

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 24 November 2021

APPLICATION REF. NO: 21/01072/FUL

STATUTORY DECISION DATE: 30 November 2021

WARD/PARISH: Bank Top and Lascelles

LOCATION: Eden Cottage Residential Home, 37 Cobden Street

DESCRIPTION: Erection of single storey extension to the rear(east) elevation to create additional 3 no. en suite bedrooms together with additional/replacement windows to the side elevations, construction of access ramp and minor reconfiguration of in-curtilage landscaping

APPLICANT: Eden Cottage Care Home

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

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?activeTab=documents&keyVal=Q82CFLFPLCD00>

APPLICATION AND SITE DESCRIPTION

1. Eden Cottage Care Home is a 24 hour residential care home for elderly people who require assistance with day-to-day tasks. This includes day care, respite and dementia care and they currently have 22 bedrooms, all with en-suite facilities. The site is accessed off Cobden Street and the building, which is single storey, is set behind Nos 33 to 47 Cobden Street. The building is set within its own grounds and eight car parking spaces are provided to the front of the site.
2. The building was originally a dwelling which was converted into a care home and brought into operation in 1989. Planning records reveal six separate planning

permissions have been granted between 1986 to 2008 to extend and enlarge the building.

3. Cobden Street is primarily in residential use and there are dwellings on Kensington Gardens located to the rear (east).
4. The proposal involves the erection of a single storey flat roof extension to the rear in order to provide three additional en suite bedrooms (25 in total). There would also be a ramped Fire Exit door within the extension and to facilitate the internal alterations within existing and proposed extension, two new bedroom windows would be inserted into the south elevation. Soft landscaping and block paving would be provided around the proposed extension and between the boundary fence with the dwellings to the rear.
5. The extension would have a pebble dash rendered finish to match the existing building. It would be L shaped due to the recess for the ramped Fire Exit door and it would measure 11.4m wide; 3m high and 8m at its longest point.
6. The applicant has advised that over the past year they have seen an increase in the demand for care provision in their service. As a result of this, they have accumulated a waiting list for beds, and they have decided to expand to accommodate the requests and ease some pressure on the social care sector.

MAIN PLANNING ISSUES

7. The main issues to be considered here are whether the proposed development is acceptable in the following terms:
 - a) Impact on Residential Amenity
 - b) Impact on the Visual Appearance of the Building and Surrounding Area
 - c) Parking Provision and Highway Safety
 - d) Drainage and Flood Risk

PLANNING POLICIES

8. The relevant Local Plan policies include those seeking to ensure that the proposed development:
 - Is high quality, safe, sustainable and reflects Darlington's natural, built characteristics that positively contribute to the character of the local area and its sense of place (policy CS2 of the Core Strategy 2011)
 - Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy 2011)
 - Protects the general amenity and health and safety of local community (CS16 of the Core Strategy 2011)
 - Will be focussed on areas of low flood risk (Flood Zone 1) and it should comply with national planning guidance and statutory environmental quality standards

relating to risk from surface water runoff, groundwater and sewer flooding
(Policy CS16 of the Core Strategy 2011)

RESULTS OF TECHNICAL CONSULTATION

9. The Council's Highways Engineer has raised no objections

RESULTS OF PUBLICITY AND NOTIFICATION

10. Following the Council's notification exercise, four letters of objection have been received and the comments can be summarised as follows:

- *The proposal is not in keeping with the local environment which is open space between properties across neighbouring rear gardens*
- *Gardens will lose afternoon and evening sun*
- *Alternative locations for the extension to be built*
- *Eden Cottage is already over extended and consideration given to a new facility*
- *Water table issues*
- *Adverse impact on views from neighbouring houses*
- *There will be an increase in noise and disturbance which will impact on people using their own gardens especially in summer months*
- *Increase in overlooking and loss of privacy*
- *The extension will be over dominant and have a negative impact on neighbouring dwellings due its proximity to gardens*
- *Extension will be built on a flood plain and flood water will be diverted to neighbouring gardens*
- *A precedent will be set for allowing properties to be built right up to rear boundaries*

11. The objection letters also refer to potential impacts of the development upon the value of the existing dwellings and the motives of the applicant for applying for planning permission to extend the existing care home. These are not material planning considerations when determining this planning application.

PLANNING ISSUES/ANALYSIS

a) Impact on Residential Amenity

12. The proposed extension would not have any adverse impact on the amenities of the dwellings on Cobden Street as the extension is located to the rear of the building.

13. The means of enclosure between the rear gardens of the application site and the properties of Kensington Gardens is a 1.8m high close boarded fence on the east and south boundaries. The rear gardens of Nos 85 to 89 are quite shallow whilst the garden of No 83 extends alongside the south boundary. Nos 85 and 87, which would be directly behind the proposed extension have single storey conservatories to the rear and there appear to be detached outbuildings in the gardens of Nos 83, 85 and 89.

14. There is a row of hedging in the rear garden of No 87 which extends above the 1.8m high fence and there are some high trees/hedges in the garden of No 83 on the south boundary of the application site.
15. The overall width of the extension is 11.4m with a section measuring 7.5m within 1.8m of the eastern boundary fence before it recesses back to 4.3m for the final 3.9m where the Fire Exit door and access ramp are located. The extension would be 1.8m from the fencing on the southern boundary. The eaves of the proposed extension would be approximately 1.2m higher than the fence line. Having considered this site context, the extent of the extension which would be visible above the fence line would not have a significant adverse impact on outlook or sunlight to warrant a refusal of planning permission on such grounds. The existing fencing, the existing hedging and trees in neighbouring gardens; the use of a flat roof and the set back from the fence line are all factors which make the extension acceptable in amenity terms.
16. There are two window openings in the end elevation (east) of the extension, but these are both small ensuite bathroom windows which would be fitted with obscure glazing which can be conditioned. The two new bedroom windows in the south elevation would face onto the 1.8m high fencing and trees which are on this shared boundary and they will limit the extent of any potential overlooking of the neighbouring garden.
17. The Fire Exit door and ramped access should not raise any amenity issues as the exit would only be used in an emergency and would not be a general access into the extension.
18. It is considered that the proposed increase in the number of residents would not have an adverse impact on the local area in terms of noise and disturbance.
19. Overall, the proposed development would not have a significantly adverse impact on the neighbouring dwellings to justify a reason to refuse the planning application on such grounds and the proposal accords with policy CS16 in this regard.

b) Impact on the Visual Appearance of the Building and Surrounding Area

20. The care home is a single storey building with the access, parking, hardstanding and landscaping to the front. The original part of the building and two projecting extensions to the front have dual pitched roofs but the existing rear extensions are all flat roofed. The amenity space to the rear is subdivided by a fence. The northern section is a well maintained area comprising a hardstanding with outdoor seating; mown grass, footpaths, sheds, raised flower beds and a timber decking area.
21. The southern section is less well maintained with overgrown flower beds, an empty greenhouse and two storage sheds. The applicant has advised that this part of the rear garden is not well used and is the most appropriate location for the proposed extension as it would be a natural continuation of the existing internal layout of the care home; ensure that the room sizes, circulation spaces and indoor and outdoor communal area meet modern standards set out by the Quality Care Commission and to ensure that the

number of existing parking spaces to the front are not impacted upon. Whilst the home has been previously extended, there is a sufficient amount of open and useable amenity space retained both to the rear and within the overall curtilage of the site.

22. The proposed extension would be flat roofed to match the existing off shoot and it would be constructed from matching materials.
23. The proposed extension would not be visible from Cobden Street and therefore it would not have any impact on the appearance of the general street scene.
24. Overall, the proposed development is acceptable in design terms and would accord with policy CS2 of the Core Strategy 2011 in this regard.

c) Parking Provision and Highway Safety.

25. The proposals do not include any alterations to the existing access to the site from Cobden Street. There would be no increase to the existing on-site visitor parking provision of 8 spaces which is deemed sufficient by the applicant, based on regular monitoring of site activity by the owners. This level of provision is also in line with Tees Valley Design Guide standards for residential care homes. Given the minor increase in capacity, the proposed development would not be expected to create any highways impact or warrant refusal based on highway safety. The proposed development would accord with policy CS2 of the Core Strategy 2011 in this regard

d) Drainage and Flood Risk

26. The planning application site and surrounding properties are located within Flood Zone 1 which is in the 'very low' flood risk category. Surface water and foul water would both be disposed by the main sewers. The applicant is not aware of any localised flooding the 32 years that they have been operational, but such issues can be mitigated through appropriate drainage design and through Building Regulations. The proposed development would accord with policy CS16 of the Core Strategy 2011 in this regard

THE PUBLIC SECTOR EQUALITY DUTY

27. 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. The existing building is fully accessible, and these arrangements would not be altered as a result of the proposed development. The Fire Exit door within the proposed extension would also be accessible. The proposed development would accord with policy CS2 of the Core Strategy 2011 in this regard.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

28. 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 AND RECOMMENDATION

29. The proposed development would not raise any highway safety, parking or drainage concerns and its design is in keeping with existing extensions and additions at the rear of the care home. The proposed extension would not have such a significant impact on the amenities of the neighbouring dwellings in term of outlook and loss of sunlight to warrant a reason to refuse the planning application on such grounds and a planning condition has been recommended to ensure that the ensuite bathroom windows in the east elevation are obscured. Overall, the proposed development would accord with the local development plan.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 – Implementation Limit (Three Years)
2. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:
 - a. Drawing Number 202105/03 – Proposed Floor and Roof Plan
 - b. Drawing Number 202105/04 – Proposed Elevations
 - c. Drawing Number 202105/06 – Proposed Site Plan

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

3. The ensuite bathroom windows formed in the east elevation of the proposed extension shall be obscure glazed and shall not be repaired or replaced other than with obscured glazing.

REASON - To prevent overlooking of the neighbouring property.