

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 7th July 2021

APPLICATION REF. NO: 21/00178/FUL

STATUTORY DECISION DATE: 13th May 2021

WARD/PARISH: PARK WEST

LOCATION: 36 Oakdene Avenue

DESCRIPTION: Removal of chimney stack and existing bay windows to side/rear elevation and erection of side extension, erection of flat roof dormer to rear roof slope and installation of sun tunnel, replace garage roof with pitched roof, removal of summerhouse and erection of detached garden/spa room with decking, replacement and additional UPVC windows and doors, render to elevations and associated internal alterations (Amended Plans Received 18th May 2021)

APPLICANT: Mrs Fiona Chrichard

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?keyVal=QOX8ZBFPG4500&activeTab=summary>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to a large two storey detached dwelling located on the northern side of Oakdene Avenue, within the West End Conservation Area. 38 Oakdene Avenue bounds the property to the west with No. 34 Oakdene located to the east. The application property is one of the few detached properties within the street

with the remainder of the properties being semi-detached and terraced properties. The surrounding area is predominantly residential in nature.

2. This planning application seeks permission for the removal of the existing chimney stack to the rear and the bay windows within the off shoot to the rear of the dwelling. It is proposed to erect a single storey side extension from the side (east) elevation of the off-shoot to the rear. The proposed extension is to measure approximately 1.5m in width x 6.7m in length x 3.5m total height. The proposed extension features double glazed, full length sliding patio doors within the eastern elevation and is finished in brick cladding to match the existing dwelling.
3. The proposal also includes the erection of a dormer window positioned towards the centre of the rear roof slope of the main dwelling, which would cover the staircase with the style and materials to match the existing dormer windows within the front of the dwelling.
4. It is further proposed to add a pitched roof onto the existing garage which will have a total height of approximately 5.1m. The roof is to be constructed of clay tiles to match the existing roof of the main dwelling. Roller shutter doors are to be installed in the rear (north) elevation of the proposed garage.
5. The proposal also includes the removal of the existing summer house located in the north east corner of the rear garden area and a detached garden/ spa room is to be erected in roughly the same area as the removed summer house. The proposed garden/spa room is to have a total height of 3.8m, with an eaves height of approximately 2.5m. The summer house is located adjacent to a reconstructed rear garden wall measuring a total height of approximately 2.5m. The summer house measures approximately 7.3m in length x 4.3m in width. It is constructed of timber cladding with a metal trim roof. It features full length bi-fold doors to the front as well as timber decking extending from the front including an outdoor swim spa and table.
6. It is proposed to replace windows within the ground floor and first floor of the front, side (east) and rear elevations with UPVc Edwardian style double glazed windows. It is also proposed to install UPVc windows within the first floor eastern elevation of the existing rear off-shoot.
7. The application has been amended since it was first submitted to omit a balcony from the 2-storey rear off shoot and to amend the design of the garden/spa room.

MAIN PLANNING ISSUES

8. Site History:

21/00099/TFC. Notification to carry out works to trees in a designated Conservation Area - Felling of 10 no. trees - 5 no. Conifer Trees (T.1 to T.5), 2 no. Unknown Species (T.6 & T.7), 1 no. Chestnut Tree (T.8) and 2 no. Magnolia Trees (T.8 & T.10) (amended description 25/02/2021). No Objection. 26.02.2021.

74/00616/DM. The erection of a detached double domestic garage. Granted with conditions 18.12.1974.

9. The main planning issues to be considered are:

- a) Visual Amenity and Impact on West End Conservation Area
- b) Residential Amenity
- c) Highway Safety

PLANNING POLICIES

10. The relevant Local Plan policies include those seeking to ensure the proposed development:

- (a) Reflects the characteristics of the sites surroundings and protects the amenity of neighbouring properties and ensures the development maintains adequate privacy in the rooms, gardens, and other outdoor areas areas of nearby buildings. (H12 of the Saved Local Plan 1997).
- (b) Reflects or enhances Darlington's distinctive built and historic environment; creates a safe and secure environment (CS2 of the Core Strategy 2011)
- (c) Protects and where appropriate, enhances the distinctive character of the Borough's built, historic, natural, and environmental townscapes (Policy CS14)
- (d) Protects the general amenity and health and safety of the local community (CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

11. The Council's Highway Engineer has been consulted on the application and has raised no objection in principle to the proposal.

12. The Council's Conservation Officer has been consulted on the application and has raised objection to the replacement UPVc windows, panels, and doors. There are concerns raised with regards to the increase in height of the garage.

RESULTS OF PUBLICITY AND NOTIFICATION

13. 3 letters of objection have been received with responses summarised below:

- *Concerns over loss of heritage – Arts and Crafts History lost through the removal of fence to the front door, garage doors should not be roller shutter, the chimney is A & C and is an essential architectural detail*
- *Concerns over height of spa room above the rear boundary wall*
- *The summerhouse will be unsightly above the rear garden wall and will block view and sunlight into our back garden (9 Beechwood Avenue)*
- *Outbuilding not in keeping with Conservation Area status or with surrounding buildings (9 Beechwood Avenue)*

14.1 letter of support has been received which is summarised below:

- *Attention has been given to the character of the building with an excellent job being made of the roof.*
- *The spa is a great addition, is to the rear to the back lane and therefore not imposing on anybody. The height is similar to neighbouring garage gables.*
- *New front door and fence welcomed.*

PLANNING ISSUES/ANALYSIS

(a) Visual Amenity and Impact on West End Conservation Area

15. Policy H12 of the Saved Local Plan sets out that alterations and extensions to existing dwellings will be permitted provided that they are in keeping with the character, design and external appearance of the property and they are in keeping with the surrounding street scene and area. Policy CS2 of the Core Strategy sets out that high, quality, safe, sustainable design will be promoted in all new developments and should reflect and enhance Darlington's built and historic characteristics that positively contribute to the character of the local area.
16. Policy CS14 of Darlington's Core Strategy is relevant as is it seeks to protect and enhance buildings and features which contribute to and protects local character and distinctiveness including built heritage, their settings, and features of historic importance within conservations areas.
17. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area.
18. The application proposes a number of alterations to the property in the form of the removal and replacement of existing windows and doors with UPVc replacements, the removal of the chimney and the fence to the front of the property. While these alterations form part of the planning application, a fallback position exists in that these alterations can be carried out as permitted development, without the need for planning permission. This fallback position carries weight in the consideration of the application. While concerns regarding the loss of these original features, and the impact these alterations have on the character and appearance of the conservation area are acknowledged, permitted development rights remain in place that allow properties within conservation areas to be altered unless those rights have been removed by way of an Article 4 Direction. There is no Article 4 Direction in place for the West End Conservation Area.
19. The proposed single storey extension to the rear is considered to be of a modest size and is subservient to the main off-shoot to the rear of the main dwelling. The proposed extension will be finished with brick cladding to match the existing dwelling. It is considered that due to the modest size, scale, and design of the extension it would be in keeping with the main dwelling and would not detract from the character and

significance of the existing dwelling. The proposed extension is located to the rear with limited views from Oakdene Avenue to the front, therefore it is considered that it would not be overly prominent within the immediate streetscene and would not detract from the character and significance of the surrounding West End Conservation Area.

20. The proposed pitched roof over the existing flat roofed garage would increase the overall height of the garage up to 5.1m from approximately 3m. The roof would be in keeping with the pitched roof of the main dwelling as well as neighbouring dwellings within the immediate streetscene. The Conservation Officer is concerned that the raising of the garage roof will obscure views towards a stained glass window in the side elevation of No.34. Whilst the proposed pitched roof will result in some obscured views of this feature, the resultant impact of the loss of this view and the works to the roof would not constitute harm in context of the overall character and significance of the Conservation Area and is therefore considered to be acceptable in accordance with Policy CS14 of the Core Strategy 2011.
21. The proposed garden/spa room is larger than the existing summerhouse but will remain subservient to the main dwelling and would be of a lower height than the proposed garage. The building will similarly not be readily visible in views from the front of the property. From the rear lane the pitched element of the roof will be visible above the rear boundary wall, but it is not considered this would be an incongruous feature within the rear lane, with neighbouring buildings extending above rear boundary walls in a variety of styles and materials. The roof of the proposed garden/spa room will be approximately 1.4m above the height of the rear boundary wall, as the pitch of the roof will slope away from the wall it is considered that the roof would not be unduly prominent when looking from within the rear lane.
22. The proposed materials to be used for the garden/spa room are red western cedar timber cladding for the walls and metal trim for the roof. The proposed materials are considered appropriate for the use of the outbuilding and would not appear prominent in context of the existing dwelling and the surrounding streetscene, being largely screened from Oakdene Avenue by the existing dwelling and altered garage. Owing to the location of the building with limited views from the surrounding streetscene and back lane, it is considered the proposal would not detract from the overall character and significance of the surrounding Conservation Area.
23. The proposed dormer window within the rear roof slope is to match in appearance to the existing dormers to within the front roof slope. There are a variety of dormer windows in neighbouring properties in the surrounding streetscene and therefore the proposal would not appear out of keeping in terms of visual amenity.
24. Overall, it is considered that the proposed works would not result in harm to the existing dwelling and surrounding West End Conservation Area and is therefore considered to accord with Saved Policy H12, Policies CS2 and CS14 and Paragraphs 193 and 196 of the NPPF.

(b) Residential Amenity

25. 38 Oakdene Avenue bounds the application site to the north west. There are minimal alterations to the western elevation of the property and therefore it is considered that there will be no adverse impacts on No.38 in terms of amenity and privacy and will therefore be in accordance with Policy H12 of the Saved Local Plan
26. 34 Oakdene Avenue bounds the application site to the east. The garage and proposed pitched roof is located adjacent to the neighbouring boundary of No.34. There is a large stained glass window in the western side elevation of No.34. Owing to the size of the stained glass window it is considered the proposed pitched roof added to the existing garage would not result in significant overshadowing of this window. There are no further primary windows within the west elevation of No.34 and therefore it is considered the proposal would not result in a significant loss of amenity in terms of overshadowing, overbearing or loss of outlook for this property.
27. The proposed garden/spa room is located adjacent to the western boundary wall of the application site. The garden room is set away from the rear elevation of No.34 by approximately 7m. Owing to the modest height of the garden room and the separation distance it is considered the proposal would not result in significant overshadowing of the rear of No.34. Furthermore, owing to the above mentioned separation distance and the presence of a brick boundary wall, it is considered the proposal would not result in a significant loss of privacy for No.34 in terms of overlooking.
28. The proposed side extension will be set away from the western boundary by approximately 12m. Owing to this distance and the presence of a boundary wall it is considered the proposed extension would not result in any adverse amenity impacts in terms of overshadowing, overbearing impact or loss of outlook or privacy impacts in terms of overlooking. The windows in the side elevation (east) of the existing offshoot replace the existing bay windows and therefore would not result in further impact on privacy of neighbouring properties above that which is existing.
29. No's 7,8 and 9 Beechwood Avenue are located beyond the alleyway to the rear of the application property. There is a minimum separation distance of approximately 12m between the rear elevation of the proposed summer house and the rear elevation of the neighbouring properties to the rear. There is a minimum separation distance of approximately 16.5m between the rear elevation of the proposed side extension and the rear elevation of properties located to the rear of the application site. Owing to the above separation distances and the height of the proposed extension and garden spa room it is not considered that they would result in significant impacts on amenity and privacy of these neighbouring dwellings located to the rear.
30. Overall, it is considered the proposals would accord with Policy H12 of the Saved Local Plan 1997.

(c) Highway Safety

31. The Council's Highway Engineer has been consulted on the application and raises no issue in terms of highway safety.

PUBLIC SECTOR EQUALITY DUTY

32. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

33. The proposal for the erection of a single storey side extension, a flat roof dormer to the rear roof slope, a replacement garage roof with a pitched roof, the erection of a detached garden/spa roof, replacement UPVc windows and doors, the removal of chimney stack and render to elevations are considered to accord with relevant policies CS2 and CS14 of the Core Strategy 2011, Policy H12 of the Saved Local Plan 1997 and the NPPF 2019. The proposal is considered to raise no issues in terms of visual amenity, residential amenity or highway safety and is therefore acceptable. The proposal does not result in harm to the West End Conservation Area and is therefore considered to be acceptable.

34. Accordingly, it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON - To accord with the provisions of Section 91(1) of the Town and Country Planning Act, 1990

2. Materials

Notwithstanding any description of the external materials in the submitted application, details of the external materials to be used in the carrying out of this permission shall be submitted to, and approved by, the Local Planning Authority in writing prior to the development hereby permitted being construction above dampproof course level and the development shall not be carried out otherwise than in accordance with any such approved details.

REASON - In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

3. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below,
 - 001 Site Location Plan
 - 101 Proposed Block Plan
 - 103 Rev 2 Amended Proposed Floor Plan
 - 104 Rev 2 Amended Garden Spa Room
 - 105 Second Floor Plans Existing and Proposed
 - 302 Rev 2 Amended Proposed Elevation A

- 303 Rev 2 Amended Proposed Elevation B

REASON: To ensure the development is carried out in accordance with the planning permission.