

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 3 June 2015**

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<b>APPLICATION REF. NO:</b>	<b>15/00243/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>8 June 2015</b>
<b>WARD/PARISH:</b>	<b>HURWORTH</b>
<b>LOCATION:</b>	<b>Land Adjacent To 37 The Wayside HURWORTH DARLINGTON DL2 2EE</b>
<b>DESCRIPTION:</b>	<b>Modification of Planning Permission 11/00187/FUL dated 5 September 2011 (erection of 2 No detached dwellings) to allow changes to the design of Plot 2 including to increase floor area to rear and alteration to roof on south elevation; and to reposition detached garage to Plot 2 further to the north (amended description) (amended plans received 11 May 2015)</b>
<b>APPLICANT:</b>	<b>Mr Mark Whittaker</b>

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**APPLICATION AND SITE DESCRIPTION**

Planning permission was granted for the erection of two detached dwellings on 5 September 2011 (11/00187/FUL).

A subsequent application for approval of details reserved by conditions 3 (external materials), 5 (landscaping), 6 (fencing), 7 (contamination), 8 (surface water), 9 (construction method statement), 10 (sight lines), 11 (vehicular crossing) and 12 (tree protection) was approved on 16 May 2013 (11/00187/CON).

The applicant has provided evidence that the foundations for the development were dug in August 2014. Officers are satisfied that the development has been lawfully commenced.

Planning permission is now sought for the modification of planning permission 11/00187/FUL to allow changes to the design of Plot 2 including to increase the floor area to the rear and to alter the roof on the south elevation.

Plot 2 is the house located towards the northern part of the site. The two proposed houses were originally intended to be identical.

The design changes to Plot 2 consist of: altering the bay windows to the front so that they feature flat roofs; removing a chimney stack; altering the size of two ground floor windows on the north side elevation and installing a new first floor bathroom window; altering the position of windows and installing an additional ground floor window on the south side elevation, increasing the size of the building by extending out further to the rear with bay window to the side, two sets of patio doors to ground floor, Juliet balcony to first floor and lantern window over flat roof element.

The proposal also includes moving the proposed detached garage to Plot 2 further north closer to the side boundary line.

No alterations to Plot 1 are proposed.

## **PLANNING POLICY BACKGROUND**

The following policies from the Darlington Core Strategy Development Plan Document are relevant to the determination of this application:

CS2 – Achieving High Quality, Sustainable Design

The following saved policies of the Borough of Darlington Local Plan are relevant to the determination of this application:-

E2 – Development Limits

E14 – Landscaping of Development

H7 – Areas of Housing Development Restraint

T8 – Access to Main Roads

The National Planning Policy Framework 2012 is relevant to the application.

The Council's Design of New Development Supplementary Planning Decampment is also relevant to the application.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Letters were sent to occupiers of neighbouring properties advising of the proposal and a site notice was displayed.

An objection has been received from the occupiers of **39 The Wayside:**

*I had previously objected to this development, as outlined in 11/00187/FUL, on the grounds of visual impact, but the objection was overruled by the Planning Committee. I find this revised plan to exasperate the situation, as not only does the northern impact appear larger, due to the paucity of the original plans, but I note a window has appeared on the upper floor of the northern aspect. I was assured by the site inspection of the Planning Committee that I would not be overlooked, and now I find not only is my visual impact detrimentally affected, the light reduced to my southerly downstairs rooms, but also now I am overlooked from an upstairs window. I would request confirmation from the authority that there is no change allowed to the original permission to the northern aspect.*

An objection has been received from the occupier of **36 The Wayside:**

*We are extremely concerned that the plans appear not to be drawn correctly. In particular the north facing elevation shows only one dormer window. We feel this is very misleading and would question what other inaccuracies there may be. It is therefore difficult to form an informed opinion.*

*We are anxious that the overall height of the building does not exceed that of the roof ridge height on the previous plans. We also note there is now proposed an upstairs window on the north facing elevation. Having spoken to the planning officer, I am rather unsure whether this will be to a bathroom or (as per my initial impression) to a bedroom. In either case, if this is to be allowed, we would obviously prefer it to have obscure glazing in the interests of privacy*

An objection has been received from the occupier of **34 The Wayside**:

*I would like to express my objection to the above planning application. Like most residents in The Wayside I objected to the initial plans. I find this adaptation to the original plans excessive with an even larger property being squeezed onto the same size piece of land. The original planned dwellings were always guaranteed to cause disorder within a very small area but now this will add to the frustration.*

*Should this be approved then it suggests that the council will also give the go ahead to an increase or extension of the other plot. Finally I feel it's worth mentioning that the SITE LOCATION PLAN, document 177811, is out of date and inaccurate and does not show how the site is now. It's totally misleading and therefore doesn't give anyone who is unfamiliar with this planning application a true reflection of the situation.*

Occupiers of neighbouring properties were re-consulted on the amended plans which moved the proposed detached garage on Plot 2 further north. Any additional comments will be reported verbally at the Planning Applications Committee.

The **Highways Engineer** raised no objections.

## **PLANNING ISSUES**

### Planning Policy

The application site lies within the development limits as defined by saved Policy E2 (Development Limits) of the Borough of Darlington Local Plan and is not a site that has been identified as being subject to any particular policies or proposals. Given its position within the settlement, and the siting of the proposed building, the proposal complies with policies E2 (Development Limits) and CS2 (Achieving High Quality, Sustainable Design) in terms of principle in this location.

### Residential Amenity

The proposed dormer bungalows have previously been considered acceptable regarding their impact on neighbouring properties in terms of light, outlook and overlooking.

The area of Plot 2 that would be increased is not close to existing neighbouring properties as the west of the site is bounded by agricultural land. The dwelling as proposed would be no taller

than previously approved. This part of the proposal therefore raises no significant new issues with regard to light or outlook of neighbouring residential properties.

An additional window is proposed at ground floor level on the south side elevation. The closest existing property is No. 37. Two windows were already approved for this elevation (bathroom and utility room) and the additional bedroom window would not significantly increase privacy or overlooking issues. A 1.8m height close boarded fence has already been approved for the side boundary line and this would be sufficient to prevent any significant overlooking issues to No. 37.

On the north elevation, an additional first floor bedroom window is proposed. There is some 19m from this side elevation to the front elevation of the nearest house which is No. 39. However as No. 39 already enjoys a good degree of privacy due to its position, it would not be unreasonable to condition the bedroom window to be obscure glazed as it is only a secondary window in the bedroom it serves.

Overall the impacts on residential amenity of the proposal with an altered design for Plot 2 would be comparable to those of the original approved planning application.

#### Visual Amenity

The amendments to the design of the proposed dormer bungalow for Plot 2 would result in a more contemporary style than previously approved. This would, however, still be in keeping with the area as The Wayside features a variety of styles of bungalows, dormer bungalows and houses.

#### **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. The area of Plot 2 that would be increased is not close to existing neighbouring properties. The proposal includes an additional window and a condition for this to be obscure glazed would be appropriate. Overall the impacts on the residential amenity of the proposal with an altered design for Plot 2 would be comparable to those of the original planning application. The design of the proposed dormer bungalow is of a more contemporary style than previously approved. However, it would still be in keeping with the area as The Wayside features a variety of styles of dwellings.

#### **RECOMMENDATION**

**THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The conditions attached to and specified on the notice of planning permission 11/00187/FUL dated 5 September 2011 are reiterated and are still in force.

Reason – The conditions specified on the original grant of planning permission have to be complied with.

2. The first floor bedroom window on the north side elevation shall be obscure glazed, (hinged to open inwards). The design of the obscure glazing shall be agreed in writing by the LPA prior to being fitted and shall not be repaired or replaced other than with glazing of the same or similar appearance.

Reason – To prevent overlooking of the nearby premises.

3. Prior to Plot 2 being occupied, a fence of no less than 1.8 metres in height shall be constructed along the side boundary of the property with 37 The Wayside in accordance with details to be previously agreed by the Local Planning Authority. The fence shall not be replaced other than with a fence of the same height and position unless otherwise agreed with the Local Planning Authority.

Reason – To prevent overlooking of the nearby premises.

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

The Darlington Core Strategy Development Plan Document 2011:

- CS2 – Achieving High Quality, Sustainable Design

Borough of Darlington Local Plan 1997:

- E2 – Development Limits
- E14 – Landscaping of Development
- H7 – Areas of Housing Development Restraint