

**DARLINGTON BOROUGH COUNCIL**  
**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 10<sup>th</sup> July 2019**

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| <b>APPLICATION REF. NO:</b>     | 19/00183/FUL  |
| <b>STATUTORY DECISION DATE:</b> | 22 April 2019   |
| <b>WARD/PARISH:</b>             | SADBERGE AND MIDDLETON ST<br>GEORGE   |
| <b>LOCATION:</b>                | 5B The Spinney, Middleton St George   |
| <b>DESCRIPTION:</b>             | Application under Section 73 of the<br>Town and Country Planning Act 1990<br>for variation of condition no. 4 (approved<br>plans) attached to planning permission<br>16/00500/FUL to permit changes in design<br>and landscaping works. |
| <b>APPLICANT:</b>               | Mr J Boggan   |

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**APPLICATION AND SITE DESCRIPTION**

The site comprises a 0.3 hectare paddock to the rear of a dwelling ( 5B The Spinney) which is accessed via a private drive off the Spinney which is located on the western edge of Oak Tree near Middleton St George.

Under Section 73 of the Town and Country Planning Act 1990 it is intended to vary the original planning permission by altering the design and siting of the two approved dwellings.

The design changes relate to the raising of the attached garage roofs of both properties from approximately 4 metres to 6.9 metres to create a further bedroom above and to install a dormer window with Juliette balcony in the rear elevation. It is also proposed to create a glazed feature over a double height entrance in the front elevation of both properties and to alter the size and position of a number of windows and doors within the property. The resiting involves the northern-most dwelling being relocated some 4 metres further back into the site.

There are a four trees protected by Tree Preservation Order No. 2 2019 adjacent to the eastern boundary of the site.

## **PLANNING HISTORY**

16/00500/FUL – Erection of 2 no. detached dormer bungalows with attached double garages and driveway. APPROVED 1 August 2016.

18/00916/FUL - Erection of 3 No. detached dormer bungalows with attached double garages and driveway. REFUSED 05.12.2018

## **RESULTS OF CONSULTATION AND PUBLICITY**

**Middleton St George Parish Council** – Objects to the proposals for the reasons given by local residents.

**CPRE** - Objects to the proposals for the reasons given by local residents

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

**Seven letters** were submitted objecting to the application. The following issues were raised :

- Design of dwellings inappropriate
- Increase in traffic will be a problem from disturbance and road safety aspect.
- Disturbance to wildlife
- Loss of greenfield site
- Outside development limits
- Nearby trees will be damaged.
- Loss of privacy from overlooking
- Sewage pumping station may be overloaded
- Noise from railway may cause nuisance.

## **PLANNING POLICY BACKGROUND**

The following policies of the development plan were relevant to the original application :

### **Borough of Darlington Local Plan 1997:**

- E2 – Development Limits

### **Darlington Core Strategy Development Plan Document 2011:**

- CS1 – Darlington's Sub-Regional Role and Locational Strategy
- CS2 - Achieving High Quality, Sustainable Design
- CS10 – New Housing Development

## **PLANNING ISSUES**

### **Planning Policy**

The 2016 permission is extant and can be implemented before its expiry date in August 2019 subject to the discharge of conditions. In view of this the principle of development cannot be revisited. The main issues for consideration are whether the proposed alterations to the properties are acceptable in terms of their impact on visual and residential amenity and highway safety.

### **Residential Amenity**

The design changes relate to the increase in the roof of the garages attached to the properties to provide an additional bedroom, the installation of a further dormer window and Juliette balcony in the rear elevation of the new bedroom and the installation of a glazed feature over the front door. Alterations to a number of windows and doors in the properties are also proposed. The resiting involves the northern-most dwelling being relocated some 4 metres further back into the site.

The application site is bounded by existing dwellings to the south and more distantly to the east and by a paddock to the north and west. As such the proposed changes to the height of the garage roof and the installation of the additional dormer window in the rear elevation will have little discernible impact on the amenities of surrounding residential properties in terms of loss of light, outlook or privacy due to overlooking. Similarly, the changes to the window and door arrangements, principally in the rear elevations, overlooking the paddock will have little discernible impact on residential amenity. The resiting of the northern most dwelling will have limited impact on the nearest dwellings to the east and will improve the separation distance between these properties.

### **Impact on the Character and Visual Appearance of the Building and Surrounding Local Area**

The alterations to both the siting and design of the proposed dwellings are considered to be fairly minor in scale and in the context of the approved design for the dwellings. As such the proposed changes will have no significant impact on the character and appearance of the new dwellings, or that of the surrounding area given the relatively modern appearance of surrounding dwellings.

### **Highway Safety**

There are no highway issues to consider here as the application relates only to alterations to siting and design.

### **Other Matters**

Issues such as traffic generation, loss of open space and noise etc were dealt with under the original application and cannot be reconsidered as part of this application.

### **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**

This Section 73 application relates to the re siting and re design of two dwellings granted planning permission in 2016. As noted above, the changes are minor in nature and do not impact on either the amenities of nearby residents or the character of the locality in general. Local residents have raised other issues other than those of siting and design. These cannot be considered as part of this application; they were considered under the earlier 2016 application which was approved by the Planning Committee at that time. Bearing the above in mind therefore it is considered that planning permission can be granted for the proposed amendments.

## **RECOMMENDATION**

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

1. This permission shall be commenced not later than 1<sup>st</sup> August 2019.

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

2. The development shall be carried out in complete accordance with the approved plan(s) as detailed below:

Site Plan No – L017079-009  
Elevation Plan No – L017079-006  
Floor Plan No - L017079-005  
Tree Protection Plan No - L017079-008

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

REASON - In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

3. Prior to the construction of the dwellings reaching damp proof course level, details of the provision of bat roosting boxes within the design of the new dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details as approved and maintained for the lifetime of the development.

REASON – In the interests of the welfare of protected species.

4. Prior to the commencement of the development, a Construction Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details for wheel washing, a dust action plan, the proposed hours of construction, vehicle routes, road maintenance, and signage. The

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

REASON – In the interests of highway safety and residential amenity

5. Prior to the construction of the dwellings reaching damp proof course level, details of the proposed boundary walls and hard landscaping shall be submitted to and approved in writing by the Local Planning Authority.

REASON – In the interests of visual amenity.

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

**Borough of Darlington Local Plan 1997:**

- E2 – Development Limits

**Darlington Core Strategy Development Plan Document 2011:**

- CS1 – Darlington’s Sub-Regional Role and Locational Strategy
- CS2 - Achieving High Quality, Sustainable Design
- CS10 – New Housing Development