

DELEGATED

AGENDA NO.

PLANNING COMMITTEE

15th March 2006

**REPORT OF CORPORATE
DIRECTOR OF DEVELOPMENT
AND NEIGHBOURHOOD
SERVICES**

**Planning Application 05/2969/FUL
Summerhill, High Lane, Maltby, Stockton-
Extensions and alterations to dwelling house including garage and sun room
to side/front, conversion of existing garage into habitable room, extension to
front and raising height of roof to accommodate dormer windows and rooms in
the roof.**

Expiry Date: 23rd March 2006

Summary

This application site is a detached bungalow and extended garden area at Summerhill, High Lane, Maltby, which is located within a street scene of mixed and varied house types.

This application is a revised scheme to a previously refused application 05/1275/REV. The initial application was refused for two reasons, which were i) the roof height having an overbearing impact to neighbouring properties and ii) the detached double garage to the front being an incongruous element in the street scene.

In total, 26 letters of objections from neighbouring residents, 1 letter of objection from Ward councillor and 1 letter from Maltby Parish Council were received by the department regarding this application.

It is considered that the revised application has addressed the first reason for refusal but does not overcome the second reason for refusal on the earlier application

Recommendations

RECOMMENDED that application 05/2969/FUL be refused for the following reason

In the opinion of the Local Planning Authority, the proposed dwelling and detached double garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and policies GP1 and HO12 of the adopted Stockton on Tees Local plan.

The Proposal.

1. This application is for extensions and alterations to dwelling house including garage and sun room to side/front, conversion of existing garage into habitable room, extension to front and raising height of roof to accommodate dormer windows and rooms in the roof to this detached bungalow at Summerhill, High Lane, Maltby.
2. The site is located within a street scene dominated by a varied mismatch of house types (**APPENDIX 1**) on High Lane, Maltby Village.
3. This is a resubmission of a previous application 05/2009/FUL, which was refused under delegated powers on the 6th July 2005 on issues regarding roof height of the proposed dwelling house having an overbearing impact to neighbouring properties and the double detached garage to the front being an incongruous element in the street scene.
4. The agent has attempted to address these issues by reducing the height of the proposed dwelling house by 450mm and reducing the detached double garage to the front to a single detached garage making a reduction in width by 3.0 metres and a reduction in roof height by 825mm.
5. The agent has also submitted various picture montages from views from the street scene.

Consultations

6. The initial consultation to nearby residents, which expired on the 23rd November 2005, produced 14 individual objection letters, 1 objection letter from ward councillors and 1 letter of objection from the Parish Council. The second consultation period expired on the 23rd February 2006 and produced a further 12 individual objection letters and 1 objection letter from ward councillors.

Addresses of residents who objected within the consultation periods:

7 Dunsmore Close, Maltby
5 Dunsmore Close, Maltby
Fairhaven, High Lane, Maltby
Wayside, High Lane, Maltby
1 Dunsmore Close, Maltby
3 Dunsmore Close, Maltby
Hawthorn Cottage, 1 Oxhill Farm, Maltby
1 Pennyman Green, Maltby
8 Dunsmore Close, Maltby
9 Dunsmore Close, Maltby
10 Dunsmore Close, Maltby
Dunsmoor Villa, High Lane, Maltby
11 Dunsmoor Close, Maltby
2 Dunsmoor Close, Maltby

4 Dunsmore Close, Maltby
10 Pennyman Green, Maltby
18 Beech Grove, Maltby
17 Beech Grove, Maltby
5 Beech Grove, Maltby
9 Beech Grove, Maltby
6 Beech Grove, Maltby
The Poplars, High Lane, Maltby
9 Willows Avenue, Maltby
Beech Cottage, High Lane, Maltby

Summary of objections:

- The proposals would be out of character with the neighbouring properties and street scene
- The proposal being contrary to Policy HO12 'Where Planning permission is required, all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties'
- Will be overbearing and create privacy issues with the installation of dormer windows to the front and windows in the east elevation.
- Dormer windows are, not permitted in the covenants of these properties on High Lane and have been refused planning permission in the area.
- Double storey developments on nearby properties have been refused planning permission in the past
- The proposed detached garage projects further than the building line of the property- contrary to SPG2 and Policy HO12 of the adopted local plan.
- The proposal does not meet the housing need survey 2000 with regards to the elderly and the disabled.
- The drainage system for properties at Dunsmore Close will be affected
- The proposal is against Planning Policy Guidance number 3
- Proposal is overdevelopment and will have no green space to front of property
- Car parking issues on the High Lane and within the curtilage of the property

8. Councillor David Harrington and Councillor Andrew Larkin:

We feel uncomfortable supporting this application, given the number of residents who have contacted us registering their objection to this proposal. Twenty-two residents, plus representatives from Maltby Parish Council attended our Ward Surgery last Thursday (16.2.06), none of whom are in support of the application. On the basis of the huge size of this proposal offset against the available land surrounding Summerhill, the immediate impact on the local street scene and surrounding homes, we fully support all of the objections submitted by the local residents and Maltby Parish Council.

Maltby Parish Council:

Object on grounds the proposal will be out of character of the village, the garage development will infringe the present building land; the proposal would dwarf the

Methodist Chapel and adjacent bungalows to the chapel and invading the privacy of the residents. Bungalows sell quicker than a house would and there will be no green space at all for a family.

The Head of Integrated Transportation and Environmental Policy

No adverse comment to make regarding this application.

Landscape Architects -

The existing properties along this part of High Lane are varied in appearance. The proposed extension of the garage and sun room extend beyond the general building line of other properties along the lane, except of the neighbouring house, No.1 Dunsmore Close. A bare gable of this property faces onto High Lane and as a result the gable of the proposed development would represent a similar arrangement.

A young ash tree has been removed from the front boundary of the site whilst a small tree is to be retained adjacent to the entrance. There is also a young tree within the garden of no. 1 Dunsmore Close, situated adjacent to the east boundary. This tree has been heavily pruned in the past and will be unlikely to develop into a good specimen.

Neighbours most affected by the development will be the property directly opposite, Fairhaven and no. 1 Dunsmore Close. Both of these will have clear views of the extension and alterations. As a result I suggest that planting is carried out to reduce the visual impact of the buildings. The existing hedge along the frontage of the site should be extended along the entire frontage and a replacement tree should be planted in a similar location as the removed ash tree. This would then provide a similar front boundary treatment as the other properties along High Lane.

Overall, I have no objections to the development as long as a hedge and tree-planting scheme is carried out.

Full soft landscape details should be provided to the following minimum standard:

- A. A detailed planting plan indicating soil depths, plant species, numbers, locations, and sizes, planting methods, maintenance and management.

The applicant should also note that foundations would need to be constructed to take account of close proximity of trees. Existing tree species would need to be identified by the applicant to enable Building Control to give their comments on foundations. In addition, the existing trees shall be retained and protected to BS 5837 during construction.

Planning Policy Considerations

9. Policy GP1 of the local plan requires all proposals for development to be assessed against a number of criteria, which include concerns about the external appearance of the development.

Policy GP1

Proposals for development will be assessed in relation to the policies of the Cleveland Structure Plan and the following criteria as appropriate:

- (i) The external appearance of the development and its relationship with the surrounding area;
- (ii) The effect on the amenities of the occupiers of nearby properties;
- (iii) The provision of satisfactory access and parking arrangements;
- (iv) The contribution of existing trees and landscape features;
- (v) The need for a high standard of landscaping;
- (vi) The desire to reduce opportunities for crime;
- (vii) The intention to make development as accessible as possible to everyone;
- (viii) The quality, character and sensitivity of existing landscapes and buildings;
- (ix) The effect upon wildlife habitats;
- (x) The effect upon the public rights of way network.

10. Policy HO12 of the Stockton On Tees adopted local plan

Where planning permission is required all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties

Material Planning Considerations

- 11.** The main planning considerations in respect of the proposed development are the impact of the proposals on the street scene and appearance of the property in terms of scale, design and materials, the potential impact on the amenity of the occupants of neighbouring properties and access and highway safety considerations.
- 12.** There are several elements to this application and for clarity; each one will be assessed separately.

Sunroom extension to side and front:

- 13.** A single storey sunroom to the side of the existing dwelling is proposed. The sunroom would project forwards towards, and form a physical link to the proposed single garage.
- 14.** The sunroom will measure 4.7m wide x 4.0m long with a maximum height of 5.2m, partially glazed, with French doors in its north elevation facing the rear garden of Summer Hill. The sunroom would be partially glazed in its western elevation as it joins the proposed garage and features a brick wall in its eastern elevation facing No.1 Dunsmore Close at a distance of 11 metres. The submitted plans indicate that the roof will have obscure glazed panels to respect the privacy of the neighbouring property at No.1 Dunsmore Close.
- 15.** It is considered that the sunroom would not have a detrimental effect on the amenity of neighbouring properties in terms of overlooking or overbearance, as its glazed eastern elevation would face the gable wall of the detached garage of No.1 Dunsmore Close, screened further by the proposed single garage to the south and a 1.7 metre high wooden fence to No.3 Dunsmore Close to the North. This is therefore considered in keeping with the development as a whole, in terms of style, proportion and materials and does

not involve any significant loss of privacy and amenity for the neighbouring properties.

Single garage to front:

16. The proposed single garage would measure 3.8m wide x 5.84m long, which with a maximum pitch height of 4.7m and will stand 7.0 metres from the southern/front/highway boundary of the property. The previously refused double garage measured 3.5 metres from the highway boundary.
17. In its western elevation there will be a garage door measuring 2.5m x 2.5m and 1 No. Velux window in the roof measuring 0.6m x 0.6m. In the southern elevation facing the highway, a bland brick wall with a design feature imitating a window measuring 1.0m x 1.0m. There are no windows or doors in the eastern elevation, apart from a velux window in the roof measuring 0.6m x 0.6m facing 1 Dunsmore Close. This section of the new build would be finished in render and pantiles.
18. As the most southerly elevation of this element of the proposal would stand at its closest, 7.0 metres from the front boundary of the property to the highway making it slightly in line with the dwelling at No.1 Dunsmore Close, therefore being obtrusive in the street scene.
19. Paragraph 4.1 of Supplementary Guidance Note 2 Householder Extensions - SPG2: states that 'With the exception of modest porches, extensions to the front of a property would not normally be appropriate as they would upset the building line and be highly obtrusive. There may be circumstances where extensions to the front of the house are appropriate, but you will need strong justification for this'
20. The concerns raised by neighbouring residents regarding the proposal breaching the building relate to the impact of a development on the street scene, which the proposal of the garage does impact upon.
21. It is considered that the single garage as a whole is in keeping with the new design. However, it is not in character of the surrounding dwellings and would have an unacceptable adverse impact on the street scene contrary to the SPG2: Householder Extension Guide 4.1.

Alterations to existing dwelling

22. The application proposes to raise the roof height of the existing dwelling from 5.6m to 6.25m (650mm increase) to accommodate, at second floor within the roof void, 4 bedrooms, bathroom and ensuite facility. The previous refused application involved an increase of roof height of 1.10 metres.
23. The other elements of the proposal entails the conversion and extension of the existing garage to provide, at ground floor, an extension of the existing living room and kitchen and at first floor space integral to the wider loft conversion proposals. The garage alterations incorporate a pitched roof to tie in with the main dwelling, and dormer windows (projecting 3.0m from the plane of the new roof and measuring 1.0m x 1.0m).
24. Proposed alterations to the front elevation of the property would provide a new windowed gable and two dormer windows (one described above). The

window in the front gable measures 1.0m x 1.2m. The second dormer window to the front will project 3.0m from the roofline and the window will measure 1.0m x 1.0m. To the east elevation which faces onto properties along Dunsmore Close, there will be a new gable window to the first floor which will have obscure glazing, be un-open able and have kick out panels installed, so that it can be used in emergency use only to meet Building regulation requirements for a fire escape for a habitable room and address. privacy and overlooking issues to the neighbours at No.1, 2 & 3 Dunsmore Close. A planning condition could be imposed to control the use of this window for emergency purposes only, if the application was approved.

- 25.** 5 No. Velux windows are proposed to be installed in the development; 1 No. to the front elevation roofline, 1 No. to the east elevation roofline and 3 No. in the rear elevation roofline. No windows or velux will be installed in the west elevation nearest the neighbouring property at Wayside.
- 26.** Advice given in paragraph 9.1, 9.2 and 9.3 of this Council's adopted guidance SPG2: Householder Extensions - Loft conversions: states that raising the roof height to allow more of the space to be used, is somewhat a drastic measure and will significantly upset the aesthetic balance of the house and create significant visual harm and is therefore not normally supported by the Council. Normally roof windows of any design are not permitted in the front elevation unless they are already a feature of the house or street. Windows would be acceptable on the rear elevation and in some cases side elevations and be more traditionally multiple shaped dormer windows will be preferable than a single large window.
- 27.** In the previous report of the refused application, it stated that 'planning applications for dormer windows on High Lane have been refused as they are considered to be out of character with the street scene'.
- 28.** However, after further investigations, it was to be found that there had been a recent application approved for dormer windows at 2 Oxhill Farm, Maltby (04/0106/FUL), which is located near to Summerhill, of which 3 No. dormers to the front and 5 No. to the rear was approved. There were also two further properties along High Lane with dormers to their front elevations. In addition a planning appeal decision in February 1996 (Lpa ref 95/0709/P) for plots 1 and 2 Oxhill Farm Maltby included increasing the roof height by 1.2 and 1.8 metres and was allowed as it was considered by the Planning Inspector as there was a reasonable distance between dwellings and there would be no undue overbearing effect or cause unacceptable loss of privacy for the residents in Dunmore Close. A copy of the appeal decision is attached.
- 29.** It is considered that the proposed dormer windows have been assessed by size, design and siting and meet the Council's adopted guidance SPG2 requirements and due to the proposed positioning and design, it is not considered there will be no loss of amenity issue to warrant a refusal.
- 30.** As the proposed dormer windows to the front are to be set back within the site it is considered that there would be no significant loss of privacy and amenity for the residents of the neighbouring properties at Fairhaven and No.1 Pennyman Green, Maltby as these properties would be between 25-30 metres away.

31. The dwelling currently has a flat roof garage/dining room side extension, which is out of character from the original dwelling. It is considered that, in visual terms, the addition of the pitched roof and chimney feature to the west elevation would be in keeping with the remainder of the property and a welcome improvement.
32. The dwelling is also currently sited on a raised level, which increases in level from the footpath on High Lane to the rear of the property, which will impact on to Wayside, but not to degree to provide an addition reason for a refusal.
33. Overall, these alterations and dormer windows on this site are in keeping with the overall new design and aesthetically improve the existing dwelling

Access and Highway Safety

34. The Head of Engineering and Transportation has made no adverse comments regarding this application, as it complies with the Council's adopted Design Guide for a five bedroom property and 4 incurtilage car parking spaces being able to be provided, therefore the proposed development is acceptable in highway safety terms

Other representations received

35. Other representations received relate to the proposal does not meet the housing need survey 2000 with regards to the elderly and the disabled, the drainage system for properties at Dunsmore Close will be affected and. Dormer windows are, not permitted in the covenants of these properties on High Lane.
36. The comments/objections received are duly noted and have been addressed throughout the report and by implementing relevant planning conditions; however it should be noted that the covenant issues with regards to dormer windows are civil matters, Housing Needs survey and drainage issues are not material considerations to be taken in account in determining this application.

Conclusion

37. It is considered that the reduced increase in height of the dwelling house will not have a detrimental impact on the visual amenity of neighbouring properties or the street scene of High Lane, however, the detached garage to the front would still remain an incongruous element in the street scene and is considered to be contrary to policy SPG2
38. The application is therefore not in accordance with policies GP1 and HO12 of the Stockton on Tees Local Plan and is recommended for refusal.

Corporate Director of Development & Regeneration

Contact Officer: Fahim Farooqui.- 01642 528558

Financial Implications - As report.

Environmental Implications - As Report

Community Safety Implications - N/A

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Background Papers - Stockton-on-Tees Local Plan

Planning application: 05/1275/REV

Ward and Ward Councillors Ingleby East

Councillors - Councillor A M Larkin,
Councillor D C Harrington
Councillor K C Faulks.

AGENDA NO. 4

PLANNING COMMITTEE

15th March 2006.

REPORT OF CORPORATE DIRECTOR OF DEVELOPMENT AND NEIGHBOURHOOD SERVICES

Planning Application 05/2969/FUL

Summerhill, High Lane, Maltby, Stockton-
Extensions and alterations to dwelling house including garage and sun room to side/front, conversion of existing garage into habitable room, extension to front and raising height of roof to accommodate dormer windows and rooms in the roof.

Expiry Date: 23rd March 2006

UPDATE REPORT

SUMMARY

1. This report updates the report for agenda item 4, with regards to highlighting an error within the refusal recommendation, amended plans being received from the agent with regards the removal of the garage to the front of the property; a further letter of objection from the ward councillor David Harrington; three further letters of objections being received from the residents of neighbouring properties, Fairhaven, High Lane, No.3 Dunsmore Close and Wayside', High lane Maltby. The letters reiterate their main objections and inconsistencies within the committee report.

Recommendations

RECOMMENDED that application 05/2969/FUL be refused for the following reason

In the opinion of the Local Planning Authority, the proposed garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and policies GP1 and HO12 of the adopted Stockton on Tees Local plan.

Points of clarification

2. Within the statement of recommendation for refusal, it states:

*'In the opinion of the Local Planning Authority, the proposed dwelling and **detached double garage** to the front would form an incongruous element in the street scene and*

is contrary to advice given in Supplementary Planning Guidance Note 2 and policies GP1 and HO12 of the adopted Stockton on Tees Local plan.

- 3. for clarification the wording 'detached double garage' should state the words 'garage'.**
- 4. In view of the refusal recommendation, the agent has sent in amended plans illustrating an omission of the garage from the application for a recommendation of approval.**
- 5. In view of there being not sufficient time to re-consult with neighbours before the application being presented at planning committee, the agent was advised that the amended drawings could not be accepted.**
- 6. The objection letter submitted by e-mail from one of the Ward Councillor David Harrington on the 14th MARCH 2006, reiterating his initial objections to the application stating the garage being an incongruous element in the street scene and the proposal being overbearing and out of character with the street scene and urge the members to refuse the application.**
- 7. The letter received from Mrs Joyce M Gregory, No.3 Dunsmore Close, Maltby which is located to the rear of the application site; raises the point that the committee report submitted to members does not accurately reflect her concerns with the overbearing nature of the proposed development to her property.**
- 8. The relationship of her property to the application site has been taken into consideration when considering the application and has been observed by the members at the Committee site visit.**
- 9. The letter received from Mrs N Stott, Wayside, High Lane, Maltby states that there has been a glaring omission from her initial objection letter to the application and has not been truly represented within the committee report.**
- 10. The points raised within the letter consider the proposal not complying with the SPG2: Householder Extension Guide paragraph 5.2. However this guidance note is for developments to semi-detached dwellings and avoiding the creation of a terraced effect in the street.**
- 11. Issues about future building maintenance is a civil matter;**
- 12. The letter received from the resident Mrs Yvonne McBride of Fairhaven, High Lane was received on the 14.3.06, highlighting main points in the committee report being inconsistent and has highlighted them in a 'table of concerns' of which has been attached to this updated report.**

MATERIAL CONSIDERATIONS

13. The further comments/objections are noted but do not alter the recommendation of the main report, which is that planning permission be refused.

Director of Development & Neighbourhood Services

Contact Officer: Fahim Farooqui - Telephone No. 01642 528558

Financial Implications:

None

Environmental Implications:

See report.

Human Rights Implications

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications

None

Background Papers:

Ward and Ward Councillors:

INGLEBY EAST

Councillor A M LARKIN
Councillor D C HARRINGTON
Councillor K C FAULKS