

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 30TH APRIL 2008

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

08/0464/FUL

Summer Hill, High Lane, Maltby, Middlesbrough

First floor and single storey extensions to front and side including dormer windows and single storey double garage to front

Expiry Date 24 April 2008

SUMMARY

Planning permission is sought for the erection of first floor and single storey extensions to front and side including dormer windows and single storey double garage to front. The application site is a detached bungalow known as 'Summerhill', High Lane, Maltby. The dwelling has an extended garden area to the side at, which is located within a street scene of mixed and varied house types.

This application is a fourth planning submission with the last planning application 05/2969/FUL being refused at planning committee on the 15th March 2006. The difference between this application and the previous applications is that the garage element has been increased in length creating a double detached garage.

Members refused the previous application for four reasons, which were i) the detached garage to the front being an incongruous element in the street scene, ii) the development being out of character with existing street scene iii) the proposed development having an overbearing impact to neighbouring properties and iv) overdevelopment of the site.

With regards to this further application, in total, 17 letters of objections from neighbouring residents and 1 letter from Maltby Parish Council have been received.

The Head of Technical Services raises no objection to the proposal on access and highway safety grounds, however the comments of the Landscape Architect are awaited.

The revised application does not address Members concerns and on that basis, the application is again referred to Committee for a decision.

From the planning standpoint the concerns of the Members are noted, however, it is your officer's opinion that only the detached double garage forms an incongruous element to the street scene, making the proposal unacceptable.

RECOMMENDATION

It is recommended that application 08/0464/FUL be REFUSED for the following reason

In the opinion of the Local Planning Authority, the proposed double garage to the front of the dwelling would constitute an incongruous element in the street scene contrary to advice given in Supplementary Planning Guidance Note 2 and policies GP1 and HO12 of the adopted Stockton on Tees Local Plan.

BACKGROUND

1. The application site has been subject to various planning applications which have comprised of the following:
2. 93/0360/P - Single Storey Extension to rear - this has been implemented.
3. 05/0867/FUL- withdrawn, 05/1275/REV- refused and 05/2969/-FUL - refused at planning committee 15th March 2006. All three applications predominately comprised of the same proposals as submitted in this current application. The difference between the applications related to the size and design of the proposed garage and roof height of the host dwelling.
4. The latter application for 05/2969/FUL was refused on four grounds by Members.

1. In the opinion of the Local Planning Authority, the proposed dwelling and garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and Policies GP1 and HO12 of the adopted Stockton on Tees Local Plan.

2. The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.

3. The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.

4. The proposed development is considered to be overdevelopment of the site to the detriment of the amenity of the occupants of the existing dwelling, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note

PROPOSAL

5. The application relates to a detached bungalow known as 'Summerhill', High Lane, Maltby. The applicant seeks planning permission for a first floor and single storey

extension to front and side including dormer windows, together with single storey double garage to front and installation of new chimney to the side.

6. The proposed developments are to comprise of the following;

Sunroom to front and side

7. This will project forward and towards, and form a physical link to the proposed double garage. It is to measure 4.8m wide x 3.8m long with a maximum height of 4.1m, partially glazed, with French doors in its north elevation facing the rear garden of Summer Hill. The sunroom would be partially glazed in its western elevation as it joins the proposed garage and features a brick wall in its eastern elevation facing No.1 Dunsmore Close at a distance of 11 metres. The submitted plans indicate that the roof will have glazed panels.

Double detached garage to front

8. The proposed double garage will measure 3.8m wide x 8.098m long, which with a maximum pitch height of 4.7m will stand 3.3 metres from the southern/front/highway boundary of the property. The previously refused single garage measured 7.0 metres from the highway boundary.
9. In its western elevation there will be 2no. garage doors measuring 2.5m x 2.5m and 2no. Velux windows in the roof measuring 0.6m x 0.6m. In the southern elevation facing the highway is proposed. A bland brick wall with a design feature imitating a window measuring 1.1m x 1.4m. There are no windows or doors in the eastern elevation, apart from 2no. velux windows in the roof measuring 0.6m x 0.6m facing 1 Dunsmore Close. This section of the new build would be finished in render and pantiles.

Alterations to existing dwelling

10. This will provide additional living space within the first floor extension, which will involve raising the height of the roof from 5.6m to 6.2m from ground level (difference of 600mm), a projecting front gable with a central window measuring 1.0m x 1.2m and the installation of 2no.dormer windows at either side projecting 4.2m from the plane of the new roof and measuring 1.0m x 1.0m.
11. Integral garage being converted into a habitable room with a chimney stack measuring 7.7m high x 3.3m wide which decreases in width to 1.2m at the narrowest point at the top. This part of the proposal will sited to the side elevation adjacent to the neighbouring property known as 'Wayside'.
12. 5 No. velux windows are proposed with 1no. to the front elevation roofline, 1no. to the east elevation roofline and 3no. in the rear elevation roofline. No windows or velux will be installed in the west elevation nearest the neighbouring property at Wayside.

CONSULTATIONS

The Head of Technical Services

13. I have reviewed the information submitted by the applicant.
14. The proposed site is located in the Eastern Transport Strategy Area as identified in 'Supplementary Planning Document 3: Parking Provision for New Developments, November 2006'. The proposed plans indicate this will be a 4-bedroom property,

however the former bedroom 2 & 3 as indicated in the existing plans have been renamed as 'snug' and 'study' and are still of a sufficient size to be classed as a 5th and 6th bedroom. Therefore the applicant must provide a minimum of 4 in-curtilage parking spaces.

15. A double garage and driveway have been assigned to the property, meeting the parking requirements of this property, and I therefore have no objection to the development.

Landscape Architects

16. Comments still pending and will be provided within an update report to committee.

Maltby Parish Council

Summarised:

17. Strongly objects to application on the grounds that the application is unsuitable and inappropriate, due to being out of character with neighbouring bungalows, building line being breached, would have overbearing and visual impact on nearby Methodist chapel, which has historic value, photographic evidence does not portray application site and development has overbearing impact to neighbouring properties.

PUBLICITY

18. Consultation to nearby residents expired on the 21st March 2008, which produced 17 individual objection letters, as well as the objection from the Maltby Parish Council, referred to above.

Addresses of residents who objected within the consultation period:

1 Dunsmore Close, Maltby
3 Dunsmore Close, Maltby
5 Dunsmore Close, Maltby
7 Dunsmore Close, Maltby
9 Dunsmore Close, Maltby
11 Dunsmoor Close, Maltby
2 Dunsmoor Close, Maltby
4 Dunsmore Close, Maltby
8 Dunsmore Close, Maltby
10 Dunsmore Close, Maltby
Fairhaven, High Lane, Maltby
Wayside, High Lane, Maltby
The Poplars, High Lane, Maltby
1 Pennyman Green, Maltby
5 Beech Grove, Maltby
1 Oxhill Farm, Maltby
2 Oxhill Farm, Maltby

Summary of objections:

- Proposal is the same as previous application apart from proposed garage being larger; therefore, previous refusal points and objections still stand.
- The proposals would be out of character with the neighbouring properties and street scene of High Lane, Maltby.

- The proposal being contrary to 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'
- Will be overbearing and create privacy issues with the installation of dormer windows to the front and windows in the east elevation, towards properties on Dunsmore Close, Maltby.
- Dormer windows are, not permitted in the covenants of these properties on High Lane and have been refused planning permission in the area.
- The proposed detached garage projects further than the building line of the property-contrary to guidance found within SPG2 and Policy HO12 of the adopted local plan.
- The proposal does not meet the Deputy Prime Ministers Planning Policies PPG3 regarding sustainable development, affordable housing and providing housing for the elderly and the disabled.
- Concerns over drainage system for properties at Dunsmore Close
- Proposal is overdevelopment and will have no green space to front of property
- Car parking issues on the High Lane and within the curtilage of the property

PLANNING POLICY

19. 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)*.
20. 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.
21. 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

SITE AND SURROUNDINGS

22. The application site is a detached bungalow, which is located within a street scene predominately comprising of detached bungalows of varied sizes to the north, south, east and west of the site. The remaining street scene further along High Lane to the east, comprise of varied house types including two storey houses and cottage style dwellings.
23. The host property is sited at a higher ground level from the adjacent highway of High Lane, Maltby and adjacent neighbouring properties to either side. The front boundary of the site comprises of a hedgerow, which adjoins a 1.0m high (approx.) wooden fence. A blank brick elevation of the detached garage forms the boundary to No. 1 Dunsmore Close (east) and a high conifer hedge and rendered wall 1.6m high (approx.) to the boundary to 'Wayside', High Lane (west). The rear boundary comprises of a 1.6m high (approx.) wooden fencing to each rear perimeter.
24. Adjacent to the boundary of No.1 Dunsmore Close, is an area of side garden which is enclosed by a 1.0m high picket wooden fence.

MATERIAL PLANNING CONSIDERATIONS

25. The main planning considerations in respect of the proposed development are the impact of the proposals on the street scene and appearance of the property in terms of scale, design and materials, the potential impact on the amenity of the occupants of neighbouring properties and access and highway safety considerations.

Street scene

Sunroom extension to side and front:

26. The proposed single storey sunroom to the front and side is largely screened by the proposed double garage to the front and is not considered to have an adverse impact upon the street scene.

Double garage to front:

27. Paragraph 4.1 of Supplementary Guidance Note 2 Householder Extensions - SPG2: states that 'With the exception of modest porches, extensions to the front of a property would not normally be appropriate as they would upset the building line and be highly obtrusive. There may be circumstances where extensions to the front of the house are appropriate, but you will need strong justification for this'
28. The proposed double garage will be 3.3 metres from the highway, which will project past the side elevation of the dwelling at No.1 Dunsmore Close, therefore being obtrusive in the street scene.
29. It is considered that the double garage as a whole is in keeping with the new design. However, it is not in character of the surrounding dwellings and would have an unacceptable adverse impact on the street scene contrary to the SPG2: Householder Extension Guide 4.1.

Alterations to existing dwelling

30. Advice given in paragraph 9.1, 9.2 and 9.3 of this Council's adopted guidance SPG2: Householder Extensions - Loft conversions: states that raising the roof height to allow

more of the space to be used, is somewhat a drastic measure and will significantly upset the aesthetic balance of the house and create significant visual harm and is therefore not normally supported by the Council. Normally roof windows of any design are not permitted in the front elevation unless they are already a feature of the house or street. Windows would be acceptable on the rear elevation and in some cases side elevations and be more traditionally multiple shaped dormer windows will be preferable than a single large window.

31. In the previous report of 05/1275/REV (refused application), it stated that 'planning applications for dormer windows on High Lane have been refused as they are considered to be out of character with the street scene'.
32. However, after further investigations, it was to be found that there had been a recent application approved for dormer windows at 2 Oxhill Farm, Maltby (04/0106/FUL), which is located near to Summerhill, of which 3 No. dormers to the front and 5 No. to the rear was approved. There were also two further properties along High Lane with dormers to their front elevations.
33. The dwelling currently has a flat roof garage/dining room side extension, which is out of character with the original dwelling. It is considered that, in visual terms, the addition of the pitched roof and chimney feature to the west elevation would be in keeping with the remainder of the property and a welcome improvement.
34. Overall, these alterations and dormer windows on this site are in keeping with the overall new design and aesthetically improve the existing dwelling

Amenity Issues

Sunroom extension to side and front:

35. It is considered that the sunroom would not have a detrimental effect on the amenity of neighbouring properties in terms of overlooking or overbearing impact, as its glazed eastern elevation would face the gable wall of the detached garage of No.1 Dunsmore Close, screened further by the proposed single garage to the south and a 1.6 metre (approx.) high wooden fence to No.3 Dunsmore Close to the North.
36. It is considered that this element of the proposal in keeping with the development as a whole, in terms of style, proportion and materials is acceptable and does not involve any significant loss of privacy and amenity for the neighbouring properties.

Alterations to existing dwelling

37. It is considered that the proposed dormer windows have been assessed by size, design and siting and meet the Council's adopted guidance SPG2 requirements.
38. Due to the proposed design and positioning of the dormer windows to the front of the dwelling, but set back within the site, it is considered that there would be no significant loss of privacy and amenity for the residents of the neighbouring properties at Fairhaven and No.1 Pennyman Green as these properties would be between 25-30 metres away (respectively).
39. In considering the impact of height of the resultant building, a planning appeal decision in February 1996 (LPA ref 95/0709/P) for plots 1 and 2 Oxhill Farm included increasing the roof height by 1.2 and 1.8 metres and was allowed as it was considered by the Planning

Inspector as there was a reasonable distance between dwellings and there would be no undue overbearing effect or cause unacceptable loss of privacy for the residents in Dunsmore Close.

40. The dwelling is also currently sited on a raised level, which increases in height from the footpath on High Lane to the rear of the property. This will impact on Wayside, but not to degree to provide an additional reason for a refusal for this property or neighbouring properties along Dunsmore Close or Oxhill Farm.
41. In the eastern elevation which faces onto properties along Dunsmore Close, there will be a new gable window to the first floor which will have obscure glazing, be un-openable. A kick out panel is to be installed so that it can be used in emergency to meet Building regulation requirements for a fire escape for a habitable room. This will also address privacy and overlooking issues to the neighbours at No.1, 2 & 3 Dunsmore Close. A planning condition could be imposed to control the use of this window for emergency purposes only, if the application was approved.

Access and Highway Safety issues

42. The Head of Technical Services has made no adverse comments regarding this application, as it complies with the Council's SPD3: Parking Provisions for new developments and 4no. in-curtilage car parking spaces being able to be provided. The proposed development is acceptable in highway safety terms.

Residual matters

43. Other representations received relate to the proposal not meeting PPG3 guidance relating to the housing for the elderly and the disabled, that the drainage system for properties at Dunsmore Close would be affected, and dormer windows are not permitted in the covenants of these properties on High Lane.
44. The comments/objections received are duly noted and have been addressed throughout the report and by implementing relevant planning conditions. However, it should be noted matters relating to covenants in respect of dormer windows are civil matters; PPG3 (now PPS3) requirements for housing for the elderly and disabled relates to new residential dwellings and not existing household extensions, and matters regarding drainage issues are not material considerations to be taken in account in determining this application.

CONCLUSION

45. It is considered that the whilst the design, scale and appearance of the proposed extensions are acceptable in themselves, and the overall height increase of the dwelling house will not have a detrimental impact on the visual amenity of neighbouring properties or the street scene of High Lane. It is considered that the proposal would not have an adverse impact on the amenities of the occupants of neighbouring properties. However, notwithstanding the appropriateness of the design, scale and appearance of the garage, it would however in this location proposed constitute an incongruous element in the street scene contrary to policy SPG2, policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and is recommended for refusal.

**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 report

Background Papers –

Stockton on Tees Local Plan (June 1997)

Planning applications: 95/0709/P, 04/0106/FUL, 05/0867/FUL, 05/1275/REV and 05/2969/FUL

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

WARD AND WARD COUNCILLORS

Ward and Ward Councillors Ingleby East

Councillors - Councillor A M Larkin,
Councillor D C Harrington
Councillor K C Faulks.