

DELEGATED

**AGENDA NO
PLANNING COMMITTEE:**

DATE 21st 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

UPDATE REPORT

The reasons for the Member requests made by Councillor Mrs Fletcher, Councillor Woodhead and Councillor Perry, for the application to be determined by the Planning Committee and subject to a Committee site visit are set out below. Although Councillor Roberts did not submit a request for a site visit, Councillor Mrs Fletcher has indicated that Councillor Roberts is in full agreement with the points made.

There is an issue of principal in considering the proposal which is;

- The buildings as they are constructed are not in accordance with the plans, and vary in important ways from the original plan.
- The whole buildings are higher than permission was given for.
- The arched doors etc which gave a more traditional rural look have been replaced.
- The eaves are no longer above the windows, but layers of brick are, again making it look more like an estate house than a rural cottage.
- The South door is being removed, which again gave the replacement cottages a look in sympathy with a rural cottage.
- The overall effect is that of two urban estate houses in the countryside lacking in some of the features that were originally put in, making it look more fitting for countryside setting.
- The buildings are so different from the plans, that members need to see what has happened here.

There is an issue of precedent in considering the proposal which is;

- The Planning process is being defied by deviations that are contrary to the original situation, which was the replacement for two rural cottages by a modern building in sympathy with the feel and design of these. If this situation is allowed to proceed, it sets a very dangerous precedent for planning applications in the countryside.
- The introduction of two estate type houses does not blend into the rural setting and similar developments could occur elsewhere.
- We must retain our planning principles when agreeing developments such as this otherwise a precedent could be set when looking at other applications of a similar nature.

Following the committee site visit there are a number of issues which have come to light in respect to the development on the site which vary from both the previously approved details and the plans which have been submitted for consideration as part of this application. The plans which committee are considering differ from what has been constructed on site in the following ways;

- The second access which was approved under application 06/3554/FUL and which has been partially constructed on site does not form part of the submitted detail.
- Text relating to landscaping of the northern field boundary and retention of existing planting is misleading in that there is no visible planting along this boundary whilst a close boarded fence has now been erected along this boundary.
- The base of a garden room / conservatory has been added to the east side elevation of dwelling 2 which the applicant has advised he intends to use as a patio and apply at a later date for the erection of a garden room / conservatory in this position.
- There are no rooms shown in the roof space of either property on the plans submitted for consideration or on previously approved plans. Dwelling no. 1 has been laid out internally having an internal stairway to the 2nd floor (roof space) and this space having been divided into 6 no. individual rooms which the applicant has advised would be used for storage. Dwelling no. 2 has been laid out having a 2nd floor with two separate rooms being created and a large open area at the top of where the stairs would be constructed.
- The internal floor plans do not precisely match what has been constructed on site. It has been noted that there is an additional staircase within dwelling no. 1 whilst there is no longer a library at first floor level.
- The road side elevation of dwelling one has a lower height section. The eaves level of this section has been built approximately 16 brick courses (1.2m) higher at the eaves level and includes the continuation of the water table detail on the edge of the roof. This results in a side elevation of greater mass, and a higher ridge height. Officers are unable at this stage to advise on the amount by which the ridge has increased.
- A 1m step was approved within the roadside elevation of dwelling no. 1 in order to create a break in bulk and mass. The revised plans show this step also being 1m, however, having reviewed photographs of the development, officers consider that this step is less than 1m.

Within appendix reference 2 of the main report a reference is made to a picture window replacing two smaller windows within the north elevation of dwelling one. Following the site visit it is noted that this is actually a set of French doors and not a picture window. Although not indicated on the plans submitted it is advised by the applicant / agent that there would be some form of restraint in this position similar to a Juliet balcony.

Based on the above the application detail submitted does not accurately reflect what has been constructed on site. The Local Planning Authority has consulted on the basis of the submitted plans and therefore, consultees have not had the opportunity to comment on plans which precisely reflect what has been constructed on site.

It is considered therefore that the determination of the application should be deferred to enable the buildings to be rigorously checked on site to identify all the changes and to ensure the agent submits accurate "as built" plans for consideration. Neighbours would then be reconsulted before the matter is reported back to Members. This will ensure that Members are presented with the full correct information before they make a decision.

Recommendation

That determination of the application be deferred to enable the buildings to be rigorously checked on site to identify all the changes and to ensure the agent submits accurate "as built" plans for consideration.