

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

**COMMITTEE DATE: 7<sup>th</sup> August 2019**

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<b>APPLICATION REF. NO:</b>	19/00199/FUL
<b>STATUTORY DECISION DATE:</b>	16 August 2019
<b>WARD/PARISH:</b>	COLLEGE
<b>LOCATION:</b>	41 Milbank Road
<b>DESCRIPTION:</b>	Erection of two storey and single storey rear extensions and erection of replacement detached garage (as amended by plans received 7 June 2019)
<b>APPLICANT:</b>	Mr James Guyett

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**APPLICATION AND SITE DESCRIPTION**

The application property is a semi-detached dwelling located on the south side of Milbank Road close to its junction with Milbank Crescent. The property is surrounded by a mix of two storey dwellings on Milbank Road and single storey dormer bungalows on Milbank Crescent to the west. The West End Conservation Area boundary is located on the opposite side of Milbank Road although is unaffected by the proposals.

It is proposed to erect a part single, part two storey extension to the rear of the property to replace an existing single storey extension and to erect a detached garage to replace an existing garage alongside the western boundary fence. The proposed garage is to measure approximately 2.9 metres wide by 6 metres in length with a ridge height of 3 metres.

The proposed rear extension would be L shaped with the single storey element positioned on the shared eastern boundary with No 39 Milbank Road. The single storey extension would measure approximately 3 metres wide by 3 metres in length with an overall height of 3.2 metres under a flat roof with a lantern style roof light. The two-storey element of the extension measures 4.2 metres wide by 5 metres in length at ground floor, with the first floor element above being reduced to 3 metres in length. The two-storey element has a hipped roof with a height of 7.4 metres at its greatest point, with the single storey element below having a flat roof 3.2 metres in height. The extension would be constructed of facing brickwork with a slate roof, with the flat roofed elements of the extension having a GRP resin finish.

The application has been amended in the following ways in response to comments made by the local planning authority and objectors:

- The projection of the first floor extension has been reduced from 5m to 3m;
- A high level window in the west elevation of the first floor extension has been removed;
- The projection of the single storey extension has been reduced from 5m to 3m and “squared off”;
- The length of the proposed detached garage has been reduced from 8m to 6m;
- The proposed detached garage has been repositioned so that there is a 3m gap between the front of the garage and the rear extension.

## **PLANNING HISTORY**

None

## **RESULTS OF CONSULTATION AND PUBLICITY**

The occupants of No 3 Milbank Crescent and No 39 Milbank Road objected to the original plans. The comments can be summarised as follows:

- *We feel the extension will be overbearing when viewed from No 39 Milbank Road and would seriously cut down on the amount of late afternoon and evening sunlight that we currently benefit from;*
- *There are no other two storey extension in this part of Milbank Road and this would set a precedent which could change the whole character of the area*
- *Our back garden (No 3 Milbank Crescent) has a depth of barely 5m from the dining room kitchen door and window to the rear fence. The extension would block the aspect from the rear of our bungalow, the bedroom/office and dining/kitchen windows in particular;*
- *The extension would be oppressive dominant, overbearing and the overshadowing effect will clearly be harmful to the enjoyment of our bungalow and garden;*
- *Any sense of openness would be lost. Daylight would be reduced and the upper window in the side of the proposed extension would impair the privacy of our back garden*
- *If the garage at No 1 Milbank Crescent is built, then our sense of being tightly hemmed in by buildings would be further compounded;*
- *We object to the proposed garage being brought closer to the house, effectively closing the gap between buildings and yet again contributing cumulatively to the sense of being hemmed in;*
- *The first floor extension may be appropriate if the house was within a continuous row, but it is not. It is at the end of a row and our bungalow is at right angles to the house. Given the very restricted distances involved, we doubt that such an extension would be entertained if the two properties were back to back*

Following the submission of amended plans which reduced the projection of the first floor extension and the single storey extension along the shared boundary with No 39 Milbank Road, objection letters were received from the occupants of Nos 1 and 3 Milbank Crescent. The comments can be summarised as follows:

- *I would like to object to the plan on the basis of privacy to my home and blocking sunlight to my garden and bathroom. The extension will overlook our homes like a set of apartments;*
- *I would like consideration to be looked into the boundary of both properties as there is not much room on their drive.*
- *The amended plans make no material difference to our previous objection which we would still wish to stand;*
- *We maintain that any first floor extension would be overbearing in relation to our bungalow and small garden, contrary to Policy H12 of the Local Plan*
- *We are disappointed that no consideration has been given to our concern about the continuous accumulation of buildings along our boundaries. The visual impact of the garage needs to be reduced.*

Following the submission of an amended plan which “squared off” the single storey extension, objection letters were received from the occupants of Nos 1 and 3 Milbank Crescent. The comments can be summarised as follows:

- *We would stand by our objection. The mere size of the extension and the garage doesn't change the situation it would cause*
- *I am also concerned over how they plan to make the driveway big enough to fit a car down, as from looking at the plan they are coming onto our land*
- *The depth of the projection for the kitchen/diner should apply to our side too*
- *The impact of the ground floor extension would be more pronounced on our side as it would come directly in front of our rear habitable room windows and very short back garden*
- *We remain opposed to any first floor extension*
- *There are no two storey rear extensions within the row of ten houses comprising Nos 23 to 41 Milbank Road. Recent approvals relate to single storey extensions only*

The occupant of No 39 Milbank Road **WITHDREW** their previous objection to scheme following the “squaring off” of the single storey extension which is located alongside the shared boundary with their property.

Following the submission of the amended plan to reposition the proposed garage, a letter of objection was received from the occupant of No 3 Milbank Crescent and can be summarised as follows:

- *We note that the configuration of the kitchen extension has not been changed. This is discriminatory and unfair towards ourselves for the reasons given in previous letters. A projection of four metres right across would provide a floor area equivalent to that which is now proposed*
- *Given the problems with the narrow driveway and general traffic situation in Milbank Road, we thought that there might be interest in retaining space for vehicle turning*

- *From our standpoint of wanting to safeguard at least some of the open aspect from our property, we accept a minimum distance of 3m between the kitchen extension and front of the replacement garage*
- *Our major problem continues to be with the proposed upper storey extension. Why would a five metre extension be held in contravention of Policy H12 whereas a 3m extension may not?*
- *Whilst subject to a range of variables in the seasons, and the weather there can be no doubt that an extension of either form would eliminate early morning sunlight and reduce daylight to our property and that of our neighbour*
- *The question of whether the proposed extension is “overbearing” is a matter of perception and judgement. However, the wording in the policy “when viewed from the neighbouring properties” does imply that primary consideration will be given to the perception of those who actually live there or does the judgement solely depend on a one off site visit by a Council Officer?*

An objection from the occupant of No 4 Milbank Crescent has been received and the comments can be summarised as follows:

- *I thought at this point that I had run out of time to object but have spoken to my neighbour over the weekend and have been told that a decision has not yet been reached regarding this application. I would like to object to this planning application based on the fact that the two storey extension is an extremely large addition to the property. It is overbearing to No 3 Milbank Crescent and presents a real issue in cutting of the light to the back of this property. Had the garden at No 3 Milbank Crescent been of a normal length, this extension would not be so problematic but it is a short garden that the extension will cause huge problems to this property with the loss of light*

## **PLANNING POLICY BACKGROUND**

Saved Policy H12 (Alterations and Extensions to Existing Dwellings) of the Borough of Darlington Local Plan 1997 is relevant along with Planning Guidance Note 7 – Alterations and Extensions to Dwellings.

## **PLANNING ISSUES**

Saved Local Plan Policy H12 (Alterations and Extensions to Existing Dwellings) states that alterations and extensions to existing dwellings will be permitted where they are in keeping with the character, design and external appearance of the property and in keeping with the street scene and surrounding area. Such proposals are also required to maintain adequate daylight entering the principal rooms of nearby buildings; maintain adequate privacy in the rooms, gardens and other outdoor areas of nearby buildings and should not be overbearing when viewed from neighbouring properties. The proposal must maintain adequate parking or garaging and other external space with the curtilage. The policy is supported by Planning Guidance Note 7 – Alterations and Extensions to Existing Dwellings.

The main issues to be considered here are whether or not the proposed development is acceptable in terms of the following:

- Residential Amenity

- Impact on the Character and Appearance of the Surrounding Area
- Highway Safety and Parking Provision

### **Residential Amenity**

The application site is bound to the east, south and west by neighbouring dwellings, with the properties on the west boundary (Milbank Crescent) being single storey bungalows with shallow rear gardens. A total of 3 objections have been received from the occupants of 1 and 3 Milbank Crescent to the west of the application property and from 4 Milbank Crescent on the opposite side of the road, raising concerns regarding the impact of the proposed extensions on their properties and rear garden areas in terms of loss of light, outlook and privacy.

The scheme has been amended since first submitted; specifically, the reduction in the projection of the first floor extension from 5 metres to 3 metres; the repositioning of the garage to leave a 3 metre gap between the garage and the extension and alterations to the single storey extension to alleviate the impact on these properties. As a result of amendments to the scheme, an objection from the occupants of the adjoining property to the east, 39 Milbank Road, was withdrawn. The main issue is whether the proposed extensions in their amended form would be acceptable in terms of their impact on the amenities of the surrounding neighbouring properties.

#### *Impact on 39 Milbank Road*

This property adjoins the application property to its eastern side. It is a two storey dwelling and it has recently been extended to the rear with a contemporary style single storey flat roofed extension. The shared boundary between the two properties comprises a timber fence and a section of vegetation. The existing single storey extension at the rear of 41 Milbank Road is clearly visible above the existing fence line between the two properties.

Part of the single storey extension would project 3 metres along this common boundary. Being L shaped, the 5 metre projection at ground floor with the 3 metre extension above would be set in approximately 3.2 metres from the common boundary. As a result the proposed extensions comply with the 45-degree code at both ground and first floor level.

The new extension erected to the rear of 39 Milbank Road has large glazed walls facing west towards the application site and south facing down their own garden. While the proposed extensions would be clearly visible from inside this extension and from the outdoor areas, and the outlook from this property will change, in view of the amendments to the scheme it is not considered that outlook would be so adversely affected so as to warrant refusal of planning permission on such grounds.

The rear garden of this dwelling is already overlooked from existing first floor windows to the rear of the application property and the extent of overlooking would not be adversely increased by the proposed development. As such, the proposed extensions would not have been overbearing or dominant when viewed from this dwelling and it is considered to be acceptable in residential amenity terms.

### *Impact on 1 and 3 Milbank Crescent*

These properties are a pair of semi-detached dormer bungalows located on the corner of Milbank Road and Milbank Crescent. Both have small single storey off-shoots to the rear and 3 Milbank Crescent has a dormer extension in the rear roof slope. The gardens to the rear of these properties extends to approximately 7.5 metres and 5 metres when measured from the single storey off-shoots. The properties are separated from the application property by close boarded fences above which the upper section of the existing single storey extension to the rear of 41 Milbank Road can be seen from the rear of both properties. Both properties have windows serving habitable rooms in the rear elevations, although the windows in the dormer extension to the rear of 3 Milbank Crescent are all obscure glazed. There are rooflights in the rear of 1 Milbank Crescent.

A new kitchen window is to be inserted in the west elevation of the proposed extension although any overlooking will be mitigated by the existing boundary fencing. An enlarged bathroom window is to be created at first floor level however this is to be obscure glazed, controlled by planning condition, which will prevent any unacceptable overlooking of these properties.

The main impact on these properties will be from the proposed first floor element of the extension, which would be sited approximately 2.7 metres from the shared boundary. The proposed replacement garage will also be visible from the rear of 3 Milbank Crescent. The ground floor element of the extension, which would project approximately 5 metres adjacent to this shared boundary, will be partially visible above the existing fence line although this is not considered to adversely affect the amenities of these properties in terms of loss of light or outlook.

The proposed first floor extension, having a 3 metre projection with a low, hipped roof would still allow for an acceptable outlook from the rear of these properties and their garden area and would not have such an overbearing impact upon these properties to affect the amenities of the occupants to such an extent so as to warrant refusal of planning permission. Being set in from the shared boundary and located to the east of these properties will further reduce the impact of the extension on these properties in terms of loss of light and outlook.

The proposed garage would be sited alongside the shared boundary fence with 3 Milbank Crescent and would be approximately 0.7 metres higher than the existing garage incorporating a dual pitched roof. The garage has been reduced in length and resited further back into the garden to increase the gap between the rear of the extension thereby limiting the cumulative impact of the proposed extensions on this property. The modest increase in height and the proposed dual pitched roof sloping away from the shared boundary will reduce its visual impact. The proposed garage will not therefore adversely impact upon the amenities of 3 Milbank Crescent.

### *Other Neighbouring Dwellings*

There are two other bungalows on Milbank Crescent (Nos 5 and 7) and a dwelling on Dale Road (No 6) to the south that share the boundary with the application site. It is considered that these properties would not be adversely affected by the proposed developments due to the separation distances and the indirect orientation between the

properties. The occupants of these properties have not submitted on comments on the application.

#### *No 4 Milbank Crescent*

This property is a semi detached dwelling on the opposite side of Milbank Crescent to the application site. The property itself would not be adversely affected by the proposed development and the occupant has raised concerns over the impact of the extensions on No 3 Milbank Crescent, which have been considered above.

#### **Visual Appearance and Impact upon the Character of the Area**

The area immediately surrounding the application site is characterised by two storey semi-detached dwellings on Milbank Road and dormer bungalows on Milbank Crescent. When considering the harm of the extension upon the visual appearance and character of the area, the design and scale of the proposal is a factor along with how visible the proposal will be from any public vantage points.

The first floor extension has a hipped roof which matches the design of the roof of the main dwelling and the ridge line is set well below the ridge of the main dwelling. The ground floor element has a flat roof and is of a more contemporary design, similar to an extension at the rear of No 39 Milbank Road. There are other examples of detached garages to the rear of the dwellings in the surrounding area of a scale and design similar to that proposed, which is considered to be acceptable within a relatively large rear garden. Both the extension and garage are to be constructed of materials to match the main dwelling.

The main view of the proposal from a public vantage point is a restricted one from Milbank Road between No 41 Milbank Road and No 1 Milbank Crescent (over its garage and garden fence) where the side elevation of the first floor extension would be visible. There would not be any significant views from Milbank Crescent above the neighbouring bungalows. Having considered these factors, against the fact that there are no other such extensions in the area, the proposed extension and garage would not adversely affect the character or visual appearance of the surrounding area and the street scene. The granting of this application would not set to an unwanted precedent of other neighbouring dwellings being extended in a similar way, subject to site context, the relationship with neighbouring dwellings, parking requirements and each application being considered on its individual merits.

It is considered that the proposed extension and garage would not harm the visual appearance or character of the existing dwelling and the wider local area and it would accord with saved policy H12 of the Local Plan and Planning Guidance Note 7.

#### **Highway Safety and Parking Provision**

The existing property is a three-bed dwelling and it would remain a three bed dwelling, once extended. As such the existing parking provision at the property meets current standards and would be unaffected by the proposals. No objections have been raised by the Council's Highways Engineer on this basis.

#### **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 consideration of householder proposals, particularly of two storey extensions, often involves the balancing of the impacts of the proposal on the amenities of nearby residents, and the legitimate expectations of the applicants who wish to increase accommodation in their dwelling. It is considered that in this instance, whilst there will be impacts on the amenities of local residents, these have been reduced to an appropriate level by amending the application plans, and on balance the proposal is considered to comply with Saved Local Plan Policy H12 and is considered to be acceptable.

### **RECOMMENDATION**

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

1. A3 – Implementation Limit (Three Years)
2. The first floor en-suite window and bathroom window within the west elevation of the dwelling shall be obscure glazed and shall not be repaired and replaced other than with obscured glazing

REASON: To prevent overlooking of neighbouring dwellings in the interest of residential amenity

3. The development hereby permitted shall be carried out in accordance with the approved plan, as detailed below:
  - a) Drawing Number 2019/077/F1 Rev D dated June 2019

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

### **THE FOLLOWING POLICY WAS TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

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

Policy H12 – Alterations and Extensions to Existing Dwellings

#### **Other Documents**

Planning Guidance Note 7 – Alterations and Extensions to Dwellings