

DELEGATED

AGENDA NO .

PLANNING COMMITTEE  
10<sup>th</sup> May 2006

REPORT OF CORPORATE DIRECTOR  
OF DEVELOPMENT AND  
NEIGHBOURHOOD SERVICES.

06/0816/FUL

6 SEAMER ROAD, HILTON, YARM

ERECTION OF 2 NO. FIVE BEDROOM DETACHED DORMER BUNGALOWS  
(DEMOLITION OF EXISTING DWELLING)

EXPIRY DATE: 18<sup>TH</sup> MAY 2006

**Summary:**

The application site is a detached bungalow known as 'Brigadoon' situated at the eastern edge of Hilton village. The residential properties of Falcon Walk lie to the west of the site, with Fir Tree House lying to the south.

Planning permission is sought for the erection of 2no. five bedroom dormer bungalows with integral garages. Vehicular access to the proposed property is via the existing access, which is divided into two, off Seamer Road.

3 Objections have been received from neighbouring properties in relation to loss of privacy and daylight and over the height of the dwellings. These concerns have been addressed in the material planning considerations of this report. The application is put before the Planning Committee for determination at the request of the Ward Councillor as it involves an issue of principle.

**Recommendations:**

***RECOMMENDED that planning application 06/0816/FUL be refused for the following reason(s);***

***1. In the opinion of the Local Planning Authority the proposed site is in an unsustainable location for residential development by virtue of the limited services within Hilton Village, which would require occupants to travel via the private car for employment, schools, retail and recreational purposes. The settlement could not meet the demand placed on it from such a development in respect to these uses and as such would be contrary to the aims of government guidance with respect to locating residential development in sustainable locations as detailed in PPG 1 - Delivering sustainable development, PPG 3 - Housing and PPG 7 - Sustainable development in rural areas and also the Tees Valley Structure Plan policy SUS2.***

***2. The means of access is considered to be unsatisfactory by virtue of its lack of proper site lines at the junction with Seamer Road. The proposed development would therefore lead to the intensification an unsatisfactory access to the detriment of highway safety and the free flow of traffic on Seamer Road, contrary to policy GP1 of the adopted Stockton on Tees Local Plan***

Policies GP1, H03, H011 and of the adopted Stockton-on-Tees Local Plan and Planning Policy Guidance No.3: Housing, Planning Policy Guidance 13: Transport, Planning Policy Statement 1; Delivering Sustainable Development and Planning Policy Statement 7: Sustainable development in Rural Areas were considered relevant to this decision.

### **History**

1. The application site has been subject to previous planning applications in 2003 and early 2004. Outline planning consent and a reserved matters application were both granted for the erection of dwelling to the rear of the existing dwelling, which has now been constructed.
2. The applicant also submitted an enquiry for the proposed development to the Council's One Stop Shop service at which no significant issues were raised.

### **The Proposal**

3. The application site is a detached bungalow known as 'Brigadoon' situated at the eastern edge of Hilton village. The residential properties of Falcon Walk lie to the west of the site, with Fir Tree House lying to the south. A new residential property previously granted planning permission on the site lies to the north with surrounding fields and countryside beyond and also to the east of the site.
4. Planning permission is sought for the erection of two five bedroom dormer bungalows with integral garages. The proposed dwellings are of the same design, although are handed from one another. The dwellings will measure approximately 17.5m x 10.5m and will reach a maximum height of 7.5m.
5. Vehicular access to the proposed property is via the existing access, divided into two off Seamer Road.

### **Consultations**

6. The following Consultees were notified and any comments they made are below

#### **Hilton Parish Council**

The parish council have viewed this application and have the following comments to make:

We believe there is a storm water/field drain running alongside the western boundary of the site - with so little space from the boundary to the edge of the building any damage to the drain could cause problems and the village roads already suffer problems with flooding during heavy rain.

This could start a precedent for doubling up on other brown field sites then we would have a very dense village of large houses and this does have consequences for drainage. There is also the issue of an increased number of cars exiting to the road at a tricky point.

It would be better if the houses had individual driveway's.

The site is really too small to accommodate 2 five bedroom dormer bungalows and the parking/turning areas are too small. We do not want cars reversing on to the road at this point.

The application on page 2 says no trees to be removed but the drawing 003A shows existing trees removed and four others in the new driveway. Clay brick and concrete tiles what colours? They need to be sympathetic to blend with the surrounding area. The new gable ends will be at least 25 feet high and very close to the boundaries imposing on two dwellings in Falcon Walk - much higher than the building to be demolished. I don't like the idea of the increased density.

I agree with the comments already made.

Six out of the nine parish councillors had comments to make and there have already been adverse comments about the new house built at the back of this proposed development.

### **Engineers and Transportation**

The access is located on a section of Seamer Road, which is subject to the national speed limit of 60mph. Therefore; the requisite sight line distance for such a development is 2.4m x 215m.

The sight lines are not indicated on the application; however, it appears unlikely that they can be achieved. Therefore, I object to the application, as it would be detrimental to Highway Safety and to the free flow of traffic on Seamer Road.

### **Landscape Officer**

I refer to your letter and enclosures received on 29 March 2006 and respond as follows:

The site is located at the far eastern edge of the village development with open fields adjacent to the site. There are a number of existing trees within the front garden area, comprising of several cherry trees (poor condition), 2 previously pruned willows (poor condition), a mature willow in the southwest corner (good specimen) and a eucalyptus tree located along the west boundary (good specimen).

I understand that none of these trees are protected under the Tree Preservation Order legislation. The Site Plan drawing (drug. no. 033/A) indicates the proposed removal of the eucalyptus tree and the retention of the cherry trees. The cherries are located both within and directly adjacent to the new driveways and as a result will have to be removed. Also, with the realigning of the drive entrance, the two willow trees adjacent to the entrance should be removed due to the close proximity of the new drive.

I have no objection to the removal of the cherry trees and the two willows as long as some replanting is carried out within the site. I do, however object to the removal of the eucalyptus tree located along the west boundary. This tree is a good specimen and contributes towards the visual amenity of the area and should be retained as part of the development. In order to achieve this, I recommend that the western dwelling be repositioned eastwards towards the other dwelling, to achieve a minimum 4.0m no dig zone from the tree.

The mature willow in the southwest corner of the site appears to remain unaffected by the proposals.

Both retained trees should be protected during the construction period, in accordance with BS 5837:2005 (recommendations) Trees in relation to Construction:

Changes in levels near the branch spread of the trees must be avoided.

Where tree roots are encountered, only hand digging will be allowed

#### **NEDL**

No objections but refer the developer to the Health and Safety Executives publications on working in and around electricity

#### **Northern Gas Networks**

No objections

7. The neighbour consultation period expired on the 17th April 2006. A total of 3 letters of objection have been received from the local residents. The main issues are detailed as follows.

#### **David and Elizabeth Forster - 2 Falcon Walk, Hilton**

The properties will be of two-storey construction and will block both light and view and intrude on privacy of the adjoining properties in Falcon Walk.

Contends that any development should be restricted to the height of the existing dwelling.

#### **Ann Devlin - Fir Tree House, Seamer Road**

I have no objections to the proposed dormer bungalow with the proviso that attention is paid to the height of the buildings. I would point out that the house will overlook my property and hope that the houses are built at the same distance from the road as the present bungalow/brownfield site.

#### **Dr Hanin Alhadi - 5 Seamer Road, Hilton**

Expresses concerns that the proposed development will interfere with the privacy of their property and block the view.

Two letters have also been received by the applicant in relation to comments received from the by the Council's Landscape architect and the Parish Council.

- Agrees with recommendations except the suggestion that the Eucalyptus tree is retained and the building should be moved 4 metres to the east, as this would mean the dwellings are unevenly spaced on the site. The Eucalyptus tree is also considered to be inappropriate in relation to the dwellings due to its size and height.
- The storm water drain will not be affected by the development and as the road in front of the development drop by approximately 10 metres in the direction of Stokesley there is no danger of flooding at all.
- The doubling up of brownfield sites has already been done within the borough.
- Each site is approximately 0.28 of an acre and compares with the site next door at 5 Seamer Road that is set in 0.16 of an acre.
- Highways are in favour of a single access

- There is a mistake on my part in respect that page 2 states that no trees are to be felled. In fact one tree will be removed and is indicated on the plans and is on the western boundary, all fruit trees will be retained.
- The height of the proposed dwellings is comparable with most modern houses.

### **Planning Policy Considerations**

8. Where an adopted or approved development plan contains relevant policies, Section 54A of the Town and Country Planning Act 1990 (as amended) requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
9. The following planning policies are considered to be relevant to the consideration of this application:

#### Stockton-on-Tees Local Plan

##### **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.

##### **Policy HO3:**

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

##### **Policy HO11:**

New residential development should be designed and laid out to:

- (i) Provide a high quality of built environment, which is in keeping with its surroundings;
- (ii) Incorporate open space for both formal and informal use;

- (iii) Ensure that residents of the new dwellings would have a satisfactory degree of privacy and amenity;
- (iv) Avoid any unacceptable effect on the privacy and amenity of the occupiers of nearby properties;
- (v) Pay due regard to existing features and ground levels on the site;
- (vi) Provide adequate access, parking and servicing;
- (vii) Subject to the above factors, to incorporate features to assist in crime prevention.

The following planning policy documents are also considered to be relevant to this decision;

Planning Policy Guidance No.3: Housing (PPG3)  
Planning Policy Guidance No. 13: Transport (PPG13)  
Planning policy Statement 1: Delivering Sustainable Development (PPS1)  
Planning Policy Statement 7: Sustainable development in Rural Areas (PPS7)  
Tees Valley Structure Plan

### **Material Planning Considerations**

10. It is considered that the main issues of this application are its potential impacts on the character of the area, the sustainability of the site, the amenity of the neighbouring residents and access and highway safety.

#### **Principle of development.**

11. The proposed development falls with the definition of the 'previously developed land' as defined in Planning Policy Guidance No.3 (PPG3). PPG3 advocates that Local Planning Authorities should provide sufficient housing land but give priority to re-using previously developed land within urban areas and create more sustainable patterns of development near to public transport and local services.
12. As the site lies within the settlement limits the development is subject to the provisions of policies GP1, HO3 and HO11 of the adopted Stockton on Tees local plan and the planning policy documents referred to in paragraph 8.

#### **Sustainability of the site**

13. Planning Policy Statement 1: Delivering Sustainable Communities, Planning Policy Statement 7: Sustainable Development in Rural Areas, state that development should be focused in or near to local service centres and other facilities can be provided close together ensuring these facilities are served by public transport ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.
14. Similarly PPG3 and PPG12 encourage housing to be located in areas that help create sustainable patterns of development by reducing car dependence to access local services and within rural areas are located where there is further capacity within the existing infrastructure of the rural market towns or villages, to accommodate additional dwellings.
15. In June 1999 the Planning Inspectorate also dismissed an appeal for 4no. residential dwellings in Redmarshall (Appeal Ref T/APP/H0738/A/99/1018576/P4), Stockton on the basis that the site was an unsustainable location. The Inspectorate's conclusions are detailed below;

*“Redmarshall is a small village with few services or places of employment. It is close to Stockton-on-Tees, and it is likely that the occupants of the proposed houses would have to travel to Stockton or beyond to work... Development of this site for general housing would not be sustainable in terms of government policy or that of the draft structure plan, as it would probably lead to increased use of the private car for work, shopping and leisure journeys”.*

Given that Hilton village does not have a school, a convenience shop or any notable employment or play areas for children and the nearest area for these facilities (Ingleby Barwick) lies in excess of 2.5km for the application site. Access to these facilities is predominately on narrow roads or isolated footpaths and as such as unlikely to be considered suitable for residents of Hilton wishing to access services in Ingleby Barwick and as such are likely to travel by car to the surrounding settlements of Ingleby barwick, Yarm, Thornaby, Stockton or Middlesbrough for employment, shopping education or leisure uses.

16. Given that national planning guidance encourages sustainable forms of development and encourages developments in rural areas to be located in proximity to a range of local services and given the similarity of Hilton to Redmarshall village and the planning inspectorates previous decision the proposed development is considered not to be a sustainable location and is therefore contrary to national planning guidance and policies SUS2 and H1B of the Tees Valley Structure Plan.

#### **Impact on the Character of the Area**

17. Hilton village has a range of building types, styles and sizes ranging from bungalow and cottages to two-storey properties and does not have a specific character. Whilst the proposed development will involve the loss of the existing large bungalow. The two replacement dwellings are still set back from the road by approximately 20 metres and are considered to be visually acceptable in their design, scale and proportion and will not be detrimental to the visual amenities of the locality or the street scene in accordance with policy GP1 of the adopted Stockton on Tees Local Plan.

18. Several objections have been received in relation to the height of the proposed dwelling. Although at present the existing property is reasonably low in nature the proposed dormer bungalow would not adversely effect the character of the area.

#### **Impact on Amenity**

19. Concerns have been raised by the neighbouring properties in terms of the impacts on privacy and loss of daylight to their properties. The proposed dwellings would however be situated in excess of the recommended 11 metre side-to-rear distance and the 21 metre rear-rear distance. It is therefore considered that the development will not have a detrimental impact on either the privacy or amenity of the neighbouring properties.
20. One objection has also been received regarding the positioning of the two proposed dwellings, in that they are nearer to Seamer Road and their property than the existing dwelling, whilst these concerns are appreciated the proposed dwellings will be set back from the Seamer Road by 23 metres and

will not cause a significant loss of amenity or privacy to the properties on the opposite side of Seamer Road.

21. The proposed dwellings are considered to occupy no more than a third of the proposed plots and do not represent an over-development of the site. Sufficient amenity space is provided both formally and informally for each dwelling and overall the dwellings accord with policy HO11 in terms of its layout.

#### **Access and Highway safety**

22. The Head of Integrated Transport and Environmental policy commented that the access is located on a section of Seamer Road, which is subject to the national speed limit of 60mph. Therefore; the requisite sight line distance for such a development is 2.4m x 215m. However, the sitelines required appear to be unachievable and the development is considered to be detrimental to highway safety, contrary to policy GP1 of the adopted Local Plan.

#### **Other Issues**

23. Concerns are raised over the issue of creating a precedent of higher densities on brownfield or previously developed land. It is the Government's current policy as outlined in PPG3 to encourage a greater and more efficient use of land, and it is argued that the precedent has been set elsewhere in the borough.
24. Issues raised over the drainage of the site is a civil issue and not a material planning consideration.

#### **Conclusion.**

25. Despite the pre-application advice given, it is considered that the proposal represents development within a village where there is very limited provision and services available and which could not operate in a sustainable manner. Occupants would need to travel further afield to settlements such as Ingleby Barwick Yarm, Stockton or Middlesbrough via private car for employment, recreation leisure and education purposes. The proposed development therefore fails to meet the requirements of the Tees Valley Structure Plan as outlined in policies SUS2 and H1B and the current government planning guidance. Equally the proposed access is considered to be unsatisfactory and represents a treat to highway safety and is contrary to policy GP1 of the adopted Local Plan.

It is recommended that the application be Refused for the reasons specified above.

**Corporate Director of Development & Neighbourhood Services**  
**Contact Officer: Simon Grundy**  
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#### **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

Tees Valley Structure Plan (Feb 2004)

Planning Policy Guidance 3

Planning Policy Guidance 13

Planning Policy Statement 1

Planning Policy Statement 7

Planning Application 03/0612/P and 04/0033/REM

**Ward and Ward Councillors**

Ingleby Barwick West East

Councillors K Faulks, D Harrington and A Larkin