

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**Date 21<sup>st</sup> NOVEMBER 2007**

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

**07/2319/ARC**

**Bishopsgarth Cottages, Darlington Back Lane, Stockton-on-Tees**

**Application under section 73 to amend condition no.2 (approved plans) of planning approval 06/0461/REV**

**Expiry Date 2 October 2007**

### **SUMMARY**

Several planning approvals have established provision for two dwellings and associated works at the site. The initial approval attempted to restrict the overall scale and design of the development in order to control its impact on the street scene and its immediate surroundings, in view of it being on the urban fringe and outside of the defined limits of development.

Development has been undertaken on site which is not in accordance with the previously approved plans resulting in an unlawful development. This application has been submitted in order to regularise the development undertaken on site. The earlier approvals for the site are a material consideration in determining this application and as such, considerations in respect to this application generally relate to the additional impact of the changes above and beyond the impacts of the approved scheme.

Two letters of objection have been received from local residents which relate to the impact on privacy and amenity and the numerous changes being made from the initial scheme.

It is considered that the amendments result in buildings of increased dominance and grandeur to those previously approved, however, these amendments are not considered to significantly change the overall design concept or built form and scale of the development with the benefit of planning permission and it is therefore considered that the application accords with Policy GP1 and HO11 of the Stockton on Tees Local Plan.

### **RECOMMENDATION**

**Planning application 07/2319/ARC 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.***

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>0567/05 E</i></b>	<b><i>7 August 2007</i></b>
<b><i>0567/LP</i></b>	<b><i>1 August 2007</i></b>
<b><i>0567/01 D</i></b>	<b><i>1 August 2007</i></b>
<b><i>0567/02 E</i></b>	<b><i>1 August 2007</i></b>
<b><i>0567/03 D</i></b>	<b><i>1 August 2007</i></b>
<b><i>0567/04 E</i></b>	<b><i>7 August 2007</i></b>

**Reason: To define the consent.**

- 02. The hedgerow forming the southern boundary of the site shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority. This hedgerow shall not be reduced below 1.3m in height and 0.6m in width without the written agreement of the Local Planning Authority.  
Reason: In the interests of the visual amenity of the area.**
- 03. A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.  
Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.**
- 04. Notwithstanding any description of the materials in the application, precise details of the driveway surfacing materials shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to occupation of either of the residential units.  
Reason: To allow the Local planning authority to control details of the development.**
- 05. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be agreed with 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: In the interests of the visual amenities of the locality.**
- 06. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 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 altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.  
Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.**

### **Informative**

It is considered that the development which has been undertaken on site has no significant impact on surrounding properties or their occupiers and has a limited impact on the character of the street scene in accordance with the requirements of Policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan and that there are no material considerations which suggests the application should be determined otherwise.

## **BACKGROUND**

1. Previous approvals

*05/2424/FUL - Application for the erection of 2 no. detached dwellings with garages and demolition of existing buildings.*

*06/0461 - Revised application for the erection of 2 no. detached dwellings with garages and demolition of existing buildings.*

*06/2771 - Application under section 73 to vary condition no.2 (approved plans) of planning approval 06/0461/REV for the erection of 2 no. detached dwellings with garages and demolition of existing buildings.*

## **PROPOSAL**

2. Retrospective planning permission is sought to amend the approved plans for application reference 06/0461/REV in order to regularise unauthorised changes made to the development as constructed. The amendments from the approved scheme are listed as follows;

3. Dwelling 1

- Ridge height increased from the approved 10m to 10.2m.
- Additional 3 roof lights in north elevation.
- Brickwork being provided above first floor window level.
- Change from two small windows to one large picture window on north elevation.
- Removal of door from south elevation
- Lowering of position of roof lights within south roof slope
- Introduction of three new windows within the west elevation (side)
- Introduction of one window in east elevation (side)
- Replacement of arched boarded doors with French doors in east elevation.

4. Dwelling 2

- Increase in ridge height and eaves height of the building. Ridge being increased from the approved ridge height of 8.6m to 9.1m.
- Introduction of an additional small window in the south elevation,
- Introduction of two small windows on north elevation,
- Replacement of window with French doors on north elevation,
- Substitution of arched opening with square opening in east elevation,
- Provision of brickwork above first floor windows,
- Insertion of additional window in west elevation,
- Insertion of additional window in east elevation,
- Removal of one roof light in north roof slope,

## **PUBLICITY**

Neighbours were notified and two letters of objection were received. Objections as summarised below:-

Mrs L Nardone, 97 Wimpole Road' Stockton-on-Tees  
Objects in the strongest terms to the balcony which runs the length of the gable end of dwelling one. This would afford views over the nearby properties

Garry Robson, 115 Wimpole Road' Stockton-on-Tees

Objects as the buildings tower over the hedges and trees. The development has already been subject to a second access road, how many attempts are the objectors going to get to alter their original plans. The dwellings are already too big for the plot.

## **PLANNING POLICY**

The relevant development plan in this case is the adopted Stockton on Tees Local Plan.

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 planning policies are considered to be relevant to the consideration of this application:-

### ***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**

5. This application relates to the amendment of the earlier approved scheme for the site under application reference 06/0461/REV. This application is not considering the principle of development on the site as this has already been established in the earlier approvals, instead, it is necessary to consider the unapproved amendments made and their associated impacts against the impacts of the last approved scheme.
6. In the consideration of the earlier approvals for the site, attempts were made to prevent an excessive uncharacteristic development forming on a site which contained a dilapidated group of buildings which had a relatively traditional character and appearance, albeit being unsympathetically modified in parts.
7. The amendments to the approved scheme as carried out on site include the increase in ridge height for both properties, 0.2m to dwelling one and 0.5m to dwelling two, insertion of additional windows, replacement of traditional features such as boarded doors and arched openings, as well as effectively lifting to roof to allow brickwork courses above the top of the first floor windows.
8. In determining the earlier approvals it was considered that what was being approved represented close to the limit as to what could be reasonably justified in terms of replacement dwellings, in view of the site falling just outside of the defined limits of development for Stockton and there being a general policy requirement to restrict new development in such areas.
9. The site, although being adjacent to open fields to the north and west, is within a street scene which includes the more modern development of Wimpole Road. It is considered that this close relationship allowed some change from a strictly traditional design which had been attempted to be achieved through the earlier approval. All of the amendments undoubtedly resulted in the buildings having a greater dominance and grandeur from the approved scheme, being less representative of the more agricultural type buildings which were on the site. The properties eaves being several brick courses above first floor windows allow the first floor windows to have a greater dominance thereby eliminating the cottage character, proliferation of windows moves further away from dwellings of a more simple character whilst a loss of timber boarded doors and arched openings effectively remove the detail which gave the development a more semi rural appearance. However, taking into account the precise location of the site and the extent of the existing approval, it is considered that these changes, although retrograde, do not warrant the refusal of the application as they do not fundamentally affect the overall character or scale of the scheme as approved.

### **Impacts on residential amenity and privacy**

11. The two dwellings are located approximately 38m from the nearest residential properties on the opposing side of the highway. It is considered that the amendments made to the scheme are not sufficiently significant to have an undue adverse impact over this distance, particularly as there is an intervening highway. It is also considered that the adjoining property to the east is sited sufficient distance away to prevent any undue impact. One point of objection relates to the provision of a balcony on the side elevation of dwelling one. This balcony is a gallery internal within the conservatory and formed part of approval reference 06/0461/FUL. As such, in view of these matters it is not considered to be of significance to the determination of this application.

## **CONCLUSION**

12. Were the application to be refused then the Local Planning Authority could not reasonably request the demolition of the dwellings, only compliance with the earlier approved scheme, which would redress the changes listed in paragraphs 3 and 4 of this report. However, whilst it is considered the amendments result in buildings of increased dominance and grandeur, they do not significantly change the overall design concept or built form and scale of the development and it is therefore considered that the application adequately accords with Policy GP1 and HO11 of the Stockton on Tees Local Plan.

### **HUMAN RIGHTS IMPLICATIONS**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

#### **Corporate Director of Development and Neighbourhood Services**

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#### **Financial Implications**

As report

#### **Environmental Implications**

As Report

#### **Legal Implications**

As report

#### **Community Safety Implications**

As Reported

#### **Background Papers**

Adopted Stockton on Tees Local Plan (June 1997)

Planning Policy Guidance Note 7 'Sustainable development in rural areas'

### **WARD AND WARD COUNCILLORS**

Ward Bishopsgarth and Elm Tree

Ward Councillor Councillor Mrs S. Fletcher

Ward Councillor Councillor J M Roberts