

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 15th May 2024

APPLICATION REF. NO:	24/00219/FUL
STATUTORY DECISION DATE:	25 th April 2024 (Extension of Time agreed 17 th May 2024)
WARD/PARISH:	HAUGHTON AND SPRINGFIELD
LOCATION:	69 Welbeck Avenue Darlington
DESCRIPTION:	Erection of part single storey, part two storey rear extension incorporating alterations to the existing ground floor side extension including new pitched roof, together with the formation of 2 no. car parking spaces within front boundary (re-submission)
APPLICANT:	Lauren Amy Vogwill

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=summary&keyVal=S9MCEYFP0C200>

APPLICATION AND SITE DESCRIPTION

1. This application is a re-submission of a previously approved scheme, 23/00909/FUL, which was granted on 20th November 2023. This proposal is to build exactly the same as the previously approved extension. This application has been re-submitted due to the incorrect ownership certificates being signed on the original application.
2. Likewise, the previously granted application for a lawful development certificate, 23/00964/PLU, for the use of the property as a single dwelling (Use Class C3) to a 5 person

HMO (Use Class C4) was resubmitted due to incorrect details on the application form. The replacement application, 24/00221/PLU, was submitted and subsequently granted on 15th April 2024.

3. The application property is a south east facing semi-detached two storey dwelling located on the north side of Welbeck Avenue close to its junction with Fryer Crescent. It is set within an average sized plot for the area. The surrounding area is predominantly residential in character.

4. Planning permission is sought for a part single storey, part two storey extension at the rear, alterations to the existing ground floor side extension to include a new pitched roof and the formation of two car parking spaces within the front boundary. A detached wooden shed will be sited in front of the existing side extension to create a secure cycle store. The property is a three bedroomed dwelling and the proposal will provide an additional first floor bedroom and the internal alterations will create a further ground floor bedroom, providing five bedrooms in total.

5. The proposed ground floor extension will project 3.3m and will be 6.5m wide. The first floor element of the extension will be set off the boundary with the adjoining property by 1.45m and will project 3.3m and be 5.4m wide. The single storey part of the proposal will project 3.3m and will be 2.6m wide. The single storey extension will have a mono pitched roof with eaves at 2.5m and the roof at 3.8m. The two storey part of the proposal will have a hipped roof with eaves the same height as the original dwelling and the ridge set lower than the original house roof. The single storey element will have two velux rooflights. The ground floor will provide a kitchen/breakfast/dining area and the first floor will provide a bedroom with en-suite.

6. The existing flat roofed side extension will be altered internally to provide a kitchen and utility. The proposal includes the installation of a utility room window in the front elevation and building a dual pitched roof over with eaves at 2.5m and the ridge at 3.8m.

7. A secure cycle storage unit will be sited in front of the existing side extension. The storage unit will be a purpose built timber shed measuring 1.8m x 0.9m with either a mono or pitched roof with eaves at 2.1m and the ridge at 2.3m.

8. The existing low front boundary wall will be removed, and the existing garden area will be redeveloped to create two in-curtilage parking spaces. The surface for the parking area will be gravel with a hard surface within 1.0m of the public highway.

9. The materials for the proposals will be facing bricks with concrete tiles to match the existing dwelling. The shed will be timber and the paving will be gravel with a hard surface within 1.0m of the public highway.

10. It is intended that once extended the property will be used as a 5-bed HMO. This has been established by the certificate of lawful development application and is not a matter for consideration as part of this application which considers the proposed extensions and alterations to the property only.

11. Following the original grant of planning permission for this extension, building work had started. The applicants have ceased building work until the outcome of this current application.

MAIN PLANNING ISSUES

12. The main issues with this application are:

- a) Impact on the character and appearance of the property;
- b) Impact on residential amenity
- c) Highway safety
- d) Other matters

PLANNING POLICIES

13. Relevant planning policies include those seeking to ensure that new development: -

- Promotes good design to create attractive and desirable places to live, work and invest and follows the design principles of the Design of New Development SPD (DC1)
- Is sited, designed and laid out to protect the amenity of existing users of neighbouring land and buildings and the amenity of the intended users of the new development (DC4)
- Provides suitable and safe vehicular access and parking arrangements (INV4)

RESULTS OF TECHNICAL CONSULTATION

14. The Highway Officer raises no highway objection to the proposal.

RESULTS OF PUBLICITY AND NOTIFICATION

14. Two properties in Welbeck Avenue, two properties in Feetham Avenue and one property in Bangor Grove (owner of the property) were consulted. A total of 4 objections have been received, which raise the following issues. It should be noted that no objections were received to the original application. The main points of objection were:

- The sole owner of the property objects due to the applicant not being the current owner of the property; (apparently this will change on 8th August 2024 and the correct certificates have now been signed);
- The current owner withholds permission for any construction on the premises;
- As the owner, he knew nothing of the original proposal and the original application was fraudulent;
- Parking and highways safety obstructions and concerns;
- Overlooking and loss of privacy to my property;
- Shading and loss of light to the rear of my property due to how close the extension is to my windows, blocking out natural light;
- Additional noise;

- Parking issues on a busy cut through road from Salters Lane to Whinfield Road and extra cars above the two allocated parking spaces from the future tenants;
- Drainage and sewer problems from already problem drains;
- Privacy from overlooking into rear garden which should be a private place for the home owner to relax and enjoy;
- Foul Sewage / drainage issues / current issues
- Concern of damage and future leaks to my current adjoining flat roof.
- Parking is an issue on the street and is already a cause for concern for safety reasons due to vehicles obstructing the view when pulling out of my driveway along with vehicles parked on foot paths obstructing walkways for prams and wheelchair users.
- If the property is increasing its occupancy to a 5-bedroom property and only 2 parking spaces, this will result in an additional 3 cars obstructing the walkways / highways and increasing the safety risk / obstruction;
- The kitchen and utility area moving closer to my property, this may cause additional noise from the property with also the increased number of people living there.
- If these works do go ahead, I request a condition that the walls are insulated, and sound proofed to the adjoining property for the increased activity/noise that would emanate from the HMO
- Already have issues with the joint drainage system from both properties based on current state (x2 3-bedroom houses) that required to be cleared every 6 months based on the current usage. With the increase of tenants within this property, this will only get worse;
- Changing of the current adjoining flat roof to a pitch roof, can there be a guarantee that no damage or disruption will be caused to my current flat roof and also the possibility of leaks / defects in the future to my roof.

PLANNING ISSUES/ANALYSIS

(a) Impact on the character and appearance of the property

15. The proposed extension is considered to be fairly large in terms of its scale and footprint relative to the application property which itself is a fairly modest semi-detached dwelling. In this instance the application property is situated within an average sized plot for the area and is surrounded by similar dwellings.

16. The proposed extensions have been designed so as to appear in keeping with and suitably subservient to the main dwelling, with the two-storey extension incorporating a hipped roof which will sit beneath the main ridge of the dwelling, with the single storey element adjoining the two-storey extension to the rear having a mono-pitched roof. The single storey extension to the side of the property is to have a pitched roof and maintains a set back from the front of the property. All extensions are to be constructed of matching brick and tiles.

17. The rear extensions will not be readily visible from views outside of the site. While the single storey side extension will be visible from Welbeck Avenue due to its scale, design and use of matching materials, it will not be a prominent feature when viewed from this aspect. Space to the front of properties is used either as private garden or for off-street parking and

therefore the formation of two parking spaces in this area together with space for bin and cycle storage is acceptable in visual terms. Overall, the proposal is considered to be acceptable in terms of its impact on the character and appearance of the application property and surrounding area and complies with Policy DC1.

(b) Impact on residential amenity

18. The rear extension has been designed as a part two-storey, part single-storey extension with the single storey element being located closest to the common boundary with the adjoining property, 67 Welbeck Avenue, to limit the impact of the proposal on this property. Although the single storey extension would result in a slight infringement of the 45-degree code, by 0.3 metres, this is not considered significant given its single storey form and the presence of a high boundary fence between the two properties.

19. The side and rear extensions do not adversely impact upon amenities of the neighbouring property to the other side or rear. None of the proposed windows will impact on the neighbouring properties in terms of loss of privacy due to overlooking. The proposal would not result in any significant detrimental impacts in terms of light, outlook and overlooking to neighbouring residential properties and complies with Policy DC4.

(c) Highway Safety

20. Two in curtilage parking spaces are to be provided which meet the advised minimum dimensions of 2.7x5.5m to ensure that spaces are practical to use, and of sufficient depth so vehicles will not overhang the footway. The Tees Valley Design Guide (TVDG) advises that dwellings of four or more bedrooms should have three in curtilage parking spaces. Whilst the conversion to a five-bed dwelling does present a shortfall of 1 space, when compared to the existing situation of a three-bed dwelling with no in curtilage parking, this offers overall betterment and as such the proposed level of parking is accepted.

27. Whilst not referred to as part of the application, all rooms feature an ensuite and as such the dwelling could potentially be occupied as a house of multiple occupation (HMO) under permitted development. There is no specific guidance on parking provision for HMO conversions within the Tees Valley Highway Design Guide instead, reasonable consideration must be given to the potential impact of the application, which may be permitted as it is not considered to have a material adverse effect on residential amenity or highway safety, due to adequacy of car parking.

28. It is known that car ownership rates are generally low among persons living in shared houses. Census data for Darlington shows that car ownership rates are an average of 47% within shared households across the Borough. It would therefore not be unreasonable to conclude that car ownership rates of HMO residents would be at a similar level. Based on average car ownership levels rounded to 50%, this would equate to a requirement of 2.5 parking spaces, for a five-bed HMO.

29. Whilst the increase in dwelling size and bedroom numbers does present a small intensification of use of the current level, this is a very minor increase in additional daily vehicle movements, with two in curtilage parking spaces being secured to mitigate any additional parking requirements. The Highway Engineer advises that the application would not warrant refusal on highway safety or residential amenity grounds due to a shortfall of parking, subject to conditions requiring the construction of a dropped pavement crossing to facilitate the proposed off-street parking spaces, to ensure the parking remains available at all times, and to ensure the parking area is constructed using a sealed surface. The proposal therefore complies with Policy IN4.

(d) Other matters

30. A number of matters raised by objection relate to the use of the property as a HMO and associated issues, and also to matters relating to the ownership of the property. As previously advised, the use of the property as a HMO has been dealt with by the associated application for a lawful development certificate and as such these matters are not for consideration as part of this application.

31. This application is a resubmission of an identical application but with the correct ownership certificates (certificate B) now completed. Whether or not the owner of the property gives permission for the works to be undertaken is equally not a matter for consideration at this time. Officers are satisfied that the correct ownership certificate has now been completed however the granting of any planning permission does not override the need for the applicant to obtain the property owner's permission to carry out the works. This is a civil matter between the two parties.

THE PUBLIC SECTOR EQUALITY DUTY

34. 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.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

35. 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

38. The development accords with relevant Local Plan policies in that it respects the character and appearance of the host property and relates well to the surrounding area, and does not

give rise to any issues of highway safety subject to planning conditions. The development does not raise any issues that would not be capable of being dealt with by standard conditions.

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. A3 Implementation Limit (3 years)
2. The materials used in the external surfaces of the extension hereby permitted shall match those used on the existing building.

REASON - In the interests of maintaining the visual amenity of the development in accordance with the requirements of Policy DC1 of the Darlington Borough Local Plan 2016-2036.

3. Prior to occupation of the extension, a lawful means of vehicle access should be provided in the form of a dropped pavement crossing, to be constructed as part of a Section 184 Agreement issued by the Highways Authority.

REASON - In the interests of highway safety.

4. No part of the proposed extension shall be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON - To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

5. In order to ensure that no loose material is pulled onto the highway the first 1m of the drive within the property is constructed in a sealed material (i.e. not loose gravel)

REASON - In the interests of highway safety.

6. No additional flank windows or other glazed openings shall be formed in the eastern walls of the extension hereby approved without the prior written consent of the Local Planning Authority.

REASON - To protect the amenities of the neighbouring residential property against increased overlooking with resultant loss of privacy.

7. The development hereby permitted shall be carried out in accordance with the approved plans, as detailed below:

- Drg. No. 23.124- 01 – Existing Ground Floor Plan
- Drg. No. 23.124- 02 – Existing First Floor Plan

- Drg. No. 23.124- 03 – Existing Gable Elevation
- Drg. No. 23.124- 04 – Existing Front and Rear Elevation
- Drg. No. 23.124- 05 – Proposed Ground Floor Plan
- Drg. No. 23.124- 06 – Proposed First Floor Plan
- Drg. No. 23.124- 07 – Proposed Front Elevation
- Drg. No. 23.124- 08 – Proposed Rear Elevation
- Drg. No. 23.124- 09 – Proposed Gable and Boundary Return Elevation
- Drg. No. 23.124- 10 – Proposed Block Plan

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

INFORMATIVES

Section 184 Crossover

The applicant is advised that works are required within the public highway, to construct a new vehicle crossing; contact must be made with the Assistant Director: Highways, Design and Projects (contact Mrs Lisa Woods 01325 406702) to arrange for the works to be carried out or to obtain agreement under the Highways Act 1980 to execute the works.