

**DELEGATED**

**AGENDA NO .**

**PLANNING COMMITTEE  
6<sup>th</sup> December 2006**

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

**06/3283/FUL**

**Kentisbury, The Spital, Yarm**

**Application to widen driveway across grass verge**

**Expiry date: 18<sup>th</sup> December 2006**

**Summary:**

The application site is a residential dwelling located on The Spital, Yarm. The site is bounded by other residential properties to the north and east.

The applicant seeks permission for the widening of the driveway into his property across the existing grass verge.

The main planning considerations in respect of this proposal relate to the impact of this proposal on the streetscene and the surrounding area.

Numerous objections have been received with regards to this development. These are on the grounds of vehicle and pedestrian safety, the demolition of the wall and trees to the front of the property, the fact that the objectors believe that the land the applicant owns is not in his ownership and the objectors believe the applicant is only applying for the driveway to accommodate a dwelling in his back garden. The Head of Integrated Transport and Environmental Policy has stated that the Design Guide states a vehicular access for a singular property should be a maximum width of 5m.

Given that the demolition of the wall is permitted development and the applicant only requires permission because The Spital is a classified road, it is considered that the application will not have a detrimental impact on the character of the area or the streetscene as a whole. The proposed width will be 6.1m but as The Head of Integrated Transport has not provided a specific reason other than conflict with Council standards, as to why this width is unacceptable then it is considered that there is not a planning reason for refusal of the application.

It is considered that the proposal accords with adopted local plan policy and is recommended that planning permission be granted.

**RECOMMENDATION**

***It is recommended that the application (06/3283/FUL) be approved subject to the following conditions:***

- 01. 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, DRWG001, DRWG002**

**Reason: To define the consent.**

The decision to grant planning permission has been taken having regard to the policies and proposals in the Structure Plan and Stockton on Tees Local Plan Policy/Policy: GP1

## **BACKGROUND**

1. The existing development is a residential property located in Yarm. The applicant has had two previous applications for detached dwelling houses in his rear garden refused recently (Application Number 05/2805/FUL and 05/3472/FUL).

## **THE PROPOSAL**

2. The application seeks consent for the widening of the existing driveway to the property to 6.1m. The proposal will widen the tarmac area across the grass verge to match the existing dropped width of the kerbstones. There will be no alteration to either the kerbstones or the pavement area. The applicant has stated that all works will be carried out by a 'street works' approved contractor.
3. This application has been submitted for three reasons. Firstly the width of the driveway is only 4m and when entering the drive in a large car, the applicant claims that he first has to pull into the middle of the road or mount the curb causing damage to his car. Secondly, there is a frequent queue of traffic and drivers sometimes block the access to the drive. The applicant states that widening the driveway will enable easier access to and from the site. Thirdly, the applicant states that the bin is often left in the middle of the drive causing a hazard when returning to the property. He states that widening the driveway will help to solve this problem.

## **CONSULTATIONS**

4. The Head of Integrated Transport and Environmental Policy has been consulted and has commented as follows: *"The Design Guide states a vehicular access for a single property should be a maximum of 5m. I have no objection subject to the width being no more than 5. I don't think we would have enough reason to either raise an objection or 'no adverse comments' even though there is no justification why the drive needs to be that wide."*

## **PUBLICITY**

5. The adjacent properties have been notified individually. The neighbour consultation period expired on the 16<sup>th</sup> November 2006. Eight letters of objection have been received with regards to the application from members of the public, together with further objection from England and Lyle Town

Planning Consultants, an objection from Councillor Sherris and a letter of representation from Yarm Town Councillor Simpson. The comments received are summarised below;

**Councillor Sherris**

6. The application needs to be considered in relation to previous applications and appeals. The present drive is wide enough for any competent driver. The grass verge is highway land and is seen by many residents of being an important visual amenity to the area.

**Yarm Town Councillor Simpson**

7. I cannot believe the bitterness that the application for the widening of a driveway has caused. Every resident has a right to a fair deal whether they are the applicant or an objector.

**England and Lyle Planning Consultants**

9. The application should be determined with the previous refusal in mind. The creation of a wide access would represent an alien and incongruous feature within the established streetscene contrary to Policy GP1 of the adopted Local Plan. Unacceptable in planning terms due to the loss of the landscaped highway verge and the failure to demonstrate a justifiable need to increase the width to such an extent.

**Mr Leach – 2 The Pines**

10. A surface water drain should be installed at the end of the existing driveway. The driveway is owned by the Highways department. The applicant has an ulterior motive, namely a property in his back garden. This drive would ease congestion that may arise. Any increase in the drive width may confuse motorists coming down the Spital and could easily be mistaken for the entrance to The Pines.

**Mr and Mrs Watson – 12 Blackfriars**

11. Widening the driveway across the grass verge seems to be part of a plan to build a greater access for another house in the back garden.

**Mr and Mrs Wegg**

12. The driveway is owned by the Highways department and is not his to widen. The applicant has an ulterior motive, namely a property in his back garden. This drive would ease congestion that may arise. Any increase in the drive width may set a precedent for other properties to do the same.

**Mr Hornby – 9 Mortain Close**

13. The Spital is already congested and this proposal will only increase that. Fears over pedestrian and vehicular safety.

**Mr Lack – 3 The Pines**

14. Concerns over excess water draining from the garden onto the main road.

### **Mr Whitehill – 10 Blackfriars**

15. Object on highway safety grounds and if approved the application will set a precedent that may be repeated. A single driveway is acceptable for this size of property.

### **Mrs Lythe - 8 Blackfriars**

16. The driveway is owned by the Highways department and is not his to widen. Any increase in the drive width may set a precedent for other properties to do the same. The pre-emptive action has resulted in a protected yew tree being damaged.

### **Mr and Mrs Cook – Foxlease, The Spital**

17. The driveway is owned by the Highways department and is not his to widen. The applicant has an ulterior motive, namely a property in his back garden. This drive would ease congestion that may arise. Any increase in the drive width may set a precedent for other properties to do the same. The loss of green space will have a detrimental impact on the area.

## **PLANNING POLICY CONSIDERATIONS**

18. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. In this case the relevant Development Plan is the Stockton on Tees Local Plan (STLP).
19. The following planning policies are considered to be relevant to the consideration of this application:

### **Adopted 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.

## **MATERIAL PLANNING CONSIDERATIONS**

20. The application requires planning permission as it is for the widening of an access onto a classified road. Accordingly, the main considerations with regards to this development are the visual impacts on the street scene as a whole and highway and vehicular safety.

#### Visual Impact

21. To facilitate the development it will be necessary to remove a section of hedgerow, part of the grass verge, demolish the wall to the front of the property and create a hardstanding. Whilst these physical works in themselves are permitted development, nevertheless regard has to be given to their impact. Notwithstanding the concerns raised by neighbours and others, the changes proposed are relatively minor. It is considered the widening of the driveway by up to 1.2m will not have a detrimental impact on the visual amenity of the area given that the grassed areas to the front of the property provide little in the way of visual value to the area.

#### Highway Safety

22. With regards to highway safety, it is noted the Head of Integrated Transport and Environmental Policy has not objected on these grounds. His only concern is that the proposed width does not comply with the Council's Design Guide but accepts there is no strong reason for resisting the application on this ground alone.

#### Residual Concerns

23. Other objections have been received with regards to the development, which have been previously summarised, but are not considered material to the planning decision. Nevertheless, these concerns are addressed below.
24. Concerns have been raised that the applicant is only applying for the widening of the driveway in order to get permission for the erection of a dwelling house in his rear garden. It is considered that each application must be determined on its own individual merits and the speculation that the applicant will re-apply for a dwelling in his back garden cannot be taken into consideration when determining this application.
25. With regards to the objections on the grounds that this proposal may set a precedent for other similar driveways, it should be noted that each application will be dealt with on their own individual merits and an approval here will not guarantee an approval elsewhere.
26. Questions have been raised with regards to the ownership of the land that is to be developed. The land is adopted highway but is not owned by Stockton Borough Council. The applicant has signed Certificate A to state he owns the land to which the development relates and has confirmed his ownership. Any queries relating to this are a civil issue and are not a material planning consideration.
27. One objector states that a protected tree has been removed but this is not the case as the Tree Preservation Order that was attached to the tree was never confirmed. Therefore the applicant was within his legal right to remove the tree.

29. The objections to the development have all been taken into consideration when determining this application but it is considered that there are not sufficient planning grounds to refuse the application.
30. It is considered that this application will provide satisfactory access arrangements to the front of the property, conforming to policy GP1 of the Stockton on Tees Local Plan.

## **CONCLUSION**

31. Given that the application is minor in nature, it is not envisaged that there will be a detrimental impact on the adjacent properties by granting approval to this application.
32. In light of the above assessment it is considered that the proposed development accords with adopted Stockton on Tees Local Plan policy GP1 and is therefore considered acceptable. As the proposal accords with adopted local plan policy and is recommended that planning permission be granted.

### **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

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillors</b>	<b>Councillor Beaumont</b>
	<b>Councillor Jones</b>
	<b>Councillor Sherris</b>