

DELEGATED

AGENDA NO .

**PLANNING COMMITTEE
Date 10th January 2007**

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

06/3019/OUT

10 Brisbane Grove, Stockton-on-Tees

Outline application for the erection of 1 no. detached bungalow and detached garage to the rear and 1 no. attached garage to the side.

Expiry date: 15th November 2006

Summary:

The application site is a semi-detached dwelling located on a residential street.

The applicant seeks permission for the erection of a bungalow and detached garage to the rear of the above property and an attached garage at the side of the above property. The application is for outline permission with all matters, except for access, to be reserved. It is considered that the attached drawing indicating the location of the dwelling should be treated as indicative.

Seven different letters of representation have been received from neighbouring properties and one from the Ward Councillor. All are objecting to the proposal. The Head of Integrated Transport and Environmental Policy has not raised any objections and the Council's Landscape Architect has accepted the principle of the development.

There has been a previous refusal of planning permission and appeal dismissed for this site but it is considered that the proposal addresses and overcomes the issues identified in dismissing the appeal by the Planning Inspector. The concerns of neighbours relating to the access and traffic, protected trees, over looking and disturbance and the character of the area have been addressed.

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

RECOMMENDATION

It is recommended that the application (06/3019/OUT) 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 and SBC002.

Reason: To define the consent.

- 02. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

- 03. The development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**

Reason: By virtue of the provisions of Section 92 of the Town and Country Planning Act 1990.

- 04. Approval of details of siting, design and external appearance and the landscaping of the site shall be in accordance with the details of a scheme to be submitted to and approved by the Local Planning Authority before development commences.**

Reason: To reserve the rights of the Local Planning Authority with regards to these matters.

- 05. Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

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

- 06. Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought in to use.**

Reason: To achieve a satisfactory form of development.

- 07. Prior to any works commencing on site, a scheme of ground levels and finished floor levels for the dwelling, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.**

Reason: To take into account the sites location in respect to the surrounding development.

- 08. All means of enclosure associated with the development, hereby approved, shall be in accordance with a scheme to be agreed in writing by the Local Planning Authority before the development commences. Such means of enclosure as agreed shall be erected**

before the development, hereby approved, is occupied.

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

- 09. Notwithstanding any description or plans submitted as part of this application, the hereby approved development shall be restricted to a maximum height of 6m and no dormer windows shall be provided to the Western, Northern and Southern elevations of the dwelling.**

Reason: In the interests of the amenity of neighbouring properties.

- 10. No development shall commence on site until a Phase 1a+b desk study investigation to involve hazard identification and assessment has been carried out, submitted to and approved in writing by the Local Planning Authority. The study must identify industry and geologically based contaminants and include a conceptual model of the site. If it is likely that contamination is present a further Phase 2 site investigation scheme involving risk estimation shall be carried out, submitted to and approved in writing by the Local Planning Authority prior to any development hereby approved commences on site.**

Reason: To ensure proper restoration of the site.

- 11. During construction of the scheme, hereby approved, there shall be no development works undertaken outside the hours of 8.00am – 6.00pm weekdays, 8.00am – 1.00pm Saturdays and no times on Sundays or Bank Holidays.**

Reason: To avoid excessive noise and disturbance to the occupants of neighbouring properties.

- 12. No trees or hedges on site shall be lopped, topped pruned or felled and no development shall commence until a scheme for the protection of existing trees, hedges and vegetation on site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate those areas of landscaping to be retained and a scheme for their protection in accordance with BS5837:2005 and shall include details of changes in levels and protective fencing and it should be noted that only hand digging will be permitted where roots are encountered.**

Reason: To ensure the protection of existing landscaping features on site, in the interests of the amenity of neighbouring residents.

- 13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order), the buildings hereby approved shall not be extended or externally altered in any way without the prior written consent on the Local Planning Authority.**

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenities of the area.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations, which indicate a decision, should be otherwise.
Stockton on Tees Local Plan Policies: GP1, HO3 and HO11

BACKGROUND

1. In 2005, planning permission (application reference number 04/3717/OUT) was refused at planning committee for the erection of a detached dwelling and garage at the rear of 10 Brisbane Grove. This application was refused for the following reasons:
 01. *In the opinion of the Local Planning Authority the proposed access to the site is considered to be totally unsatisfactory by virtue of its narrow width and reduced visibility due to the bend in Brisbane Grove.*
 02. *In the opinion of the Local Planning Authority the dwelling, by virtue, of its size and disposition would have an adverse impact on the amenity of the gardens of the neighbouring properties and would create an over development of the site.*
 03. *In the opinion of the Local Planning Authority, the proposed bungalow, the required turning area and the storage of materials during construction, would have a detrimental impact on the existing vegetation and protected trees within the boundary of the site to the detriment of the visual amenity of the area.*
2. Following this refusal, the applicant appealed against the decision and appeal APP/H0738/A/06/2005216 was dismissed. However, the following comments were made, by the Planning Inspector, in relation to the reasons for refusal:
 01. *Notwithstanding the bend in Brisbane Grove, I consider that the visibility from the proposed, widened, shared access would be satisfactory in both directions. I note that the Councils Head of Engineering and Transportation has no adverse comments to make.*
 02. *I accept that parts of the bungalow would be visible from the large gardens of the dwellings to either side, but I do not consider that its presence would have any serious overbearing effect, or any other undue adverse impact upon the enjoyment of these garden spaces by the occupants of neighbouring properties. I also consider that any dwelling would be sufficiently far away from the houses to avoid any material effect on their outlooks.*
 03. *I am satisfied that the development could proceed without causing any unacceptable harm to the existing landscape elements to the site or to the character and appearance of its surroundings.*
3. Nevertheless, the appeal was dismissed as it was considered that the location of a shared access adjacent to No.s 8 and 10 Brisbane Grove would lead to noise and disturbance from the vehicles using this access and would have an unacceptable impact upon the occupiers of these properties.

THE PROPOSAL

4. The current application proposes that a detached bungalow, with detached garage, be located within the rear garden of 10 Brisbane Grove. The application is for outline consent and also includes a proposal for an attached garage to the side of No.10.
5. An indicative drawing of the site of the proposed bungalow has been provided. It is proposed that the bungalow be sited approximately 24m from the rear of the host dwelling and it is stated that the proposed bungalow will not exceed 6m in height and that the garage will not exceed 4.5m in height.
6. The vehicle access to the proposed dwelling will be provided via the existing 3m wide private drive and an existing detached garage on the property is to be demolished. An attached garage is to be provided to the side of 10 Brisbane Grove in order to provide parking for the host dwelling.

PUBLICITY

7. The neighbours have been notified individually. The neighbour consultation period expired on the 30th October 2006. 9 letters of representation have been received from seven neighbouring properties, and one has been received from the Ward Councillor. All letters object to the proposals, and the grounds are summarised below:

Mr and Mrs J Robinson, 8 Brisbane Grove

8. I strongly object to the planning permission being granted on the same grounds as previously. Brisbane Grove is a very narrow grove and there is no room for extra cars parking on street. Residents try to park on their driveways but all cars cannot be put on drives. Should building go ahead, traffic will increase and there is already restricted visibility due to the bend. I object to the access road being right down the side of my garden, causing extra noise and light pollution by traffic and invasion of our privacy.
9. The property will look directly into my back garden, totally invading our privacy and spoiling our outlook. Also causing extra noise and light pollution. Brisbane Grove is a grove and was not built to become a Grove with extra little cul-de-sacs shooting off each property. If this goes ahead how many more people will apply for planning permission.
10. Will the development involve the demolition of protected trees, which will again totally ruin the appearance of the area? The proposed building would require a turning circle for the cars and this will have a huge impact particularly on the protected trees. The rear of the property backs onto the Castle Eden walkway and if these protected trees were demolished then this would have a detrimental affect on the landscape.
11. If planning permission goes ahead, this will also have a direct impact on the value of surrounding properties, by ruining their outlook and the invasion of privacy with noise and light pollution. One of the main attractions of us buying in this part of Brisbane Grove was the delightful outlook and large garden for

our children to play; obviously we paid extra for this.

12. We would also like to bring to your notice the fact that the garden slopes away from the house so when it rains the garden floods. If the trees and vegetation were demolished would this make the flooding worse. We believe this is a typical case of garden grabbing in which the applicants want to sell off land for development. We feel if this development goes ahead it would have a detrimental affect on ourselves and other residents in our community.

Mrs Mavis Hardwick, 6 Briar Walk.

13. My objections are as before, cutting down mature trees, as they have already begun to do, has a detrimental effect on the water table and as our house lies downhill of the proposed development is likely to cause flooding. This has happened previously even with the trees there. Also, we are afraid of the effects of debris due to building being washed into our drains.

Mr B Bullock, 1 Briar Walk

14. I object on the grounds of the possible effect on the water table, the land at the bottom of my garden has no drainage and is prone to flooding. I feel this new development would only aggravate the problem and also the mature trees on the proposed site have a preservation cover in force.

Mrs C. M. Scott, 11 Brisbane Grove.

15. Most of the residents of this end of Brisbane Grove are against this building as it would be a way forward for all the other properties with large gardens in this area to sell to developers. We have enough traffic with the school mums as it is without extra cars.

Mr and Mrs JP Nicholson, 9 Brisbane Grove

16. The access to the proposed development is directly opposite our driveway and would result in at least 4 cars using the access road. They would have to turn into our drive to gain access and the noise and light generated would have serious consequences to our privacy and safety. Not only will there be extra noise and light, other neighbours will have their privacy severely compromised.
17. Also there are environmental issues to consider as the extra noise, car pollution, potential traffic problems, destruction of the surrounding area etc, be taken into account especially as the environment is what we as homeowners and you as the council are supposed to preserve.

Mrs B.J. Milne, 12 Brisbane Grove

18. As the rear of my home is characterised by large picture windows overlooking mature garden, and as the existing homes are not built squarely on the plot, any new building would be a focal point for all windows at the rear of my home. It would directly overlook the rear of my property, reducing the privacy I currently enjoy. The plans show the bungalow sited a short distance away

from the boundary fence where conifers protrude. I think it unlikely anything would be built this close to foundation damaging trees, so if the trees were to go the bungalow would be highly visible from my rear windows. HO11 states that planning consent should avoid any unacceptable effect on the privacy and amenity of the neighbouring properties.

19. The character of the gardens is currently that of quiet woodland, enjoyed by many species of wildlife. Because of their proximity to the walkway, these are no ordinary suburban gardens, but extensions of the wildlife corridor that should not be encroached upon. It would create noise and light pollution in a space which is presently tranquil and dark at night, thus again having an unacceptable effect on my enjoyment of my garden both during the day and after dark.
20. It would increase on street parking, as it reduces the current available parking for no.10 by the building of the garage to the side of the house and turning the second space into a road. The site of the proposed bungalow allows for only one car and nowhere for visitors to park. The local development plans states that on unallocated sites development is only acceptable if satisfactory arrangements can be made for access and parking. Satisfactory is defined in the dictionary as sufficient, adequate, meeting all needs. Something this small plot can never do without turning it into a car park. It also says that in some villages dense infilling is unlikely to be appropriate since their character comes from large gardens.

Ian Milne, 12 Brisbane Grove

21. The current plans appear to show the proposed dwelling closer to the building lines of No.s 8,10 and 12 Brisbane grove and as such I believe it will result in the loss of privacy and amenity for these properties. The plans still show a 3m wide drive plus a relatively narrow 1m-landscaped strip between 8 and 10 Brisbane Grove. Moreover the drive still covers more than 50% of the length of the garden. As such the design does not in any way negate the appeal decision.
22. The current outline suggests an increase in overall parking spaces from the current 3 to 5 overall. However, these amended plans result in a much reduced parking spaces for No.10. It is highly unlikely that sufficient space will be available for the proposed garage attached to No. 10, leaving effectively space for a single vehicle in the proposed drive for No.10. Overall car parking for both the properties will remain at three, leading to an increase in on street parking and a subsequent traffic risk.
23. The proposed ground floor for the new dwelling is substantially lower than street level. There is approximately a 1 in 20 fall eastward from Brisbane Grove. In wet conditions the ground has a propensity to flood. A new building on the plot with reduced ground drainage across the building area will make this worse. In addition there are likely to be substantial drainage problems with the removal of rainwater and household effluent. The plot is probably too low to allow effective drainage into the main sewer in Brisbane Grove.
24. The Ward Councillor has expressed concerns that a number of mature trees have been removed from the site in the past. However, a site visit carried out on 22nd of November confirmed that the protected poplars were still present.

The Landscape Architect was also satisfied that there remains a number of mature trees and hedgerows to provide adequate screening.

Councillor Joan Wade

25. I feel that the proposal, like the last one, will still be detrimental and have an adverse affect on the surrounding properties. The proposed access to the property is too narrow and the reduced visibility, due to the bend, in the road could be a danger.
26. I feel that the trees and vegetation in the garden would be damaged by the building, although I understand from the residents in the area that the occupants have now removed a large number of mature trees from this garden since they last made an application to the authority. I feel that this action is totally unsatisfactory and new trees should be planted to replace the ones that have been removed. I feel that nothing new in this application has altered my opinion.

CONSULTATIONS

CE Electric UK

27. No objections

Northern Gas Networks

28. No objections

Environmental Health Unit

29. I have no objection in principle to the development, however, I do have concerns relating to the following environmental issues and recommend conditions to be imposed.
The recommended conditions relate to land contamination and construction noise.

Head of Integrated Transport and Environmental Policy

30. I have no adverse comments regarding this application, subject to the frontage boundary treatment being conditioned to allow acceptable vehicle and pedestrian sight lines. In addition the parking provision will need to be agreed at the full application stage.

Landscape Architect

31. The proposed dwelling is indicated as being an acceptable distance from the protected poplar trees alongside the east boundary. A mature conifer screen is located along the south boundary of the site. This provides valuable screening with the neighbour to the south and should be retained. A mature poplar tree is also located adjacent to the southern boundary of the site, within the neighbouring garden. The precise location of the proposed garage and the access road will require approval to ensure the excavations

do not encroach upon the trees root system.
Overall I have no objection to the application. Conditions relating to landscaping and the protection of existing hedges and trees are suggested.

PLANNING POLICY CONSIDERATIONS

32. 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 Plans are the Tees Valley Structure Plan (TVSP) and the Stockton on Tees Local Plan (STLP).
33. 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.

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.

MATERIAL PLANNING CONSIDERATIONS

Access and Highway Safety

- 34. The proposed access to the dwelling will be via a single width (3m) drive on the site of the existing access and driveway of 10 Brisbane Grove. The provision of this access will involve the demolition of an existing detached garage on the site. An attached garage is to be provided at the side of No.10 to provide the parking and access for the host property.
- 35. The neighbouring residents have expressed concern over the location of the access, an increase in traffic, insufficient in curtilage parking provision and the impact of the driveway upon the neighbouring properties.
- 36. The previous application was refused by the Planning Committee as it was considered that the narrow access width and reduced visibility on Brisbane Grove would be unsatisfactory. However, the Head of Integrated Transport and Environmental Policy has not raised any objections to the application, subject to a condition restricting boundary treatments, and the previous appeal decision considered that the access visibility would be acceptable and that the movement of additional vehicles to and from the access on Brisbane Grove would not pose a sufficiently material risk to highway safety.
- 37. The Planning Inspector did, however, consider that the additional noise and disturbance from a shared drive between No.s 8 and 10 would have an unacceptable impact upon the amenity of these residents.
- 38. The previously proposed, shared access to the dwelling has been revised and the access will now be a single access to the proposed dwelling. This will be on the site of the existing driveway and a 1m landscaping strip is proposed along the length of the drive and adjacent to the boundary with No.8. There is a conifer hedge of over 2m in height along this strip and it is considered that this could be retained during construction. It is, therefore, not considered that approval of this planning application would significantly worsen an existing situation.
- 39. The proposed driveway is to be separated from the host dwelling by the proposed attached garage, which will reduce the impact of the adjacent driveway upon the host dwelling. It is also considered that an adequate level of car parking can be provided for both properties. This would depend on the number of bedrooms provided in the proposed dwelling and could be determined at full application stage.

Character of the Area and Street Scene

40. The proposed dwelling is to be located within the large rear garden of a semi-detached property along Brisbane Grove. The neighbouring properties have similarly large gardens. However, there are other properties within the area that are located on back land sites.
41. The overall height of the dwelling will be a maximum of 6m and will be below that of neighbouring properties. It is, therefore, not considered that the proposed dwelling will have a significant impact upon the street scene.

Impact Upon Neighbouring Properties

42. The proposed dwelling is shown to be located over 24m from the rear of the host dwelling and 28m from the rear of No.s 8 and 12 Brisbane Grove. The nearest dwelling on Briar Walk, to the South East, is located over 30m away from the site of the proposed dwelling.
43. The neighbouring properties also have large gardens and the proposed bungalow is to be a maximum of 6m in height. It is considered that, due to the proposed separation distances and the height of the dwelling, there will not be a significant overbearing impact from the proposal. A condition restricting any dormer windows to the Eastern elevation will ensure that overlooking from the proposed dwelling is restricted and will protect the privacy of neighbouring residents.
44. The Planning Inspector for the previous appeal was satisfied that the dwelling would be of sufficient distance from neighbouring properties to protect their outlook and prevent an overbearing impact. It was also stated that there would not be a significant risk of overlooking or loss of privacy.

Trees and Landscape Features

45. There are a number of mature trees along the Eastern boundary of the property that are protected by a Tree Preservation Order. There are also a number of trees and shrubs around the other boundaries of the site and a mature conifer hedge along the driveway and adjacent to No.8 Brisbane Grove.
46. The Council's Landscape architect has been consulted on the application and is satisfied that the dwelling is located an acceptable distance from the protected trees. The inspector in the previous appeal also stated "*I am satisfied that the site is sufficiently large to allow a modest dwelling to be built, together with its parking and turning areas without prejudice to the future retention of the protected trees growing on the eastern boundary. I also consider the careful siting of the building and hard standing could be satisfactorily arranged to ensure the retention of the best of the other unprotected mature trees and shrubs growing in the garden.*" It is, therefore, considered that appropriate conditions could ensure the protection of existing landscape features within the site.
47. There is an existing mature conifer hedge along the boundary between the application site and No.8. This will run along the edge of the proposed

driveway and will help to protect the residents at No.8 from any disturbance. The Landscape Architect has been consulted on the application and is satisfied that this hedgerow can be retained during construction and a condition will be placed on any approval to ensure that the conifer hedge is retained.

48. The Ward Councillor has expressed concern that a number of mature trees may have been removed from the site in the past. However, following a site visit on 22nd November, it was noted that the protected trees still remain, and there was no evidence to suggest that trees had been felled recently. The Landscape Architect is also satisfied that there are a number of mature trees and hedges on the site.

Other Matters

49. Neighbouring residents have also raised concerns over the possibility of flooding on the site, the issue of precedent and property values. With regards to the issue of precedent, it is considered that each application will be considered on its own merits. The remaining concerns are not material planning conditions, however, the approval will be conditioned to ensure that details of ground levels within the site and methods of surface water drainage are to be approved by the Local Planning Authority.

CONCLUSION

50. In light of the comments made by the Planning Inspector within the previous appeal decision and for the reasons given above it is considered that the proposed dwelling will not have a significant impact upon the privacy and amenity of neighbouring residents or upon the character of the area. The plot is of a sufficient size to accommodate the proposed dwelling and the access to the site is considered to be acceptable. It is considered that the protected trees and landscape features on the site could be protected by condition and that the applicant has successfully overcome the reasons for the previous refusal.
51. The proposal is considered to be in line with the policies contained with the Stockton on Tees Adopted Local Plan and the concerns of neighbouring residents have been taken into account. For the reasons stated above it is recommended that application 06/3019/OUT be approved with conditions.

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

Planning Applications 04/3717/OUT and 06/3019/OUT

Ward

Grangefield

Ward Councillors

Councillor Mrs E. Johnson

Councillor Mrs J. Wade