

DELEGATED

AGENDA NO

PLANNING COMMITTEE

DATE 5 NOVEMBER 2008

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

08/2931/FUL

**Land to the Rear of Glenmarlen, Darlington Road, Longnewton
Erection of 1 no. dwellinghouse (demolition of existing stables and storage buildings)**

Expiry Date 19 November 2008

SUMMARY

Planning permission is sought for the erection of a detached dwelling on land to the rear of Glenmarlen, Darlington Road, Longnewton. The application includes the removal of an apple tree that is covered by a Tree Preservation Order.

The planning application has been publicised by means of individual letters, and 6no letters of objection have been received from 5no neighbouring properties and 1no objection from the Parish Council, mainly relating to the loss of the apple tree, impact on privacy and amenity, visual amenity and design and drainage.

The main planning considerations relate to the principle of development, impact of the development on the character of the area and street scene, impact on neighbours privacy and amenity, access and highway safety, landscaping, loss of the apple tree and drainage.

It is considered that overall the proposed development is acceptable subject to the retention of the apple tree which is covered by a Tree Preservation Order and is recommended for approval with conditions, to be delegated to the Head of Planning on receipt of amended plans reducing the size of the dwelling to allow the apple tree to be retained.

RECOMMENDATION

Planning application 08/2931/FUL be delegated to the Head of Planning for approval subject to the conditions laid out below and the receipt of satisfactory amended plan(s) showing the reduction in the size of the dwelling to allow the 2 metre clearance from the apple tree that is covered by a Tree Preservation Order.

Should the amended plan(s) either be unsatisfactory or not received to be assessed by the 14th November 2008 then the application be refused.

01 *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.

02 *Prior to the commencement of development details of the means of enclosure and the retaining wall shall be submitted to and approved by the Local Authority. Such means of enclosure and the retaining wall as agreed shall be erected before the development hereby approved is occupied.*

Reason: In the interests of a visual amenity

03. *Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of Soft Landscaping has 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 inter relationship of plants, 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 approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following:*

- a) commencement of the development*
- b) or agreed phases*
- c) 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 which contributes positively to local character and enhances bio diversity.

04. *Notwithstanding the proposals detailed in the submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or approved phases. Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development. Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the Local Planning Authority is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season 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.

05. *Notwithstanding the proposals detailed in the submitted plans the development shall not 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, finished levels, and all construction details confirming 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 enable the Local Planning Authority to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

- 06. *Notwithstanding the proposals detailed in the submitted plans no tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.***

Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.

- 07. *Notwithstanding the proposals detailed in the submitted plans no development shall commence until a scheme for the protection of trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection). Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.***

Reason: To protect the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality which should be appropriately maintained and protected.

- 08. *Before development commences a method statement for working in close proximity to the trees (including no-dig construction for the parking areas) on and around the site shall be submitted and agreed in writing by the local planning authority. The statement shall include the methods of working, use of materials and plant, access details and protection of the rooting zone of the trees on and around the site. This method statement should then be carried out in full unless with the prior written agreement to any variation by the Local Planning Authority.***

Reason: In the interest of the protection of the trees on and around the site.

- 09. *Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, details of existing ground levels both on site and at adjacent properties which bound the site, finished ground, and finished floor levels for the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.***

Reason: In the interests of amenity of the occupants of neighbouring properties

- 10. *In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be***

resumed until a remediation scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure the proper restoration of the site.

- 11. 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

- 12. Working hours on the site shall be restricted to between the hours of 08:00-18:00 on Mondays-Fridays, 08:00-13:00 on Saturdays and not at any time on Sundays or Bank Holidays.**

Reason: In the interests of the amenity of the occupiers of the adjacent properties

- 13. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment)(No. 2) (England) 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: In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents.

The proposed development has been considered against policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan and existing approved development on the site. It is considered that the principle of development is acceptable whilst the impact of the proposed development is not considered to unduly compromise the privacy or amenity of surrounding properties, the conservation area or highway safety.

In the amended scheme the TPO subject tree will be retained and as such it is considered there are no matters outstanding, which would suggest a decision should be made otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP 1 General Principles

HO3 Development on Unallocated Sites

HO11 Design and Layout

Supplementary Planning Document 3: Parking in New Development

Planning Policy Guidance Note 3: Housing

PPS 1 - Delivering sustainable development,

PPS 3 - Housing

PPS 7 - Sustainable Development in Rural Areas.

BACKGROUND

1. Planning permission was granted on appeal (Application No 06/0798/OUT) for the erection of 1 no. detached dwellinghouse with attached garage. A copy of the Inspectors decision and the approved plan is attached at Appendix 7

SITE AND SURROUNDINGS

2. The application site is an area of land which currently houses a stable, a garage and a shed and adjoins the gardens of three existing houses. The site overlooks an area of green space to the west.
3. The land is accessed from Darlington Road and the access also serves Glenmarlen and Aingarth, which are semi-detached properties to the south of the application site.
4. To the rear (north) of the site is a two storey dwelling known as Greenside and to the east, another two storey dwelling known as 1 Rectory Lane.
5. There are a number of trees around the site in adjacent gardens and on the open space. There is an existing apple tree in the south east corner of the application site which is covered by a Tree Preservation Order.

PROPOSAL

6. The applicant seeks planning permission for the erection of a single dwelling house. The proposed dwelling house will be a 'L-shaped' dwelling and be largely sited on the footprint of the existing stables/garage.
7. The proposed dwelling is contemporary in design and will be mainly single storey with a two-storey element in the northeast corner.

CONSULTATIONS

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

Councillors

8. No comments made

Environmental Health Unit

9. I have no objection in principle to the development; however, I do have some concerns and would recommend conditions with regards to the following
 - Construction Noise
 - Unexpected land contamination

Urban Design

10. In accordance with SPD3 a 4-bed property must provide 3 incurtilage parking spaces and the proposal does meet the parking requirements. However, the parking layout is not acceptable, as it does not provide a sufficient manoeuvrability or turning area for vehicles to be able to exit the property in a forward gear.

I have concerns regarding the private access, as the entrance does not meet the desirable sight line distances. The access is also directly opposite Longnewton Lane and forms a cross road which is not supported by SBC.

However, this is an existing private access and the width of the access complies with the minimum 4.1m. There is an existing use as stables, which would be likely to generate more traffic than a replacement single dwelling. I therefore have no objections to the principal of development.

I would object to the application due to the loss of the mature apple tree subject to a TPO. At appeal the inspector noted, the illustrative plan shows that the proposed building would not impinge on its canopy and this aspect could be secured by condition. I am satisfied that the proposal would not harm the existing tree. Provision should be made to protect the existing apple tree referred to above during construction". The apple tree still functions as amenity value and is worth of retention. It is cropping well and if Ivy growing up it is removed and ground protected during construction it possibly has 30 years life left.

A minimum 2m clearance from stem to new building should be maintained. This area being protected during building works ideally by metal plates. Detailed method statement will be required which will need to be conditioned. Mini piles would be preferable to strip foundations but would not insist on if 2m ground protection zone conditioned. In accordance with BS 58367 ideally we would like 4.5 m root protection zone but as the existing building is less than 2m from the tree then this distance will be accepted. Distance needs to be confirmed as Tree Report drawings are not to scale, however it should be noted that this is not the building line but the line that no works can encroach in to. This includes prohibited works as noted in the BS 58367, and recognised codes of practice. Additionally the parking proposed would require a no-dig construction method to be employed, and the soft and hard landscape scheme as proposed is not acceptable and should meet the standards set out in the suggested conditions.

If consent is granted, conditions should be applied relating to landscaping and maintenance, tree retention, tree protection and methods of construction.

Northumbrian Water Limited

11. The application has been examined and Northumbrian Water has no objections to the proposed development.

Northern Gas Networks

12. No objection

NEDL

13. Standard Response showing Apparatus

Parish Council

14. Outline approval was given on appeal for a detached house and single garage: this full application is for a much larger house. This design of house is not appropriate for the site which is adjacent to the village green. It will not fit into the village green environment. The possibility of using a borehole to provide water to the property could have an adverse effect on the water table in the surrounding area.

There is extreme concern with the applicant's reference to the two protected trees. 1. The lime tree at the entrance to the property may need the crown to be lifted to allow passage of delivery vehicles and plant to the site; this tree is part of the street scene and has been for many years. The Council do not agree that protected trees should be pruned for this reason. If SBC arborist does agree to pruning it should be kept to a minimum and SBC arborist should supervise any pruning. 2. The protected apple tree, which is on the site, should be protected at all costs before, during and after construction work. All planning conditions imposed in the inspectors report (11.1.2007) should be strictly enforced and monitored on a very regular basis during construction work.

PUBLICITY

Neighbours were notified and any comments received are below (if applicable):-

JD Rosser Aingarth Darlington Road

15. Letter 1 25/09/08

I have my reservations to the removal of the tree and need to be reassured that this tree is being removed for sound reasons. Along with the construction of the dwelling the removal of the tree will severely lower the amenity standards of my property. The retention of the tree will at least partly shield my property from the proposed dwelling. This is particularly relevant because the first floor windows will overlook my rear garden and conservatory. The retention of the tree would ease some of these problems.

Letter 2 6/10/08

The outline application showed that the tree could be retained and an independent report has been carried out which states that the tree is in good health and conditions and should be retained.

The conservatory on Aingarth has not been shown on the plans

The design of the house is contemporary and out of character.

Three windows will overlook out conservatory, garden and bedroom.

There is insufficient turning space.

Please refuse the application or amend to ensure the retention of the tree.

A E House 7 The Green Longnewton

16. The dwelling is significantly larger than was envisaged through the outline application and a larger house will have a much greater impact upon surrounding homes. The design is not in keeping with nearby properties and the proposed house will not enhance the character and appearance of the village. It has the appearance of a holiday home. How long will it be before a further plan is submitted to extend the first floor accommodation further impacting upon the quality of life in the surrounding properties? At the outline stage and as considered by the Planning Inspector the scheme included the retention of the protected apple tree within the site. It now seems that this tree will be felled to accommodate a larger house. There is no reason to remove this tree as it is not diseased and is an attractive feature in the area worthy of preservation when the TPO was granted some 3 years ago. Nothing has changed to rescind that order and the decision to allow its removal is tantamount to vandalism.

I submit that had the Planning Inspector considered the development now proposed it is likely that the appeal would have been dismissed. Allowing a larger property to be built will impact on the safety of vehicles and the public as there will be no way a vehicle will be able to turn within the property thereby necessitating cars to reverse onto a public highway and as a result increasing the likelihood of accidents at a T-junction

Gerald Ford, 6 The Green, Longnewton

17. The application does not comply with the spirit of the outline planning appeal, and had the appeal design be submitted in its present form it may well have been refused. The house is significantly larger than envisaged in the outline appeal and it will have a greater impact than originally thought. The house is too close to the site boundaries and will have an impact on the neighbours. The existing trees on the site and adjacent to the site, are in danger of being felled or damaged during the construction. It is thought that an apple tree on the site is protected.
- The house is not in keeping with the other village houses. The exit from the site is not easy enough. A proper turning circle or turning head is needed. The turning space available is inadequate.
- Parking outside the house, on Darlington Road is inevitable and will cause a serious hazard. Rumours are circulating about the builder using the green as an access for part of the work and for delivery of materials. Any planning permission should make it clear that access to the site from the green is prohibited.

Mr And Mrs Drafton, 1 Rectory Lane Longnewton

18. Outline planning permission was granted for a property which was located in the centre of the plot, well away from surrounding properties. That permission was only given on appeal and subject to its position, so as not to cause an overbearing impact on neighbouring properties. This dwelling is on the edge of the plot directly overlooking neighbouring properties. It is located against the boundary with our property and will run the entire length of that boundary. The existing stable is some 2.5m in height. Whilst this some 7m high to the ground floor & some 14m to the first floor. It is located directly against the boundary with our property & Greenside. Our view of the village green will be completely obliterated, natural light will be reduced and there will be an overbearing impact on all surrounding properties. There will be a door, three ground floor windows and three first floor windows directly overlooking our rear garden, conservatory and windows at the rear of our house. Our first floor rear windows will give a direct view through the roof windows into the new property. We have been told that the windows will be frosted glass, but surely the answer would be to move the building away from the boundary. We understand that the guidelines require new buildings to be at least 11m away from neighbouring houses. The proposed would be less than 7m from our house and even closer to 'Greenside'. The appeal ruling acknowledged that this was a small plot and gave permission for a building that would have minimum overbearing impact on its neighbours. This new application has totally ignored that fact and in addition the proposed building appears to be too big for the plot. We are told by the case officer that the applicant has tried to keep the occupants of all neighbouring properties happy by building a property with minimum intrusion to others, if that was the objective, it has not been achieved.

Mr And Mrs Craig Rose Greenside Rectory Lane

- 19 The proposed development is too close to our house & is going to cause a considerable loss of light & amenity as well as being a potential fire risk. The applicant claims to be sympathetic to the local properties and clearly he has tried to keep to the footprint of the garage and stable. There will be pitched roofs and a second storey, all impeding on our meagre sunlight from the rear of our property. The limited sunlight at the rear of our property is a direct result of SBC planning restraints, which dictated the proximity in which we were allowed to build our house to an existing with a limit of 11m, this proposal is less than 3m from our property.
- The Design & Access Statement is flawed due to some significant inaccuracies, namely - The dwellings to the NW & NE on Rectory Lane have no habitable room windows adjacent

to the existing buildings", quite simply, habitable room windows look out in that direction, also reference is made to the council guidance of 21m separation, if this was upheld then there would be no such development possible on the plot. The limited garden amenities available to us would suffer a considerable loss of light & privacy if this dwelling house goes ahead.

The Arboriculture Pre-development survey is also flawed as it conveniently ignores 2 trees in our property adjacent to the northern boundary.

We do not believe that the development can conform to The Building Regulations 2000.

A result of the development, Glenmarlen no longer has parking and is forced to park both cars on a very dangerous blind spot on Darlington Road.

PLANNING POLICY

20. 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)*.
21. 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.

Supplementary Planning Document 3: Parking in New Development

Planning Policy Statement 3: Housing

PPS 1 - Delivering sustainable development,
PPS 3 - Housing
PPS 7 - Sustainable Development in Rural Areas.

MATERIAL PLANNING CONSIDERATIONS

22. The main planning considerations of this application are the principle of development, impact of the development on the character of the area and street scene, impact on neighbours privacy and amenity, access and highway safety, landscaping and drainage.

Principle of development.

23. The application site is located within a village which has particularly restricted services and provisions in regard to schools, shops, leisure uses and employment. The village does have a church, public house, school and a limited bus service; however these do not make the village a sustainable location for additional residential development.
24. Planning Policy Statements; PPS1: Delivering Sustainable Communities, PPS7: Sustainable Development in Rural Areas and PPS3: Housing all focus on providing more sustainable patterns of development. According to PPS3 housing development should 'create sustainable, inclusive, mixed communities in all areas, both urban and rural' and be directed to locations 'which offer a good range of community facilities and with good access to jobs, key services and infrastructure'. The advice is aimed at reducing car dependence to access local services.
26. In January 2007, Outline planning permission was granted for the erection of a dwelling house on this site and this is a material consideration when determining the application.
27. It is therefore considered that in light of this appeal decision the principle of development has been established and whilst considered to be contrary to up to date guidance the erection of a dwelling in this location is considered acceptable.

Impact of the development on the character of the area and street scene.

28. The proposed dwelling will be erected on the site of the original stables and garage. The proposed dwelling will be limited to a modest single storey height with only a small section to the northwest corner being two storeys. The proposed development will be partially screened by existing landscaping to the edge of the site close to the open spaces area and it is considered that its impact on the open aspect to the Green and the overall street scene will be minimal.
29. The proposed design is contemporary and objections have been received commenting that it is out of character. Whilst it is acknowledged that the design and style of the house is unique to this area, there is no uniform house type in the immediate locality or in the wider

village and it is therefore considered that the proposed dwelling will not have an adverse impact on the character of the area.

30. Objectors have stated that the proposal appears to be an over development of the site however the plot coverage is approximately 28%, which is considered to be an acceptable and adequate amenity space will remain for the occupants of the dwelling, it is therefore considered that the proposal will not be an over development of the site.

Impact on neighbours privacy and amenity

31. The outline permission that was granted had all matters reserved, however the Planning Inspectorate stated that “a layout could be achieved that would avoid any direct overlooking of the adjacent properties and which would appear a natural continuation of the existing closely spaced development pattern adjacent to it, around the village green” and “the form and design of the proposed house would be subject to a future detailed submission and it would be open to the Local Planning Authority at that stage to ensure that the proposed dwelling would not be visually dominant or overbearing in respect of any of the adjacent houses.”
32. Objectors have stated that the development does not conform to the guidance contained in SPG2: Household Extension Design Guide concerning distances between habitable room windows. At present there is no design guide on new housing development; however the guidance is often applied to assess the potential impact of a proposal.
33. The Planning Inspector was mindful of the guidance but considered that the principle of residential development was acceptable and a future detailed submission required that it was not visually dominant or over bearing.

Impact on Greenside

34. Greenside is a two storey detached property. The occupier of this dwelling has objected, mainly to the loss of light and privacy, landscaping and access. Landscaping and access issues are addressed later in the report, so this section will concentrate on the potential impact on the privacy and amenity of this property.
35. The main habitable room windows are located in the rear elevation facing at an oblique angle towards the village green. There are no habitable room windows in the southeast elevation.
36. The proposed dwelling is sited approximately four metres from this property and is both single storey and two storeys along this boundary. The proposed height of the dwelling will be 2.5 metres to the eaves and 4.4 metres to the top of the pitch. There are no habitable room windows on the north elevation, which will prevent any potential overlooking. The dwelling has been designed keeping the height to a minimum, with a hipped roof to again minimise the impact on this neighbour.
37. The two-storey element of the proposed will be sited in the north east corner of the plot, south of Greenside. Whilst it is acknowledged that some shading may occur to this small section of garden, there are no windows in the side elevation and it is considered that shading would not be enough to warrant refusal of the application and no loss of light should occur to habitable rooms.
38. The inspector stated in the appeal decision, that the indicative layout on the outline application, showed that “ Whilst the proposal shown would be close to the joint boundary with Greenside, the direct rear outlook from it, across the village green, would be

preserved". It is considered that the application has been designed to maintain this outlook and due to the design and relatively low height of the proposed dwelling, the proposal will not have such an adverse impact on this neighbour to warrant refusal of the application.

Impact on 1 Rectory Lane

39. 1 Rectory Lane is set higher than the application site, and is a two-storey dwelling house with a conservatory to the north elevation. There are 2no windows at ground floor in the southwest elevation, serving a utility room and cloak room (the window of which is obscurely glazed). The occupier of this dwelling has objected, mainly to the loss of light and privacy and views.
40. The proposed dwelling will run along western boundary with this neighbour. There are two storey and single storey elements on this boundary.
41. The proposed two-storey section will be adjacent to the driveway with the single storey section close to the garden area. The single storey element will have a maximum height of 4.4 metres and the two-storey element, a maximum height of 7 metres. This will however be lower when viewed from 1 Rectory Lane as the neighbouring property is higher than the application site.
42. The proposed dwelling will have windows at ground floor level. However as this site is lower it is considered that the means of enclosure and the retaining wall can be designed so that there will be no potential overlooking. There is a small obscurely glazed window at first floor, which will not raise any issues with regards to privacy.
43. This objector has stated that they will be able to see into the roof lights, whilst this may be the case it would not be direct views and would not warrant refusal of the application.
44. The neighbour has commented that the views across the Green from his dwelling would be completely obliterated, however the Planning Inspector stated in the appeal decision that "Views from private property are seldom a planning consideration of any significant weight", it is therefore considered that any loss of view that may occur would not be enough to warrant refusal of the application.
45. Overall it is considered that the proposed development would not have an adverse impact on the privacy or amenity of the neighbour to such an effect that would warrant refusal of the application.

Impact on Aingarh

46. Aingarh is a two-storey dwelling house with a conservatory to the rear. There is a first floor window in the rear elevation that would look onto the application site. The occupier of this dwelling has objected, mainly to the loss of privacy and the loss of the tree. The loss of the tree is dealt with later in the report.
47. The proposed dwelling will have a single window at ground floor which will face towards the access road and northwest corner of the garden area of Aingarh. The proposed window is set at an oblique angle and it is considered that with the retention of the existing fence and the landscaping in the rear garden of Aingarh (including a cherry tree) that no loss of privacy or amenity should occur.
48. There are three first floor windows in the proposed dwelling house that would face onto this neighbouring property. These windows are approximately 22 metres from the existing

conservatory and it is considered that due to the separation distance involved the impact on privacy and amenity would not be sufficient to warrant refusal of the application.

49. The neighbour wishes for the tree to be retained, as, amongst other reasons, it provides screening to the proposals. Whilst this would not solely be the reason for the retention of this tree it is recommended that the tree be retained and the plans will be revised accordingly. This issue is dealt with later in the report.

Landscaping.

50. When determining the appeal, the inspector concluded that “The illustrative plan shows that the proposed building would not impinge on its canopy and this aspect could be secured by condition. I am satisfied that the proposal would not harm the existing tree”.
51. The applicant has submitted a tree report which states that the tree is a category C1 tree (which in accordance with British Standard 5837:2005, should not necessarily constitute a development restraint) and has indicated its removal.
52. The tree has been inspected by the Council’s Arboricultural Officer who is of the opinion that the tree still functions as amenity value and is worth of retention. It is cropping well and if Ivy growing up it is removed and ground protected during construction it possibly has 30 years life left in it.
53. The agent has been informed of this and it is suggested that the proposed dwelling be reduced to provide a two metre clearance from stem to new building and appropriate methods of protection and construction be conditioned.
54. The agent has agreed that the application be considered with the reduction in floor space and amended plans will be submitted to reflect this. It is envisaged that the proposed dwelling will now be as shown at Appendix 8
55. The soft and hard landscape scheme as proposed is not acceptable and further details are required. This can be conditioned accordingly.

Access and highway safety.

56. The access to the property will be via an existing access that also serves Aignarth and Glenmarlen. The Head of Technical Services has concerns regarding the private access, as the entrance does not meet the desirable sight line distances. The access is also directly opposite Long Newton Lane and forms a cross road which is not supported by Stockton Borough Council.
57. However, this is an existing private access and the width of the access complies with the minimum 4.1m. There is an existing use as stables, which would be likely to generate more traffic than a replacement single dwelling therefore no objections are raised to the principal of development.
58. The plans show a 4-bedroom property, which in this location must provide 3 incurtilage parking spaces. The 3 spaces can be provided to Design Guide Standard; therefore this does meet the parking requirements. However, The Head of Technical Services consider the proposed parking layout as not being acceptable, as it does not provide a sufficient manoeuvrability and turning area for vehicles to be able to exit the property in a forward gear.

59. Whilst it is acknowledged that the inspector in the appeal decision commented that “the Council is concerned that the proposed replacement parking would result in cars reversing onto the public highway close to a junction opposite. No evidence in relation to highway safety, in terms of vehicle speeds or traffic accident statistics, has been drawn to my attention in this respect” and “The appeal site is within a built up settlement and although there is a bus route along the road, I saw that at the time of my visit traffic on it was infrequent and not travelling at excessive speed. Furthermore, in residential areas like this one cars reversing onto the highway are not unexpected”, these comments related solely to the replacement parking at Glenmarlen, and not the application site which would result in cars reversing approximately 100 metres to exit the site, which is considered to be unacceptable.
60. Should the application be amended in line with the recommendations, the number of bedrooms would be reduced to three and the car parking could be moved to the east to achieve the six metre turning area that is required. The Head of Technical Services has considered these revisions and would raise no objections to the provision of two car parking spaces for a three bedroomed property with the required turning area being provided.
61. Comments have been raised about the loss of car parking for the former host property, Glenmarlen. This was also considered at appeal and the inspector concluded, “The property lies outside the application site and “replacement parking provision could be achieved within the garden of the host dwelling”. This was not however conditioned or a requirement of the outline consent and it therefore not a matter for consideration when determining this application.

Drainage

62. Comments have been made regarding the drainage of the site. The dwellings will connect to the main system and Northumbrian Water has raised no objections to the proposal. It is therefore considered that the proposed drainage will be acceptable

Other Matters

63. The application site is a site with many constraints and it is considered that in view of the confined site and its proximity to surrounding dwellings, any future extensions/alterations should be subject to a further application and permitted development rights should be removed. This has been conditioned accordingly.
64. Comments have been raised regarding compliance with Building Regulations and potential fire risk. Whilst this is not a planning consideration, the plans were inspected by the Building Control Manager who is of the opinion that the proposal would comply with the Building Regulations, but would be looked at in greater detail should a building regulation application be submitted

CONCLUSION

65. Overall it is considered that subject to satisfactory amended plans being received the proposed development will not have an adverse effect on the area or surrounding neighbouring properties. Will not have an adverse effect on pedestrian and highway safety or landscaping and is therefore in accordance with Policies GP1, HO3 and HO11 and it is recommended that the application be Approved with Conditions for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

Financial Implications – As report

Environmental Implications – As report

Community Safety Implications – As report

Background Papers – Stockton on Tees Local Plan, PPS1, PPS3, PPS7.

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	Western Parishes
Ward Councillor	Councillor F. G. Salt