

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 5 NOVEMBER 2008

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

08/0689/FUL

529 Yarm Road, Eaglescliffe, Stockton-on-Tees

Erection of 2 no. dormer bungalows

Expiry Date 23 May 2008

SUMMARY

Planning permission is sought for the erection of two dormer bungalows to the rear of this large semi-detached dwelling at No.529 Yarm Road, Eaglescliffe. The existing dwelling has an extended garden area to the rear, which is adjacent to the highway of Muirfield Road, Eaglescliffe and residential properties along Formby Walk and Panmore Walk.

The street scene along Muirfield Road predominately comprises of two storey dwellings and bungalows.

In total, 9 letters of objections from neighbouring residents, 1 letter of objection from Eaglescliffe Parish Council and 1 letter of support have been received, in respect to the application. The main objections relate to additional traffic, highway safety, insufficient parking being provided, the overall impact on the area, and the impact on adjoining properties and the surrounding environment.

The Head of Technical Services raises no objection to the proposal on access and highway safety grounds, subject to the provision of an additional hardstanding area to Plot 2. This matter can be addressed by planning condition.

Due to the number of objections been received, the application is referred to Committee for a decision.

RECOMMENDATION

Planning application 08/0689/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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>28 March 2008</i>
<i>EVO 83/01C</i>	<i>28 March 2008</i>
<i>EVO 83/04</i>	<i>28 March 2008</i>

Reason: To define the consent.

- 02. Construction of the external walls and roofs 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. The development shall be carried out in accordance with an approved scheme of landscaping to be submitted to and approved in writing by the Local Planning Authority before development commences. The approved details shall detail the following;**
- a) Hard and soft landscaping,**
 - b) Boundary Treatments**
 - c) A detailed planting plan indicating soil depths, plant species, numbers, densities, locations and sizes, planting methods, maintenance and management.**
 - d) Locations for protective fencing**

Planting works shall be carried out during the first planting and seeding season following the substantial completion of the development, and any trees or plants which within a period of five years from the date of planting, die are removed or become seriously damaged, shall be replaced with others of a similar size and species in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in order to adequately protect the landscape features of the site.

- 04. Notwithstanding the details hereby approved before development commences details shall be submitted to and approved in writing by the Local Planning Authority showing the precise details of access and parking arrangements within each plot. Each plot shall have no less than three car parking or garage spaces. No property shall be occupied until the access and parking has been constructed in accordance with the approved details.**

Reason: In order to ensure adequate access and parking is achieved in accordance with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

- 05. Prior to the dwellings hereby approved being occupied, a scheme of screen fencing shall be erected along boundaries of the site in accordance with a scheme of fencing to be submitted to and agreed in writing with the Local Planning Authority. The approved fencing shall remain in place in perpetuity unless agreed otherwise in writing by the Local Planning Authority.**

Reason: In the interests of privacy and to comply with Policies GP1 and HO11 of the Stockton on Tees Local Plan.

- 06. Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.**

Reason: To adequately control the level of development on the site to a degree by which the principle of the permission is based.

- 07. *No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.***

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

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and the proposal is acceptable in principle and for its impact on the character and appearance of the area in terms of style, scale and materials and would not lead to any significant loss of privacy and amenity for the residents of the neighbouring properties or raise any highway safety concerns and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP1 General Principles

HO3 Within Limits of Development

H011 New Residential Development

TR15 Highways

Supplementary Planning Guidance Number 2: Householder Extension Design Guide

Supplementary Planning Document Number 3: Parking Provision for New Developments

BACKGROUND

1. The application site has been subject to various planning applications which have comprised of the following;
2. Application reference 04/2670/FUL - Application submitted and withdrawn for the erection of 1 No. detached dormer bungalow to the rear with associated access and detached garage.
3. Application reference 07/2714/FUL - Application submitted and withdrawn for the Erection of 2 no. dormer bungalows.
4. Application reference 07/3512/REV – Revised application submitted and withdrawn for the Erection of 2 no. dormer bungalows.
5. Apart from the 2004 application, the latter withdrawn applications predominately comprised of the same proposal, with slightly different scaled and designed plots, from those submitted in this current application.
6. The current application has aimed to address the previous concerns raised by planning officers with regards to plot ratio, distances to neighbouring properties, amenity space, in-curtilage car parking provision and design.

PROPOSAL

7. The application relates to the rear garden area of the semi-detached property at No.529 Yarm Road, Eaglescliffe. The applicant seeks planning permission for the erection of two dormer bungalows with associated means of access from Muirfield Road.
8. The proposed dwelling within Plot 1, would measure approximately 17.2m wide x 13.0m deep x 6.58m high. The dwelling would consist of a dormer style bungalow with an attached garage to the side within the above width. The proposed 2no.dormers would be positioned on the front elevation facing Muirfield Road.
9. The proposed dwelling within Plot 2, would measure approximately 13.55 wide x 10.95m deep x 6.58m high. The dwelling would also consist of a dormer style bungalow with an attached single storey extension to side. The proposed 2no.dormers would be positioned to the front elevation only and the plot would not have a garage element.
10. The existing hedging and small trees would be retained within the plots. Additional screen planting would be added to the new garden boundary at the rear of the host property 529 Yarm Road. The existing hedging would be extended along the whole of the rear boundary with the neighbouring property Churchcliffe House.

CONSULTATIONS

The Head of Technical Services

11. I have reviewed the information submitted by the applicant.
12. 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.
13. 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

11. There are some trees within the site, generally located to the boundaries. None of the trees are significant specimens; however they should be retained and protected as part of the development.
12. Churchcliffe House is located directly to the west of plot 1. The presence of an established 4.0m high beech hedge along the boundary effectively screens the development. This hedge should be protected during the construction phase. Other properties to the east of the site, located to the opposite side of Muirfield Road, are orientated north-south resulting in the gables facing the site. As a result views into the site are restricted.
13. Sections of the established thorn hedge along the boundary with Muirfield Road will need to be removed in part in order to achieve the new accesses. New tree and shrub planting

should be carried out along this boundary to assist screening and also to offset the loss of existing trees which have been previously removed from the site.

14. Details of the hard and soft landscaping proposals, boundary treatments and tree and hedge protection will be required. Full details should be provided to the following minimum standard:
 - A. A detailed landscape plan for hard construction indicating materials and construction methods.
 - B. Boundary treatment details.
 - C. A detailed planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.
 - D. Protection measures for retained trees and hedges to ensure that no damage occurs during the clearance and construction periods. The protection area must exceed that of the individual tree canopies and be in accordance with B.S.5837: 2005 Trees in relation to Construction. Full details of the tree and hedge protection measures should be submitted for approval and should be erected, to the satisfaction of the council, prior to any works commencing on site.
15. Overall I have no objection to the application on landscape and visual grounds.

Northumbrian Water Limited

16. No Objections

NEDL

17. No Objection

Northern Gas Networks

18. No Objection

Egglecliffe and Eaglescliffe Parish Council

19. The following are comments from this Council on the application at 529 Yarm Road, Egglecliffe for two dormer bungalows with accesses onto Muirfield Road:
20. 1 This Council is fundamentally opposed to developments within garden curtilage.
21. 2 It is essential for a tree survey to be carried out with a view to protecting any trees worthy of TPO's.
22. 3 Concerns about the proposed increase in number of accesses close to the bend on Muirfield Road.

PUBLICITY

23. Consultation to nearby residents expired on the 23rd April 2008, which produced 9 individual objection letters, a letter of support and the objection from the Egglecliffe and Eaglescliffe Parish Council, referred to above.
24. **Addresses of residents who objected within the consultation period:**

1 Panal Walk, Eaglescliffe

2 Pannal Walk Eaglescliffe
3 Pannal Walk Eaglescliffe
9 Pannal Walk Eaglescliffe
2 Formby Walk Eaglescliffe
1 Panmore Walk Eaglescliffe
2 Panmore Walk Eaglescliffe
535 Yarm Road Eaglescliffe
Pheona@ntlworld.com'

25. **Summary of objections:**

- Highway Safety concerns with traffic congestion, parking and pedestrian safety.
- Storage of vehicles, materials and construction disruptions to be within the site.
- Loss of natural environment, trees and wildlife.
- Distances between plots and neighbouring properties inadequate.
- Proposed dwellings are too large and will have overbearing and overshadowing impact on neighbouring properties.
- Loss of privacy and light to neighbouring properties.
- Area known for flooding.
- Inaccuracies with proposed dimensions of dwellings.
- Precedent for similar developments within area.

26. **Addresses of residents who supported within the consultation period:**

Links Hollow, 5 Muirfield Road, Eaglescliffe

27. **Summary of support:**

- Present site is an eyesore and source of annoyance.
- There are no valid objections or traffic issues.
- Would alleviate current parking problems.

PLANNING POLICY

28. 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)*.

29. 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.

Policy TR15

The design of highways required in connection with new development and changes of use will provide for all the traffic generated by the development, while the provision of off-street parking will normally be required to accord with the standards set out in the Stockton on Tees Borough Council Design Guide and Specification, Edition No 1.

National Planning Policy

Planning Policy Statement 1 - Delivering Sustainable Developments
Planning Policy Statement 3 - Housing

SITE AND SURROUNDINGS

30. The application site is the large rear garden area of No.529 Yarm Road. The host dwelling is a large semi-detached property, which is directly accessed from the main highway of Yarm Road. To the rear of the site, there is the highway of Muirfield Road, which predominantly comprises of detached bungalows and dormer bungalows. There is a similar development of a recent dormer bungalow located within the rear garden of No.533 Yarm Road, which is now addressed as No.19 Muirfield Road. On the eastern side of Muirfield Road are a series of cul-de-sacs with denser housing development known as Formby Walk, Panmore Walk and Pannal Walk. The end properties in these cul-de-sacs present their gable ends to Muirfield Road.
31. The two dormer bungalows would be located in the part of the garden nearest to Muirfield Road. This part of the garden is more than double the frontage width of the host property's frontage to Yarm Road, as it extends across the back of the garden of Churchcliffe House as well. The adjacent property at Churchcliffe House is a large

detached bungalow in Yarm Road with velux roof lights located within the rear plane of the roof. The joint boundary to this property is screened by a 3.5m high beech hedge. To the north of Churcliffe House are a further three bungalows located between Yarm and Muirfield Roads.

32. The rear garden boundary to Muirfield Road has a timber close boarded fence with an older overgrown hawthorn hedge inside the fence and a young hawthorn hedge outside the fence. The remaining side boundaries comprise of hawthorn and beech hedges with some larger trees and timber fences.

MATERIAL PLANNING CONSIDERATIONS

33. The main considerations in determining this application are the principle of development within the site, impact on the character and appearance of the host dwelling and surrounding area, amenity of neighbouring properties and the provision of adequate access and parking with respects to highway safety.

Principle of development

34. Planning Policy Statement No. 3 (Housing) promotes a more efficient use of land and the re-use of brown field, previously developed sites, which is indicated within Annex B as including that "which is or was occupied by a permanent structure" and goes on to state that, the definition covers the curtilage of the developed land. The curtilage of a private dwelling house including its private garden area is considered to fall within this definition.
35. The site falls within the 'Limits to Development' as defined within the Borough Local Plan, within which there is a presumption in favour of residential development. Saved Policy HO3 of the Stockton on Tees Local Plan suggests that development of such land may be permitted subject to a number of criteria. These criteria require development not to result in the loss of sites which are allocated for another use or are used for recreational purposes; which are sympathetic to the character of the surrounding area; take into account important features within the site; make adequate access and parking provision and; whilst not result in an unacceptable loss of amenity to adjacent land users.
36. In view of the above, the principle of the proposed development is considered to be acceptable under policies GP1, HO3, HO11 and TR15 and are considered in more detail below:

Impact on character and appearance of the area

37. The proposed development is for two dormer bungalows with a design in keeping with the other dormer bungalows along Muirfield Road. The properties fronting onto Muirfield Road in the vicinity of the site are detached bungalows and dormer style bungalows. It is considered that dormer bungalows of a reasonable size and design and with the use of appropriate materials would be acceptable in this location and would not be detrimental to the character of the area.
38. The host property is a detached dwelling which is set back from the highway of Yarm Road and has a generous driveway to the front and a rear garden of a considerable size, to the rear. Yarm Road is a considerable stretch of highway with differing property types and layouts along its length. The host dwelling 529 Yarm Road, along with adjacent properties to the south including No.531, 533, 535 have been added to the Local List. The proposed development would not involve any changes to the access off Yarm Road, with

the development being within the rear garden area with new accesses formed to Muirfield Road. The street scene of Yarm Road would not be affected, as views of the proposed dwellings would not be readily achievable from this highway. The rear garden of 529 Yarm Road is sufficiently large to accommodate the proposed development without detracting from the setting of the host property or the others on the Local List.

39. The Councils Landscape architects have been consulted and have stated that the application site consist of trees, which are not significant specimens to warrant a Tree Preservation Order. However, they do request that relevant planning conditions are placed upon an approval protecting the 4.0m high Beech hedge to the boundary of Churchcliffe House and the thorn hedge along Muirfield Road during construction. Also that new trees and shrub planting should be carried out to assist in additional screening for the proposed developments. These are considered to be reasonable requests to maintain the existing landscape features within the site and to maintain the visual amenity of the surrounding area and addresses the concerns for any further loss of trees and shrubs within the site.
40. The hawthorn hedge within the boundary to Muirfield Road has the appearance of having become overgrown and not having been maintained like those in other gardens in Muirfield Road. The site does not have large mature trees like the gardens to the south of the site. In this case, it is considered that given the suburban surroundings along this stretch of Muirfield Road the proposed development is not considered to be out of context with the locality and that it would maintain the character and appearance of the surroundings.

Amenity of neighbouring properties:

41. The application proposes the division of the rear garden of No.529 for the existing and proposed dwellings. The existing house would retain a 9.0m deep x 19.0m (approx.) wide rear garden. This is considered sufficient amount of amenity space for the residents of the host dwelling.
42. Plot 1 would have a single storey off shoot to the rear, which would be a distance of 12.0m from the rear elevation of Churchcliffe House. This projection would not have any windows, but there would be a French door to the main part of that dwelling serving a dining area sited a distance of approx.16.0 metres from Churchcliffe House. One small velux window would be sited within the roof of the property, which would serve a bathroom. The side walls of the dwelling would be positioned 2.18m (narrowest point) from the boundary to No.5 Muirfield Road and 1.0m from the boundary to Plot 2.
43. Given, these arrangements and that the neighbouring property at Churchcliffe House is screened by a 3.5m high (approx.) beech hedge the proposed bungalow would have no direct view of habitable room windows to this neighbour. The proposed location and height would not cause any significant overshadowing or have an overbearing impact on any adjoining residents, except part of the front garden of the bungalow immediately to the north.
44. The proposed dwelling would be directly opposite the road end to Formby Walk, with oblique views across Muirfield Road onto the gable wall of No.1 Formby Walk and 1 Panmore Walk at a minimum distance of approximately 19.0 metres. It is considered that the proposed dormer bungalow would not unduly compromise privacy or amenity associated with these neighbouring properties.
45. Plot 2 would be a dormer bungalow with the main rear elevation located approximately 8m from the proposed rear garden boundary of No.529 and 17m to the rear of the house

itself. There would be 10.49m to the side boundary with to No.531 and 1.0m from the side boundary to Plot 1. Within the rear elevation of this dormer bungalow, there is shown to be a single storey extension off shoot with no rear windows; 2 French doors within the main rear elevation at ground floor, which serve a dining room and lounge area and; no windows within the roof of the property.

46. Although the council offers no specific minimum distance on new housing development, it suggests in SPG2: Household Extension Design Guide that 21 metres back to back distance is acceptable for extensions. However, the new permitted development rights which came into force on 1st October 2008 allow even 2 storey rear extensions to within 7.0m of any rear boundary. This distance would be exceeded by the proposed 8m long rear garden from the proposed dwelling on plot 2.
47. Given the scale and design of the bungalow and the proposed boundary treatment of a 1.8m wooden fence with additional screen planting and there being no first floor windows within the rear elevation, the distance of 17 metres from the rear elevation of the applicant's house No.529 is considered to be acceptable. The proposal would not cause a loss of privacy or have an overbearing impact to the residents of the existing house sufficient to warrant refusal of the application.
48. The proposed dwelling would be located approximately 19.2 metres from the gable wall of No.1 Panmore Walk which is located on the other side of Muirfield Road. In view of the spacing between the proposed and existing dwellings, it is considered that the proposed dormer bungalow would not unduly compromise privacy or amenity associated with that property.
49. In view of the objectors concern with loss of privacy and the proposed developments having an overbearing impact, it is considered that the overall design, scale and massing of the development is considered not to have a detrimental impact on the residential amenities of neighbouring properties, to be sufficient to warrant a refusal of the application.

Highway safety, access & parking

50. The Head of Technical Services has commented on the application stating that they raise no objection to the proposed development, subject to Plot 2 providing 3 car parking spaces within the curtilage in accordance with SPD3: Parking Provisions for New Developments. It is observed that the curtilage of plot 2 can accommodate 3 car parking spaces, subject to the installation of additional hardstanding along the side elevation of the dwelling. This matter is recommended to be controlled by planning condition attached to an approval.
51. Most of the objectors are concerned about the increase in traffic in Muirfield Road and possible on street parking. The proposed accesses are situated far enough from the corner in Muirfield Road before it joins Yarm Road to satisfy highway requirements. Muirfield Road serves a number of residential streets but is not a main road or so busy that new accesses are ruled out on highway grounds.
52. The highway safety concerns of the objectors are understandable with rising traffic levels generally and the location of the development. However, the proposed development would be able to meet the highway safety criteria applied by the Council. In view of this it is considered that the development does not raise any highway safety concerns and is acceptable under Local Plan policies GP1, HO3, HO11 and TR15.

Other matters

53. Some objectors have cited that the development may set a precedent for further developments in the rear gardens of neighbouring properties. Each application has to be considered on its own merits and should an application be submitted for a similar proposal then it would be determined on the details submitted and a decision made in accordance with relevant policies and Government guidance prevailing at that time.
54. The matter regarding minor discrepancies with respects to plot dimensions within the design and access statement have been noted. When assessing dimensions for these of type of developments, relevant drawings are taken into consideration and not the design and access statement.
55. The site is an existing rear garden which does not have any designation as an important wildlife habitat and is not considered to be worthy of an ecological survey.

CONCLUSION

56. It is considered that the proposed development on previously developed land within the Limits to Development is acceptable in principle. The proposed development is appropriate in its context and would introduce acceptable elements within the street scene and that the design, form and scale of dwellings would reflect the character of the locality.
57. It is further considered that the proposal would not have an adverse impact on the amenities of the occupants of neighbouring properties or on highway safety and is acceptable under policies GP1, H03, H011 and TR15 of the adopted Stockton on Tees Local Plan and national planning guidance in the form of PPS1 and PPS3.
58. The application is therefore recommended for approval subject to the specified conditions.

Corporate Director of Development and Neighbourhood Services

Contact Officer Mr Andrew Bishop

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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 Eaglescliffe Ward

Councillors - Councillor .Alan Lewis
Councillor John Fletcher
Councillor Mrs Maureen Rigg.