

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 30th APRIL 2008

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

08/0051/FUL

**Land Adjacent to 7 Finchley Road, Norton
Erection of 1 no. Detached Dwellinghouse**

Expiry Date: 5 March 2008

SUMMARY

The application site is an area of garden adjacent to the side of 7 Finchley Road, which is a semi-detached dwelling located at the end of a residential cul-de-sac. The applicant is seeking permission for the erection of a two-storey detached dwelling with integral garage on this area of land. A similar permission was granted in 1985 but was never implemented.

The application site is located at the end of a residential cul-de-sac, which is dominated by semi-detached dwellings with hipped roofs. The site is bounded on the south and east by the rear gardens of properties along Cottersloe Road and the highway of Finchley Road lies to the north.

The planning application has been publicised by means of individual letters and objection letters have been received from 9 properties with comments from one further property.

The main planning considerations relate to highway safety, visual impact and any impact on the privacy and amenity of the occupants of neighbouring properties.

It is considered that overall the proposed development is in accordance with policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan and is accordingly recommended for approval with conditions.

RECOMMENDATION

Planning application 08/0051/FUL 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.***

Plan Reference Number	Date on Plan
DRG 07-01A	6 March 2008
DRG 07-02A	6 March 2008
DRG 07-04A	6 March 2008
DRG 07-05A	6 March 2008
DRG 07-06A	6 March 2008
DRG 07-07A	6 March 2008
SBC001	9 January 2008

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. 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 into use.

Reason: To achieve a satisfactory form of development.

04. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a detailed scheme showing existing ground levels, finished ground levels and finished floor levels. Thereafter the development shall be completed in accordance with the approved details.

Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future residents.

05. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has completed the implementation of a phased programme of archaeological work in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority.

Reason: The site is of archaeological interest.

06. Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the Councils Design Guide Specification (residential and industrial estates development) current edition, BS4428: 1989, Code of Practice for General Landscape Operations, and the Horticultural Trades Association (2002) Code of Practice. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed in the first planting season following commencement of the development or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the

Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity.

07. Notwithstanding the proposals detailed in the submitted plans no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, colours finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made good by the owner as soon as practicably possible.

Reason: To ensure a high quality hard landscaping scheme is provided in the interest of visual amenity.

08. Details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure shall be erected in accordance with the approved details before the development, hereby approved, is occupied.

Reason: In the interests of the visual amenities of the locality.

09. No construction works shall be carried out on site outside of the periods 8.00am - 6.00pm on weekdays and 8.00am - 1.00pm on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), the building(s) hereby approved shall not be extended or altered in any way without the prior written approval of the Local Planning Authority.

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no integral garages shall be converted into part of the house without the prior written consent of the Local Planning Authority.

Reason: To ensure adequate garaging and parking spaces are made available.

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. Planning application S1512/85 was approved in October 1985. This granted outline permission for the erection of a detached dwelling on the application site.

PROPOSAL

2. Approval is sought for the erection of a 2-storey, 4-bedroom detached dwelling with integral garage.
3. The proposed dwelling will be located in a garden area to the side of 7 Finchley Road and will measure 8.85m x 8.7m x 7.8m high with a hipped roof.
4. There are currently 2 accesses associated with 7 Finchley Road, a driveway adjacent to the main dwelling and drive from the turning head and serving an existing detached garage on the application site. The applicant is proposing to maintain the existing accesses and provide hard standing across the front and to the side of the proposed dwelling.
5. During the course of processing the application the applicant submitted revised plans. The design of the roof was amended from a gable roof to a hipped roof to match surrounding properties and the integral garage was moved from the east to the west side of the dwelling, at the request of the Head of Technical Services and to provide a sufficient drive length.

CONSULTATIONS

6. The following Consultations were notified and comments received are set out below: -

7. Urban Design - Engineers

The amended plans are acceptable as car parking is provided in accordance with SBC standards.

8. Urban Design – Landscape

I have visited the site and considered the submitted documents and would comment that the application is acceptable in principle on landscape and visual grounds.

There are no existing trees on the site, or other planting of note, which would be recommended for retention. The land in question forms a side garden to number 7 and would not present a loss of public open space.

Visually a small dwelling house could be seen to mirror built properties opposite and would not therefore stand out. I would suggest tree/shrub planting scheme be submitted to help soften the views from surrounding properties.

9. Northumbrian Water

We originally responded to the above consultation stating a public sewer crosses the site. After discussing this matter with the applicant I am satisfied that the public sewer will not be affected by the proposed works.

10. Environmental Health

I have no objection in principle to the development, however, I do have concerns regarding the following environmental issues and would recommend the conditions as detailed be imposed on the development should it be approved.

Construction noise.

I am concerned about the short term environmental impact on the surrounding dwellings during construction. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site.

Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance. I will recommend working hours on site to be restricted to 8.00am – 6.00pm on weekdays, 8.00am – 1.00pm on a Saturday and no Sunday working.

11. Tees Archaeology

This area of Norton has produced numerous observations of human remains being disturbed during development. Should human remains exist at this site they will be destroyed by the foundations.

I recommend that a full programme of archaeological work is made a condition of the planning consent. This programme of works should take the form of continual monitoring of ground works by a professional archaeologist and the appropriate recording and treatment of archaeological material, including human remains.

12. CE Electric

The enclosed mains records only give the approximate location of known Northern Electric apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

13. Northern Gas Networks

United Utilities has no objections to these proposals, however, there may be live apparatus in the area that may be at risk during construction works and, should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail.

PUBLICITY

14. Neighbours of the application site were notified of the application by letter and the initial consultation period expired on 1st February 2008.

15. Objection letters have been received from 9 properties in respect to the application. The addresses are as follows;

3, 4, 5, 6, 8 Finchley Road
13, 15, 17, 19 Cottersloe Road

16. One response letter has also been received from the residents of 25 Cottersloe Road, who have stated that they have no objections to the application providing the proposal does not project beyond the rear building line along Finchley Road.
17. Objections are summarised as follows;

Traffic and Highway Safety

Increased congestion and on street parking on a narrow cul-de-sac
Impact on safety from new access

Amenity of Residents

Impact on views, light and privacy.
Overbearing impact

Visual Amenity

Out of keeping with street scene

Other Matters

Possible well on site and issues relating to drainage
Disturbance from construction work
Impact on value of neighbouring properties
Setting of precedent

PLANNING POLICY CONSIDERATIONS

18. 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)*.
19. 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.

SITE AND SURROUNDINGS

20. The application site is an area of garden to the side of 7 Finchley Road and at the end of a residential cul-de-sac, which is dominated by semi-detached dwellings with hipped roofs. The application site is bounded on the south and east by the rear gardens of properties along Cottersloe Road and the highway of Finchley Road lies to the north.

MATERIAL PLANNING CONSIDERATIONS

21. The main considerations in respect of the proposed development relate to the impacts upon the character of the area and the street scene, the impacts upon the privacy and amenity of neighbouring residents and highway safety.

Principle of development

22. The site of the proposed dwelling is within the current limits to development and on land which constitutes previously developed land under the definition outlined in Planning Policy Statement 3: Housing. The principle of further residential development on the site is therefore considered to be acceptable subject to policies GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan and additional planning guidance in the form of Supplementary Planning Document 3: Parking Provision for New Developments and Supplementary Guidance Note 2: Householder Extension Design Guide.
23. In addition, the principle of residential development on this site was previously accepted, with the outline approval of a dwelling in 1985.

Impact on the character of the surrounding area and street scene

24. The host property is a semi-detached dwelling located at the end of a residential cul-de-sac. Finchley Road and the surrounding area is dominated by semi-detached dwellings with hipped roofs.
25. The proposed dwelling has been designed with a hipped roof and also with a ground floor bay window and front canopy that is a feature of other properties within the street scene, including those directly opposite the application site.
26. It is considered that the design and scale of the proposal is in keeping with the surrounding properties and that the location of the application site at the end of the cul-de-sac will prevent the dwelling forming an obtrusive feature on the street scene. It is not considered that the proposal will have any significant impact upon the character of this residential area.

Impact on Privacy and Amenity of Neighbouring Residents

27. A number of objectors to the proposed development have raised concerns over the loss of the view from their property. However, this is not a material planning consideration and cannot be addressed within this application.
28. Although the Council offers no specific minimum distance on new housing development, it suggests in SPG2: Household Design Guide that 21 metres back to back distance is acceptable for extensions and 11 metres back to side extensions. The applicant has provided a minimum of 11m separation distance from the rear of 17 and 19 Cottersloe Road to the side of the proposed dwelling.
29. The separation distance between the proposed dwelling and 25 Cottersloe Road, to the rear is approximately 20m and is 1m below the recommended minimum. However, the proposal will follow the existing building line on Finchley Road and will not be worse than the existing situation. Furthermore, a condition removing the permitted development rights for extensions to the property will prevent any future reduction in this separation distance, as has occurred on other properties within the surrounding area.
30. A number of neighbouring residents have expressed concerns that the proposal will have a negative impact upon their privacy. However, there are no windows proposed in the side elevations of the dwelling, the front windows will face onto a public highway and the open front of the property opposite and the rear separation distance will be as explained in paragraph 29. It is not considered that there will be an impact upon the privacy of neighbouring residents that is significant enough to warrant refusal of the application.
31. Neighbours have also expressed concerns that the proposal will lead to a loss of light at the opposite property on Finchley Road and adjoining properties on Cottersloe Road. The proposed dwelling will be located to the south of the opposite properties and to the south west of 17 and 19 Cottersloe Road and, therefore, it is acknowledged that there may be some shading impact. However, the proposal maintains the building line along Finchley road and will not worsen an existing situation along this street. The proposal meets the

minimum separation distance from the rear of 19 Cottersloe Road and exceeds this distance from the rear of 17. It is not considered that the proposal will have a shading impact upon the neighbouring properties that is sufficient enough to warrant refusal of this application.

32. Overall, it is not considered that the application will result in a significant loss of privacy and amenity for neighbouring residents.

Traffic and Highway Safety Issues

33. Objections to the development have raised issues relating to the potential increase in on street parking and traffic congestion and the safety of the proposed access.
34. There are currently 2no. accesses from Finchley Road to the host dwelling and the application site. The proposal will involve the provision of hard standing across the front of the proposed dwelling and will lead to an increase in the width of an existing access but will not result in the provision of an additional access from the highway.
35. The submitted plans indicate that the existing driveway to the side of 7 Finchley Road will be retained and will provide adequate car parking for the host dwelling. The proposed dwelling will have an integral garage with a drive length of 6m and additional hard standing will be provided to the front and side of the dwelling. The applicant has provided sufficient space for the 3no. car parking spaces required in SPD3: Parking Provision for New Developments.
36. In light of the comments received from the Head of Technical Services, it is considered that the access to the proposed dwelling is acceptable and the proposal will not have any significant impact upon highway and pedestrian safety.

Landscaping

37. There are no existing trees within the application site and no other planting of any note. The application will not result in the loss of any significant landscape features on the site and a scheme for additional planting, requested by Urban Design will help to soften the views of the proposed development.

Other Matters

38. Neighbouring residents have expressed concerns that the proposal will be too big for the plot and will lead to an over development of the application site. SPG2: Householder Extension Guide recommends that approximately two-thirds of a plot remain un-developed, in order to provide a useable amount of amenity space. The proposed dwelling will occupy 28% of the available plot, which is below the recommended maximum of 33%, and is not considered to lead to an over development of the site.
39. Objections have also been raised relating to a possible well on site and the potential for the development to have an impact on drainage in the area. No objections have been received from Northumbrian Water in relation to the application and therefore it is considered that this would not be enough to warrant refusal of the application. However, a condition has been added requesting details of all means of surface water and foul drainage be submitted to ensure adequate drainage is provided.

40. Other concerns expressed by residents relate to the setting of a precedent for further development, disturbance during construction and the loss of value of neighbouring properties. It is not considered that approval of the application will set a precedent for further development as every application must be considered on its own merits and disturbance from development and property values are not material planning considerations and cannot be addressed within this application. However, a condition will be placed on the application to restrict hours of operation on site and, thereby, reduce the impacts on neighbouring residents.

CONCLUSION

41. In conclusion, it is considered that the proposed development, accords with the Council's adopted standards and Adopted Stockton on Tees Local Plan Policies GP1, HO3 and HO11 and is therefore acceptable.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Rebecca Wren Telephone No 01642 526065

Financial Implications – None

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, SPG3: Parking Provision for New Developments, SPG2: Householder Extension Design Guide.

Ward **Norton North**

Ward Councillor **Councillor M Frankland**
Ward Councillor **Councillor K Nelson**