

DELEGATED

AGENDA NO .

**PLANNING COMMITTEE
31st May 2006**

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

05/0800/FUL

**1 & 3 LANGDALE CLOSE, EAGLESCLIFFE, STOCKTON.
ERECTION OF PITCHED ROOF EXTENSION TO INCORPORATE ONE
ADDITIONAL FLAT, INCLUDING DORMER WINDOWS TO FRONT AND REAR,
TWO-STOREY EXTENSION TO THE REAR (TO INCORPORATE STAIRCASE),
WITH ASSOCIATED CAR PARKING.
EXPIRY DATE: 30th May 2005.**

Summary:

The application site is a two-storey flat roof building, which was sub-divided into two flats some time ago. The site is surrounded by a number of bungalows whilst a number of trees with Tree Preservation Orders (TPO's) exist around the site.

This application seeks to create a third flat in the roof space approved with dormer windows to the front and rear. A two-storey extension is also proposed which will provide access into the third flat.

The proposal originally sought retrospective permission for sub-division of the first floor flat into two flats however; the applicant has removed this element from the proposal due to difficulties in providing car parking for the whole development.

Objections have been received from 10 neighbouring properties in relation to loss of privacy, impact on the character of the area, trees, car parking, daylight and the height of the building. These concerns have been addressed in the material planning considerations of this report.

Recommendations:

RECOMMENDED that planning application 05/0800/FUL be approved with the following condition(s);

1. The development hereby approved shall be carried out in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.
Drawing Number(s): - SBC001, SBC002, SBC003, (204-02) 01.

Reason: To define the consent.

2. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the proposed development.

3. Before the use commences the building shall be provided with sound insulation to ensure that adequate protection is afforded against the transmission of noise between living accommodation and bedrooms in adjacent flats in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of residents from excessive noise from adjacent dwellings.

4. Details of a scheme in accordance with BS5837, 1991 to protect the existing trees and vegetation shall be provided to the satisfaction of the Local Planning Authority. Such a scheme shall include details of a protective fence of appropriate specification extending three metres beyond the perimeter of the canopy, the fence as approved shall be erected before construction commences and shall be maintained to the satisfaction of the Local Planning Authority throughout the entire building period.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

5. No dwelling shall be occupied until space has been laid out within the site for 2 bicycles to be parked.

Reason: To ensure that adequate on-site cycle parking facilities are made available.

6. The car parking area shown in plan number SBC001 shall be implemented prior to the habitation of the units approved.

Reason: To ensure that satisfactory car parking provision is provided on completion of the development hereby approved.

7. Prior to the commencement of the development hereby approved the first floor flat known as 3 Langdale Close shall be returned to one residential unit to the written satisfaction of the Local Planning Authority.

Reason: To ensure that the property is returned to one dwelling and to prevent an unsatisfactory car parking arrangement to the detriment of highway safety.

8. No machinery shall be operated on the premises before 8am on weekdays and 9am on Saturdays nor after 6pm on weekdays and 1pm on Saturdays (nor at any time on Sundays or Bank Holidays).

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

9. Notwithstanding any description contained in the application, full details of a covered bin store shall be submitted to and agreed in writing with the Local Planning Authority, such agreed details shall be implemented in accordance

with these agreed details and provided on site before the building hereby approved is occupied.

Reason: In the interest of the amenity of the neighboring properties.

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 Council received a planning application (04/0898/FUL) for two-storey extension to the side, external staircase and new-pitched roof over the dwelling house. This was approved in September 2004 after the external staircase had been removed from the description.
2. The Council received a complaint that the first floor flat had been converted into two flats. When this was investigated it was confirmed that this development had occurred. A planning application was requested from the owner of the property.
3. Planning application 05/0800/FUL was registered on the 4th April 2005. This sought permission for conversion of the first floor flat into two units, the erection of an additional flat in the roof space created by the previous permission and a two-storey extension to the rear to incorporate a staircase.
4. This description has since been amended, removing the conversion of the first floor flat into two units from the description.

The Proposal

5. This application seeks Planning Permission for the following developments:
 - The erection of a pitched roof with dormer windows on the building, which is intended to be used as a third flat.
 - The erection of a two-storey extension to the rear to provide access to the flat created in the new roof.
 - The creation of 4 car parking spaces in the rear garden of the property for the flats, 1 space will be provided in the front garden. The access to the rear garden will be created by the demolition of the garage along the boundary with 5 Langdale Close.

Consultations

6. The following Consultees were notified and the comments they made are summarised below: -

Parish Council - This area is predominantly bungalows and the above proposal would affect residential amenity, cause overlooking of existing properties, is out of character with the area and would unduly dominate the street scene. There appears to be insufficient car parking also. In addition, on the "Site Details" section of the application it says trees are to be removed but

no trees are actually shown on the plans; the "demolition" section has been left blank but according to the plans they propose to demolish a garage.

Head of Integrated Transport and Environmental Policy

I have no adverse comments regarding this application. I understand the number of flats will be reduced to three. The Council's Design Guide and Specification requires 1.5 car parking spaces per flat. The applicant has provided an acceptable revised drawing dated 30/3/06 indicating a total of six in-curtilage car parking spaces, 5 of which can be accessed independently. The shared driveway/ access has a pinch point, which is acceptable in this instance. In addition two secure and covered cycle parking spaces are required.

Landscape Officer - The layout is a better fit to the garden with only 4 spaces for cars and these are far enough away from the existing trees assisted by the use of the Golpha system. There should be some screening on the southwestern edge of the garden.

Environmental health – No objection

Councillor Fletcher – My son's parents-in-law live directly opposite, so I think that *I must declare a personal, prejudicial interest*. I know that objectors have already expressed concerns whether the Application fulfils criteria for design & car parking. I shall not therefore take time to go through these, as this would be duplicating officers' work. This external appearance of this building is sui generis so far as Eggescliffe is concerned. While I am normally in favour of pitched roofs rather than flat roofs, I feel that the proposals destroy the appearance of the building without making it fit any better into the surrounding (later) buildings. Also, it would be high in comparison with surrounding bungalows. Some people may refer to this as the "office building". I understand that Head Wrightsons kept their records in it in WW2.

Councillor Rigg - While I'm not expressing a final opinion before this application possibly comes to committee I am very worried by the proposal loss of protected tree (T3) in order to provide a car parking space. I am also very concerned for the health of tree (T2), which is extremely close to the proposed drive/parking area. I cannot see how if the application were to be approved, it would be possible to guarantee protection of that tree. I know that it is normal to put a condition on how the tree has to be protected during building work, but I pass Burlington House most days and see just how little effect such a condition has on the survival of a trees.

7. The latest neighbour consultation period expired on the *4th May 2006*. A total of 10 neighbouring properties have objected to the proposal with letters received from; Mr D Harrison, 18 The Crescent' Eggescliffe; John McGowan, 7 Grisedale Crescent' Eggescliffe; Mrs Kathleen M Siday, 1 Uldale Drive' Eggescliffe; M McArthur, 2 Langdale Close' Eggescliffe; Mrs A Allison, 4 Langdale Close' Eggescliffe; Mr And Mrs Warrick, 5 Langdale Close' Eggescliffe; Mr And Mrs G And P Robinson, 6 Langdale Close' Eggescliffe; June And Ian Laurie, 7 Langdale Close' Eggescliffe; Mrs I Newton, 4 Grisedale Crescent' Eggescliffe; Anthony And Christine Stephenson, 1 Grisedale Crescent' Eggescliffe.
8. The main issues raised are detailed as follows: -

- Extra height of the proposed development and dormer windows in an area surrounded by bungalows and the impact on the street scene. At the previous application others it was indicated that the proposed pitched roof was not in keeping with the estate. The application was allowed to proceed on the assurance from the Head of Planning that no living accommodation would be allowed in this roof.
- Loss of light resulting from the new structure.
- Loss of privacy to neighbouring properties from the insertion of dormer windows.
- Development of the roof space would be over development of the site due to the extra traffic generated. This could be exacerbated by more than one person/ couple living in the flats leading to an adverse impact on the cul de sac.
- Parking arrangements could result in trees with TPO's being removed. Driveway to parking area and side of garage, to be demolished, are on the party boundary with 5 Langdale Close. Vehicles accessing the rear of the site will have to cross the boundary.
- The car parking area proposed could have a potential impact on the amenity of gardens of adjacent properties in particular the bedrooms of 5 Langdale Close.
- A number of specific concerns were also received regarding the details of an amended car-parking layout received in August 2005. These concerns were stressed to the applicant and a revised plan was eventually submitted in November 2005. Neighbours comments on this plan are still awaited.
- The application is contrary to SPG 4 as there has been no provision of cycle parking spaces, a refuse collection area, designation of amenity areas and lack of soundproofing between units.
- Question the need for further flats in an area inundated with applications of this type.
- Concerned as the application forms indicate that a tree will be removed from the site. This is considered unnecessary especially as the trees are TPO'd.
- Applicant has already had plans approved to build an extension at the other end of the property. Would this permission still stand ? Could this be used to further increase the number of flats on the site.
- The applicant has clearly indicated by drawing the car that it will be impossible to turn a family car when the spaces at 2,3 and 4 are occupied and a high standard of driving will be required to reverse back down to the road.
- Previous Head of Planning stated at planning committee "living accommodation in the roof space would not be allowed in an area surrounded by bungalows".
- As I understand the existing situation, the applicant has Planning Approval for a pitched roof and an extension approximately in the location of the garage for flat 3. How can the applicant request permission for parking spaces at the back of the property when there will not be access due to the new extension ?
- Who will maintain the garden areas to the rear?
- Request a committee site visit.

Planning Policy Considerations

9. 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).

10. 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)

Material Planning Considerations

11. It is considered that the main issues surrounding this application relate to the appearance of the development in the street scene; impact on surrounding neighbours; the impact on the preserved trees and provision of satisfactory car parking arrangements.

Location of the development.

12. Supplementary Planning Guidance Note 4 provides advice on “Locating Flatted Development”. Sites on previously developed land, within the limit to development and near to services / facilities and a choice of means of transport are acceptable locations for flats.
13. The site is within the limit to development and meets the definition of previously developed land established in PPG 3 annex C. The site is situated close to more than one bus stop within 500 metres and is therefore provided with a choice of transport means.
14. However; the nearest convenience store is in excess of the 100m specified in SPG 4 whilst Yarm High Street, District Centre is some 700m away (SPG 4 advises that for flats this distance should be no more than 500m).
15. Although the site is in excess of the 500m specified in SPG 4 it is considered that in this particular instance this application is acceptable on sustainability grounds. Only one additional flat is being created and the distance outside of the district centre of Yarm is approximately 200m more than that specified in SPG4. Given this situation and the fact that only one additional residential unit is proposed it is considered that this development would not be unsustainable.

Internal layout and amenity space.

16. The internal layout of the flats has been assessed by the Councils Urban Renewal Team who has no objection to the development proposed. It is also considered that the arrangement is in accordance with guidance in SPG 4.
17. It is also considered that the remainder of the rear garden will provide a suitable communal amenity space that is an acceptable size, shape and aspect and is also screened from the car parking area by a shrub bed indicated on the revised car park plan.

Impact on the surrounding area.

18. Supplementary Planning Guidance Note 4 (SPG 4) provides advice on high-density residential development and specifically refers to conversion of existing properties to flats in paragraph 4.2. This states, “Where conversion is considered acceptable, the Council will expect that any features of architectural or historic merit are protected and any alterations or extensions to the built fabric are sympathetic to the building and neighbouring properties.

Extensions must be subservient to the main building, leave a usable amount of amenity space for residents, and respect the building.”

19. The main issues with regard to the extensions relate to their sub-servience to the original dwelling. Given the fact that Planning Permission has already been granted for a pitched roof extension and the dimensions of that approval and this proposal are the same. It is therefore considered that the bulk and massing of the roof structure will have a similar impact on the street scene and neighbouring properties as the proposal approved in 2004.
20. The installation of dormer windows into the roof space has generated a significant level of opposition from neighbouring properties. These concerns are centred around the overlooking from what would be second floor windows and the impact on the surrounding bungalows.
21. It is considered that the long rear garden prevents any significant overlooking issue to the properties at the rear 1/3 Griesdale Crescent, which are more than 30 metres away. This is more than adequate to meet the 21m windows distance as specified in Supplementary Planning Guidance Note 2 (Household Extension Design Guide).
22. There will be no direct views into the windows of these properties from the dormer windows to the front as properties opposite (2, 4 and 6 Langdale Close) the development are positioned at an angle to the site. In addition a mature tree covered by a TPO exists to the front of the property, which will also provide additional screening to the front.
23. The design of the dormer windows is also considered acceptable and in keeping with the building. Although they are a slight departure from guidance in SPG 2 which suggests pitched roof dormers as being more acceptable than flat roofed examples it is considered that the detailing of the windows match's that on the existing windows of the property.
24. The rear extension proposed will sit on a footprint measuring 3.75m x 2.8m and is designed to be in keeping with the existing dwelling. It is a significant distance away from neighbouring properties and windows proposed will not overlook neighbouring properties to an unacceptable degree. It is therefore envisaged that the two-storey extension will not create a detrimental impact on the amenity of neighbours.

Car Parking Provision and Impact on protected Trees.

25. The Head of Integrated transport and Environmental Policy has been consulted on the revised proposal and has no objections to the development on the basis of the proposal creating a total of 3 flats. With regard to the concerns of the neighbours regarding the suitability of the access to the site it is considered that the driveway has a pinch point, at the gable wall of the building and the boundary of the property, however in this instance the situation is considered acceptable. In order to maintain the level of car parking and the access to the site throughout the life time of the development a condition will be attached to the consent to ensure that both are maintained by the owner / occupant.
26. The Councils Landscape Architects and Arborist have also been consulted on the application. Landscape architects are of the opinion that the layout of the

spaces is acceptable and that there should be little impact on the trees. However landscaping has been requested along the southwestern edge of the garden (adjacent to 5 Langdale Close). The Arborist has investigated the health of one of the TPO'd trees in the garden and an application has been submitted to remove that tree.

Other Issues

27. During the consultation period a number of other matters have been raised by neighbours, these are considered below. As Planning Permission has previously been granted for an extension on the side of the property a neighbour has questioned whether this can be lawfully implemented. This is particularly relevant as if built the extension would impinge on the driveway area and prevent access to the parking to the rear. It is considered that the developer can only implement one of the Planning Permissions granted and implementation of one permission would therefore prevent the other being allowed. Furthermore a condition is to be attached to the consent to ensure that the access and car parking is maintained throughout the lifetime of the development hereby approved.
28. Party Wall issues have also been raised by the neighbouring property. As these concerns are a civil matter, the applicant has signed certificate A of the application forms and also confirmed in a letter (24/08/05) that if required the developer will seek party wall agreements with affected parties.
29. Given the initial concerns over the conversion of the first floor flat into two units it is recommended that a condition be attached to the permission to prevent the development of the flat in the pitched roof until the Council has inspected the first floor flat to check that it has been returned to one unit.
30. The final concern raised relates to the car parking plans showing inadequate detail. This concern relates specifically to the car parking space adjacent to the garage of 7 Griesdale Crescent. Whilst the plan shows that 7 Griesdale Crescent has a single garage this is in fact a double garage. It is acknowledged that the situation described by the neighbour is correct however; this car parking space has existed for some time and has and should continue to function in its current purpose.

Conclusion.

31. It is considered that the revised proposal will not have an unacceptable impact on the amenity of the surrounding neighbours and the character of the wider area. In this instance the site is considered to be an appropriate location for this development and the development is considered to be in accordance with policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and guidance in Supplementary Planning Documents 2 and 4. The proposal is therefore recommended for approval subject to conditions as specified above.

Corporate Director of Development & Neighbourhood Services
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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 04/0898/FUL

Ward and Ward Councillors

Eaglescliffe Ward

Councillor Cherrett.

Councillor Fletcher.

Councillor Rigg.