

DELEGATED

AGENDA NO.

**PLANNING COMMITTEE
14th March 2007**

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

07/0281/REV

57 Willow Bank Cottage, Forest Lane, Kirklevington

Revised application for two-storey extension to rear, porch and canopy to front and pitched roof over existing garage and kitchen.

Expiry date: 22nd March 2007

Summary:

Members may recall that the Planning Committee refused a two-storey extension application for planning permission in June 2005 and the subsequent appeal was dismissed (APP/H0738/A/06/2012048).

The application site is a large two-storey property situated off Forest Lane, Kirklevington. The site is surrounded to the east by No. 55 Forest lane, while No.'s 1-5 The Green and 13-15 The Green are situated to the west and south respectively.

This is a revised application which seeks permission for the erection of a 6m (long) x 5.8m (wide) ground floor extension, a 4.8m (long) x 6.8m (wide) two-storey extension, pitched roof over the existing garage and kitchen, and a porch and canopy to the front of the property.

The application is put before the Planning Committee for determination due to the number of objections received being more than five.

Amended plans have submitted reducing the height of the pitched roof over the garage and adjacent neighbours and Parish Council have been reconsulted.

Recommendations:

RECOMMENDED that planning application 07/0281/REV 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, SBC002 and SBC003.*

Reason: To define the consent.

02. Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).

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

03. Notwithstanding any description contained within the application the window to the first floor en suite shall be fixed and obscurely glazed with glazing to be agreed in writing with the Local Planning Authority. The glazed and window shall be retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

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

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be in keeping with the property and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties and there are no other material considerations which indicate a decision should be otherwise.

Policies GP1 and HO12 of the adopted Stockton-on-Tees Local Plan
Supplementary Planning Guidance No. 2 (Householder Extensions)

History

1. An application was submitted in April 2005 (05/0754/FUL) for a two-storey extension to the rear, conservatory to the rear, porch to the front and 1no. dormer window to the front. The application was determined under delegated powers and refused in June 2005 for the following reason;

“The proposed two-storey rear extension by virtue of its size and location would have an unacceptable overbearing effect on the neighbouring property, No. 55 Forest Lane, Kirklevington harming the existing residential amenity of these residents, contrary to policies GP1 and H012 of the adopted Stockton on Tees Local Plan”

2. The applicants resubmitted a similar application which reduced the length of the first floor extension and removed the decorative staircase (05/1865/FUL). The application was refused by the Planning Committee for the following reason;

The proposed two-storey rear extension by virtue of its size and location would have an unacceptable overbearing effect on the neighbouring property, No. 55 Forest Lane, Kirklevington harming the existing residential amenity of these residents, contrary to policies GP1 and H012 of the adopted Stockton on Tees Local Plan.

3. The subsequent appeal (APP/H0738/A/06/2012048) was dismissed by the planning inspectorate concluding that the proposal would have an unacceptable impact on the undeveloped character of the rear gardens and the living conditions on the neighbours at No. 55 Forest Lane.

The Proposal

4. The application site is a large two-storey property situated off Forest Lane, Kirklevington. The site is surrounded to the east by No. 55 Forest lane, while No.'s 1-5 The Green and 13-15 The Green are situated to the west and south respectively.
5. Planning Permission is sought for the erection of a 6m (long) x 5.8m (wide) ground floor extension, a 4.8m (long) x 6.8m (wide) two-storey extension, pitched roof over the existing garage and kitchen, and a porch and canopy to the front of the property.
6. Amended plans have also received to reduce the height of the pitched roof over the existing single storey garage in order to reduce the impacts on the neighbouring property.

Consultations

The following responses have been received from departments and bodies consulted by the Local Planning Authority

Head of Technical Services

I have no adverse comments to make regarding this application.

Parish Council

The Parish Council has reviewed these plans and has the following comments: -

- The revised application has greatly reduced the scale of the proposals, and the likely impact on the neighbours, and therefore it may be more acceptable to Mrs Crawshaw in its form, although this is obviously up to her!
- Although this application has been put through as a 'revised' application, but with a completely different number suffixed "---/REV" should the new application not have been suffixed "/FUL" as the original application was?

Landscape Officer

I refer to your memo and enclosures received on the 31st January 2007 and reply as follows:

We would not object to the proposal as the site has adequate screening from the garden boundary vegetation and this will not be affected by the development.

During any works all the existing planting should be retained and protected with the following provisions, which form part of B.S.5837 Trees in Relation to construction:

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

Where trees/hedges/shrubs roots are encountered, only hand digging will be allowed and these are likely to be encountered within the branch spread of the trees/hedges/shrubs.

Compaction to the root spread of the trees/hedges/shrubs should be avoided and a protective fence should be erected around the branch spread of the trees/hedges/shrubs as shown in the submitted drawing as ref. B.S.5837: 1991 section 8.

No storage of materials will be permitted within the branch spread of the trees/hedges/shrubs.

7. The Local residents and occupiers have been individually notified of the application. The original neighbour consultation period expired on the 19th February 2007. 7 letters of objection have been received to the proposed development since its submission, the comments in summary are shown below; A further 7 days has been given for the changes to the pitched roof over the garage this expires on the 12th March 2007

- Revised plans alter little from previously refused scheme
- Issues raised in the appeal are still relevant
- Loss of privacy
- Intrusive to the neighbouring properties
- Out of proportion with the main house
- Some works have already been carried out
- Will overshadow or dominate No. 55
- Dominates the house
- Would be dominating and intrusive

The applicant Mr Paul McMurdo has also made comment on the application these are detailed in summary below:-

- The new proposal steps the east wall 500m to the west and extends only 1m to the rear rather than the 2.5m of the previous proposal and 2 metres to the west.
- Proposal now accords fully with the 45 degree rule
- The wall to the east elevation will be lowered, improving the outlook for No. 55 Forest Lane
- Additional dormer window to the east will have obscure glazing
- The large window to the west will be replaced by two smaller dormers
- Existing large window on south elevation will be replaced by two smaller windows
- The revised plans are no intrusive and are in balance with the property
- The proposed ground floor extension falls within the 60 degree guidelines

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).

The following policies of the adopted Stockton on Tees Local Plan are considered to be relevant to this decision:-

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 HO12

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

Permission for two-storey rear extensions close to a common boundary will not normally be granted if the extension would overshadow or dominate neighbouring property to a substantial degree.

Permission for two-storey side extensions close to a common boundary will not normally be granted unless they are set back from the boundary or set back from the front wall of the dwelling.

Material Planning Considerations

- 9. The main planning considerations of this application are the impacts on the character of the area, amenity of neighbouring occupiers and access and highway safety.

Impact on the character of the area.

- 10. The majority of the proposed extensions are to the rear of the existing dwelling, therefore only the porch and the canopy have any significant impacts of the street scene and character of Forest Lane.
- 11. The porch is of a modest nature and is viewed to be in keeping with the style and proportion of the existing dwelling and follows guidance laid down in the Council's Householder Extension Guide, it is judged that this will not have any significant impacts of the visual amenities of the locality.
- 12. The proposed canopy extends from the porch over the existing garage and will fit into the roof style of the existing property. It is considered that the proposed canopy is in keeping with the scale and proportion of the property and will not dominate the property nor look out of keeping with the surrounding area.

Impact on residential amenity

13. The Council's Householder Extension Guide (SPG no.2) provides information and advice on what type of extension would be reasonable. In this instance the proposed two-storey rear extension would add an additional 1 metre on the rear and be subject to the 45-degree rule while the 5.8m ground floor extension would be subject to the 60-degree rule.
14. As the ground floor extension falls within the boundaries of the 60-degree rule it is considered that this element would not have a detrimental impact on the amenity of the neighbouring property.
15. At present the existing two-storey rear extension is contrary to the 45-degree rule. The additional first floor element is set back by 0.5m from the existing eastern elevation of the first floor extension and the Council's 45-degree rule can only be applied to this element and not retrospectively to the existing extension.
16. The proposal would result in the lowering of the eaves height of the existing flat roof extension and the ridge would be situated away from the neighbouring property. Also given the reduction in the two-storey extensions size it is considered that the proposal would not be significantly overbearing on the neighbouring property. Equally the proposed new garage roof has been reduced in order to reduce the impact on the neighbouring properties.
17. Concerns in relation to the rear extensions have been received from the neighbouring property, No. 55 Forest Lane. Whilst these concerns are appreciated the 45 and 60-degree rulings are only guidance, it is considered that the proposed rear extensions would not be sufficiently overbearing or cause an additional overshadowing than presently exists. Scaled 3 D models have been produced and are attached to this report, which indicate the proposed extension will not worsen the existing situation and demonstrate that Planning Inspectors concerns over the previous planning application have been overcome.
18. The proposed extension is considered to be a sufficient enough distance from the surrounding properties and it is therefore considered that the proposed developments will not have any significant impacts on the privacy or amenity of the owners of these properties.

Impact of Traffic and Highway safety

19. The Head of Technical Services had no adverse comments to make regarding this application. It is therefore considered that there are significant highway safety issues regarding this application.

Matters arising from the appeal decision:

20. During consideration of the applicant's appeal of the previous application the Inspector outlined the following issues with the proposed development (in summary);
 - The undeveloped and planted nature of the many adjoining rear gardens contributes to the attractive character of the area.
 - The overall scale of the extensions would be disproportionate to the existing house and would be intrusive to the characteristic openness of the rear garden zone.

- ❑ The extension would cause earlier overshadowing to the rear of No.55 in the late afternoons and increased overshadowing in the winter months
- ❑ The proposed flat tiled roof could potentially be used as a siting out area resulting in the overlooking and loss of privacy

21. The revised proposal is considered to address all of the above issues, these are: -

- ❑ The undeveloped gardens
- ❑ The reduction in the size and levels of the extensions are now considered to be in keeping with the building.
- ❑ The 3D models shown that the impact on No. 55 Forest Lane would not be significantly worse than is existing and that this occurs only towards the end of the day.
- ❑ The flat roof has been removed and smaller windows placed in the southern elevation.

Conclusion.

22. It is considered that the revised proposal is visually acceptable and would not have an adverse impact on the character of the area or the amenity of the surrounding of the surrounding residential properties and overcomes the previous reason for refusal and the planning inspectorates concerns. Overall the proposed development accords with policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and the application is subsequently recommended for approval.

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 Adopted Local Plan (1997)
 Supplementary Planning Guidance No.2 (Householder Extensions)
 Planning applications 05/0754//FUL and 05/1865/FUL
 Appeal Decision APP/H0738/A/06/2012048

Ward and Ward Councillors

Yarm Ward
 Councillors B Jones, J Beaumont and A Sherris