

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4th April 2007

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

07/0525/REV

**64 Brisbane Grove, Stockton-on-Tees,
Revised application for two storey side and rear extensions**

Expiry Date: 23 March 2007

Summary

The application site is a two storey semi-detached dwelling house located in Brisbane Grove, Stockton, adjoining the grounds of Hartburn Primary School.

The applicant seeks permission for the erection of a two-storey extension to the side and rear. This is a revised application with part of the two-storey extension to the rear being reduced in size and the access widened and the remaining boundary wall to be retained.

A total of 6 letters of objection have been received from nearby residents in response to the neighbour consultation. The main objections relate to the size and use of the proposed extension, the car parking area to the front and its effect on traffic, the impact on the street scene and also the impact that the development will have on the trees which are covered by a preservation order.

Objections have been received from the Ward Councillors, Councillor Johnson and Councillor Wade.

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

RECOMMENDATION

That Planning application 07/0525/REV be approved subject to the following conditions

01 *The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>7 February 2007</i>
<i>AL(0)5</i>	<i>7 February 2007</i>
<i>SKAL(0)2</i>	<i>7 February 2007</i>
<i>SKAL(0)1</i>	<i>7 February 2007</i>
<i>AL.(0).4.</i>	<i>23 March 2007</i>

Reason: To define the consent.

- 02. 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.

- 03. The trees that are protected by a tree preservation order, namely the monkey puzzle in No 64 Brisbane Grove and the Beech in No 62 Brisbane Grove, shall be protected strictly in accordance with BS 5837: 2005 Trees in relation to Construction and**
- Where tree roots are encountered only hand digging will be allowed.**
 - Compaction to the root spread of the tree must be avoided and protective fencing should be erected around the canopy spread of both trees.**
 - No storage of materials will be permitted within the branch spread of the tree**

Reason: To ensure that existing landscape features on the site are adequately protected.

- 04. Prior to any works commencing on site, full details of the construction method and protection methods should be provided to the following minimum standard:**
- A. Details of the 'no-dig' construction method within the driveway area.**
 - B. Protection measures for retained trees to ensure that no damage occurs during the demolition and construction periods. The protection area must be in accordance with B.S.5837: 2005 (recommendations) Trees in relation to Construction. Full details of the tree protection measures should be submitted for approval and should be erected, to the satisfaction of the council.**

Reason: To enable consideration of the details in relation to the existing trees on and adjacent to the site

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 the street scene in terms of style, proportion and materials 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.

**Stockton on Tees Local Plan
GP1 General Principles and HO12 Householder Extensions**

BACKGROUND

Previous application: 06/2938/FUL

- 1. The applicant originally submitted plans for a proposal with the rear extension stretching the full width of the house. The proposals also included the removal of the front wall to**

create a car parking area. 11 Objections were received on the application from nearby residents and 2 objections from the Ward Councillors

2. The applicant withdrew the application to allow him to revise the proposals so that the rear extension would comply with the guidance in SPG2: Household Extension Design Guide and also to reduce the amount of wall to be removed at the front.

THE PROPOSAL

3. The applicant seeks permission for the erection of a two storey extension to the side and rear and the application also shows the provision of a hard standing area to the front for the parking of cars and the widening of the existing entrance.
4. The proposed side extension will measure 4.155 metres x 7.9 metres, which will have a bay window to the front on both the ground and first floor to match the existing bay windows. In the side elevation, two windows are to be installed at ground floor and an obscurely glazed window at first floor.
5. The proposed rear extension has two parts to it, the first will measure 4.508 metres x 8.4 metres and will have a window and door at ground floor and two windows at first floor, one of which will be obscurely glazed. The second element, which is closest to the boundary with No 62 Brisbane Grove, will measure 3 metres x 3.82 metres and will have bay windows to the rear at which will project approximately 600mm.
6. The plans also show the area to the front to be paved to create an area for car parking and the access widened. This element does not require planning permission, as it is permitted development although the works would have to take into account the tree on the site and at no 62 Brisbane Grove subject to Tree Preservation Orders. However the applicant has agreed to retain as much of the wall as possible due to a number of objections on the previous application.

CONSULTATIONS

7. The following Consultees were notified and the comments they made are below:

Councillor Eileen Johnson

8. I wish to support the objections of the residents of number 62 Brisbane Grove in their letter to you dated 4th March and to re-iterate my previous objections to this application.

Namely: The proposed two-storey rear extension is overbearing on the residents at number 62 because of its height and length. The dimensions are such that the rear of number 62 will be deprived of natural light both at ground level and bedroom level. There will be an unacceptable loss of privacy to the neighbour's back garden area.

I do not object to the side extension except to comment that in achieving this the plans demolish the existing garaging facility and propose the concreting over of the frontage of the house to provide hard standing for at least three vehicles. Such an arrangement is out of keeping with other residences in the Grove. Such use of concrete could damage existing trees, which are part of the amenity of the road.

This is a revised plan but, in my view, the revision does not address the fundamental problem: that these plans seek to alter the nature of the existing house with two extensions, one of which will detrimentally affect the next-door neighbours. The overall effect will be out of keeping with other properties in the immediate area, which are traditional family homes.

I would request that the site is visited so that committee members can see the layout of the road and the adjacent primary school together with the nature of the surrounding residential area.

(* As an issue of principle or precedent is not involved with this application the Head of Planning could not agree to a site visit under the agreed protocol.)

Councillor Wade

9. I wish to object to the above application on the grounds that it would be overbearing and obtrusive to the neighbours especially number 32 Brisbane Grove. It will block the natural light and sunlight to the next door property because of the positioning of the properties (they both face south with a north facing back garden) When the sun goes across to the west the proposed extension will block it from reaching the neighbouring property. I also think it is an over development of the land. If the extension was on the side of the property only and not protruding out at the back then it would be more acceptable. I am also objecting on the grounds of safety. The proposal is for the front of the house to be used as a car park for three vehicles. The front of this property comes out right next to Hartburn Primary School where small children walk each day I think it will be unsafe for them to have to cross a wide driveway right on the corner of the road.

Landscape Officer

10. My main concern with the application is the impact the development will have upon the existing trees within the frontage of both 64 and 62 Brisbane Grove. Both the Monkey Puzzle in the front of no.64 and the Beech in the front of no.62 are protected under the TPO legislation. They are fine specimens and are significant trees within the street and contribute greatly towards the visual amenity of the area. The proposal to increase the hard surfacing / parking within the front garden of the property and to construct new retaining walls will have a severe detrimental impact upon the root systems of both trees due to the excavation work required, It may however, be possible to achieve a driveway surface within the front garden by applying the principles of no-dig construction methods. The method would be a minimum acceptable to ensure the long term health and stability of the two trees and guidance on these construction methods can be made available to the applicant if consent for the development is granted.
The walls though are not acceptable and should be omitted from the scheme. The omission of the walls will result in the added benefit of improving the area available for manoeuvring cars. The trees should be protected strictly in accordance with BS 5837 2005 Trees in relation to Construction and full details should be provided relating to the no-dig construction method and protection measures.
To conclude, I have no objection to the application as long as the retaining walls are omitted from the scheme and the no-dig construction methods are used.

Head of Technical Services

11. Although the proposed two storey side and rear extension substantially increases the overall size of the property, it only increases the number of bedrooms by 1. A 4-bedroom property generally requires 3 in curtilage car parking spaces. The proposed plans show

that the requisite 3 spaces will be provided in curtilage and therefore meets the Design Guide standards. There are waiting restrictions in this area due to the nearby school, and the widening of the driveway access may potentially also act as a deterrent for vehicles to park on street in front of this property. Therefore, on balance I have no adverse comment to make regarding this application. The applicant will need to speak to Direct Services regarding widening the dropped kerb crossing.

PUBLICITY

12. Neighbours were notified and the comments received are summarised below: -

Mrs Janette Thackray, 49 Brisbane Grove.

13. I object to this planning application, as it is a family home with 2 adults and a small child living in at the moment and cannot see why any more room is needed if not for some kind of business, the property is of ample size for the amount of people in. We have a problem with residential parking at the moment I do not think we need anymore.

Penny George, 16 Ingleby Grove, Stockton

14. I object to the planning application .I believe the house will ultimately be occupied by tenant type residents rather than a family. This will lower the value of the houses around it and have the possibility of causing problems of all natures in the future.

Mrs C Adams 62 Brisbane Grove, Stockton

- 15 The revised planning proposals do not alleviate my earlier concerns & I wish to object on the following grounds 1. The development would have an unacceptable, overbearing affect upon my property & my family's quality of living. 2. The design of the 2nd storey extension is huge in comparison to my single storey kitchen/dining room & my property will be completely overshadowed. 3.The 2nd storey ext. to the back will directly affect the amount of natural light coming into my daughter's bedroom & dining/ living room. 4. The 2nd storey extension will overlook my private patio area & block the natural sunlight not only to the patio area but also to the pond. This will have a detrimental impact on our privacy, access to natural sunlight & the inhabitants of the pond (fish). 5. The design of a bay window to a bedroom at the back of the 2nd storey extension gives (whomever lives in the property) the opportunity to view our private patio area (which is currently NOT directly overlooked). 6. The proposal to make a concrete hard standing at the front of the property for the use of cars, will cause damage to the root system of the trees both located at 62 & 64 Brisbane Grove. The trees have a TPO on them. I would expect therefore that the Council has an obligation to ensure the trees are protected. 7. I have existing issues with parking/safe access for children to the school on Brisbane Grove. The proposals in my view will increase the risks associated with this. I have noticed an increase in the number of parked cars on the grove (adjacent to number 64) since the neighbours moved into the property. In conclusion, I strongly urge you to consider the detrimental effect on light, privacy & overbearing that this proposal will have on my property. On accessing the Councils website, I note there are numerous examples of planning applications which have been refused on similar grounds to those that I have mentioned and request you apply consistency in decision making.

Stephen George 16 Ingleby Grove, Stockton

- 16 I believe there is an access problem due to the close proximity to the school and the potential number of cars being used there could be 4 people at least living there all unrelated all owning a vehicle.

Dave M Adams, 62 Brisbane Grove, Stockton

- 17 After comparing the revised proposals to the original plans I can see only minor modifications, resulting in a reduction in floor area of approximately 5.3m². The only change to the original proposals is that the bedroom and kitchen have been reduced in length by approximately 1.5m, sufficient to comply with the 60 deg. / 45 deg. Rule. Overall the proposals are far from in keeping with the proportions of the existing dwelling or overall street scene. Also the Parking proposals and potential impact on trees

The main objections relate to the objector's opinion that the proposal is contrary to the relevant policies contained within the Adopted Local Plan and Supplementary Planning Guidance Note 2

I must state that I am at a loss as to why I can find a significant number of other applications on your web site, (too numerous to list here), which have been refused on the grounds I have highlighted above, but for some obscure reason are not being applied to the application for number 64.

Alan Thackray, 49 Brisbane Grove, Stockton

18. My main concern and objection to the proposed plans are that he has indicated development of the front of his property for hard standing for 3 vehicles and that the front wall will be replaced upon completion of the work. I suspect very strongly this will not be the case as I have heard through a 3rd party that once down it will not go back up. Also if this was the case then increased damage will occur to the pavements in front of this property. I would respectfully suggest that this is a gross over development of a family home which again, through a 3rd party will be used to house non dependants. It is interesting to note despite a very long drive way now, the applicant is parking his vehicles outside of other people's houses, not his own. This problem, bearing in mind the current problems with people parking attending the local school, will only get worse.

PLANNING POLICY CONSIDERATION

19. 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).
- 20 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 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.

MATERIAL PLANNING CONSIDERATIONS

21. The main planning considerations in respect of this proposal are the impact on the neighbouring properties and the surrounding area, potential use, traffic and car parking, and the trees.

Impact on the neighbours

Side Extension

22. The proposed extension to the side will project 4.155 metres from the gable end of the existing dwelling, with the provision of bay windows to match the existing and a hipped roof to replicate the existing roof. Objectors state that the extension will be out of character in the street scene, however a similar designed extension can be seen opposite at 51 Brisbane Grove. The applicant has left a 800mm gap to the side boundary, which is considered to be acceptable as the property is adjacent to the car park of Hartburn Primary School.
23. The side extension will result in a double fronted styled dwelling, which is considered to be in keeping with the character in the area. The property is located at the end of the street and is in keeping with the overall street scene. Paragraph 2.5 of SPG2 states that "Extensions must be designed so that they compliment the main house for example through being smaller or set back. Often such designs are more successful in visual terms than large extensions built flush with the front of the house". It is considered that due to the location of this property at the end of the road and the features that are replicated in the extension, such as the bay windows, the proposal is acceptable.

Rear Extension

24. The rear extension will be approximately 250mm from the boundary with 62 Brisbane Grove, who has objected to the application as it would overshadow his property and have an unacceptable overbearing effect on his amenity, the proposal will restrict light into the first floor bedroom and the dining/living room and overshadow the garden area and the bay windows will lead to a loss of privacy through overlooking.

- 25 The neighbour at 62 Brisbane Grove has a single storey extension to the rear, which projects by 3.6 metres with the roof projecting 4.2 metres. This proposed extension would project 3.0 metres and 600mm for the bay windows is are line with the neighbouring extension and will therefore not conflict with the 45 degree rule relating to two storey extensions contained in SPG2 guidance and following these principles it is considered that the proposed extension will not have a detrimental affect on the neighbouring properties due to its size.
26. One of the objectors states that the bay windows could lead to overlooking. However it is considered that the proposed bay windows will face onto the neighbours extension which projects 3.6 metres at ground floor and look down onto the roof of the neighbours extension at first floor and although the proposed windows may lead to some loss of privacy it would be no more than flush windows being incorporated into the design on the extension.
27. To the rear of the site is Ingleby Grove. The proposed extension will be located approximately 20 metres away from these properties, and it is considered that the proposed extension would not have an adverse or overbearing effect on the privacy or amenity of these properties due to the size of the garden areas that will remain.

Amenity Space

- 28 Objectors have commented that this proposal is an over development of the site. The application site is a large corner plot with a large garden area. The proposed extension, although large can be accommodated easily on the site and will leave an adequate amount of private amenity space for the occupiers of the dwelling, with the back garden being approximately 11 metres long x 13 metres wide. It is therefore considered that the proposed extension will not be an over development of the site and adequate amenity space will remain for the occupants of the dwelling.

Potential Use

- 29 The proposed extension will result in the property having three main habitable rooms, a living/dining room, a kitchen and a utility room on the ground floor and four bedrooms, 3 en-suite and one bathroom on the first floor. Many objectors are concerned over the possible use of the dwelling.
- 30 It is considered that the proposal must be viewed as a domestic extension, should the applicant wish at a later date to alter the use of the property or run a business from the property then this may be subject to a separate application for the change of use and would be considered by the local planning authority and the neighbours given an additional chance to comment.

Traffic, Car Parking and Access

- 31 The applicant is proposing to remove part of the front boundary wall to widen the access and pave the front garden. This will provide the requisite parking required for a four-bedroom dwelling. One objection has been received relating to the removal of the wall and its replacement, however this element of the application does not require planning permission and cannot therefore be controlled by the local planning authority.
- 32 Objectors state that the area suffers from on-street parking and traffic congestion already due to the school, however the Head of Technical Services has commented that although the proposed two storey side and rear extension substantially increases the overall size of the property, it only increases the number of bedrooms by 1. A 4-bedroom property

generally requires 3 in curtilage car parking spaces. The proposed plans show that the requisite 3 spaces will be provided in curtilage and therefore meets the Design Guide standards.

33. There are waiting restrictions in this area due to the nearby school, and the widening of the driveway access may potentially also act as a deterrent for vehicles to park on street in front of this property. Objectors state that the applicant does not use his drive to park on and parks in the road, however this cannot be controlled by the local planning authority and the car parking and access provided in this application are acceptable.
34. It is therefore considered that the proposed extension will not result in additional vehicles on the highway, and would not be detrimental to pedestrian and vehicular safety.

Landscaping

35. The application site has a tree in the front garden that is subject of a Tree Preservation order (Monkey Puzzle) and there is a tree in the front garden of 62 that is also covered by a Tree Preservation order (Beech). The applicant does not intend to remove either of these trees and objectors are concerned about the well being of these trees
36. The Landscape Architects objected to the paving of the front garden as it would have a severe detrimental impact on the root systems of both the trees due to the excavation work that will be required, however there is there a method that could be used to prevent damage to the trees (a no-dig method). A condition has been added to ensure this method is used and the trees are adequately protected during construction.
37. The plan originally showed retaining walls around the trees, which the landscape architects considered unacceptable. These walls have now been omitted from the scheme at the landscape architects request.

CONCLUSION

38. In conclusion it is considered that the proposed scheme complies with Policy GP1 and HO12 of the Stockton on Tees Local Plan and is not contrary to the guidance contained in SPG2: Household Design Guide and the application is therefore recommended for approval.

Corporate Director of Development & Neighbourhood Services

Contact Officer: Elaine Atkinson

01642 526062

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 Application 06/2938/FUL and 07/0525/FUL

Ward and Ward Councillors

Grangefield

Councillor Wade and Councillor Johnson