highway Matters
- Trees
- Other Matters
- Section 17 of the Crime and Disorder Act 1998

Visual amenity and impact on the character or appearance on the Middleton One Row Conservation Area

The proposal has been significantly amended further to meetings with the Council's Urban Design Officer, which has resulted in a building, which is modest in proportions and footprint, relative to the main house, and is considered to read well as a subservient lodge type building, which picks up on architectural elements of the main house. Overall, the scheme results in the development of the site for only one dwelling, which officers consider is an improvement to the fallback position currently available by virtue of the extant planning permission on the site under planning permission reference number 06/00518/FUL. The issue of trees in respect of visual amenity is dealt with later in this report.

It is recommended that a planning condition be attached to any approval to secure submission and agreement of windows, which should all be timber framed, together with the boundary treatment to the site.

It is recommended also that a landscaping condition be attached to any approval to secure submission and agreement of the specific landscaping scheme to be implemented with the development.

Overall it is considered that the proposal is acceptable in respect of its impact on the visual amenities on the area and would have at the very least, a neutral impact on the character or appearance of the Middleton One Row Conservation Area, which would meet the necessary tests established by case law and the statutory duty under Section 72 (1) of the Planning (Listed Building and Conservation Act)1990, is therefore discharged.

Residential Amenity

The proposed development is not considered to raise any significant issues in respect of its impact on the residential amenity of neighbouring sites and their occupants. There is considered to be adequate separation between the proposed dwelling and existing properties Furthermore it

is considered that an adequate level of residential amenity has been achieved for the future occupants of the proposed scheme.

Highway Matters

The new dwelling would be accessed via the existing private access road to the development and includes in-curtilage parking in the form of an attached garage and a driveway. The Council's Highways Officer has been consulted and has raised no objections to the amended scheme. He has recommended that drives and hard standings within the development site that have access to the private road are constructed in a bound material to avoid the potential for loose material being tracked onto the highway. Submission and agreement of this detail can be secured by planning condition.

Trees

The trees within the site are afforded formal protection by Tree Preservation Orders. The proposed development significantly reduces the footprint of the building already approved on the site under planning permission reference number 06/00518/FUL and therefore lessens any impact on trees. The Council's Arborist has visited the site and is satisfied that the proposed development is outside of the Root Protection Area of the trees within the site. Nevertheless, it is recommended that an up to date survey of all trees within the plot, together with full details of means of protection during construction works, be secured by planning condition. The details should include for the replacement of the Walnut tree (T13) at the front of the site, which is diseased, in a suitable location.

Other matters

A number of matters raised by objection relate to the development of the remainder of the former grounds of Thorntree House that is currently under way. These are issues that cannot be taken into account in the determination of this application, which relates to the development of one plot of land related to the main house. These separate issues are currently being pursued.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The proposed development has 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. The proposed development does not give rise to crime and disorder issues.

CONCLUSION

The application site lies within the 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 character of the area. The application is not considered to raise any issues in relation to car parking provision, highway safety or crime prevention. The development accords with the relevant policies in the development plan, as listed below:

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) A3 Implementation Limit (Three Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) E2 Landscaping (Submission)
- 4) Prior to the commencement of the development a detailed survey of trees to be affected by the development shall be carried out. The survey shall include the identification of measures to protect existing trees in order to protect them from damage by compaction, severance and material spillage, in accordance with BS5837: 2005, and shall be submitted to, and approved in writing by the Local Planning Authority. No demolition or site clearance shall be commenced until the agreed measures are in place and have been inspected by the Council's Arboricultural Officer. The approved measures shall remain in place throughout the carrying out of this planning permission. Notwithstanding the approved specification, none of the following activities shall take place within the segregated protection zones in the area of the trees:
 - a) The raising or lowering of levels in relation to the existing ground levels;
 - b) Cutting of roots, digging of trenches or removal of soil;
 - c) Erection of temporary buildings, roads or carrying out of any engineering operations;
 - d) Lighting of fires;
 - e) Driving of vehicles or storage of materials and equipment.

REASON - In the interests of the visual amenities of the area and to safeguard the well being of trees on, and adjacent to the site.

- 5) Prior to the commencement of the development hereby approved, the following details shall be submitted to, and approved in writing by, the Local Planning Authority.
 - i) Joinery details (including doors and windows);
 - ii) Cills and Lintels;
 - iii) Roof covering;
 - iv) Quoin stones;
 - v) Roof eaves and verge;
 - vi) Ridges and chimneys;
 - vii) Rainwater Goods;
 - viii) External render;
 - ix) Boundary Treatment.

The development shall not be carried out otherwise than in full accordance with the approved details.

REASON - In the interests of the visual amenities of the locality and to preserve the character and appearance of the Middleton One Row Conservation Area.

- 6) Prior to the commencement of the development, or within such extended period as may be agreed in writing by the Local Planning Authority, details of the external colour finish of the windows and doors shall be submitted to, and approved in writing by, the Local Planning Authority. The windows and doors shall be finished in accordance with the details as approved and maintained as such thereafter.

REASON - In the interests of the visual amenities of the locality and to preserve the character and appearance of the Middleton One Row Conservation Area.

- 7) The windows and doors approved under condition (5) shall be permanently retained and not altered or removed unless previously agreed in writing by the Local Planning Authority.

REASON - To safeguard the character and appearance of the buildings and in the interests of visual amenity.

- 8) C5 Restriction of PD Rights (Residential)
- 9) Prior to the commencement of the development hereby approved details of the surface materials for the driveway, which shall consist of a bound material, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details and shall be maintained as such thereafter.

REASON - In the interests of highway safety.

- 10) All doors and windows shall be recessed from the front face of brickwork to from face of joinery framing in accordance with details to be submitted to, and agreed in writing by, the Local Planning Authority.

REASON - In order to ensure a satisfactory appearance to the development in the interests of visual amenity.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

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Borough of Darlington Local Plan (1997)

- E11 - Conservation of Trees, Woodlands and Hedgerows
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National Policy Guidance

Planning Policy Statement 1: Delivering Sustainable Development (2005)

Planning Policy Statement 3: Housing (2006)

Planning Policy Guidance 13: Transport (2001)

Planning Policy Guidance 15: Planning and the Historic Environment (1994)

INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that contact must be made with the Highways Manager (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development.