

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 26TH NOVEMBER 2008

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

08/3008/FUL

Summerhill, High Lane, Maltby

Alterations and extensions to dwelling including sunroom extension to side and erection of a garage.

Expiry Date 15 December 2008

SUMMARY

Planning permission is sought for alterations and extensions which include the erection of first floor and single storey extensions to front, including dormer windows and single storey sunroom extension to side and erection of single garage.

The application site is a detached bungalow with an extended garden area to the side at Summerhill, High Lane, Maltby, which is located within a street scene of mixed and varied house types.

This application is a fifth planning submission with previous planning application 08/0464/FUL being recently refused at planning committee on 30th April 2008. The principal difference between this application and the previous application is that the garage element has been changed from a double to a single. A concurrent planning application, which omits the erection of garage, is included on this agenda and due for consideration today (08/3009/FUL).

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 together with 1 letter from Maltby Parish Council have been received.

The main planning objections relate to design and character of the resultant building, impact on the amenity of the occupants of neighbouring properties, visual impact, current unkempt state of land and dwelling, parking, and overdevelopment.

Comment has been made relating to the consideration of refusing to entertain the application for determination. Having considered the circumstances, and the provisions of Section 70A of the Town and Country Planning Act 1990, it has been decided that the application is worthy of determination.

The Head of Technical Services raises no objection to the proposal on access and highway safety grounds and the Landscape Architect also raises no objection, provided that hedge and tree-planting takes place along the highway frontage of the site.

The revised application does not fully address Members or officer concerns. Whilst the detached garage has been reduced in size from double to a single, it is considered that a single garage in the location proposed forms an incongruous element to the street scene. As such the proposal remains unacceptable.

RECOMMENDATION

It is recommended that application 08/3008/FUL be REFUSED for the following reason

In the opinion of the Local Planning Authority, the proposed 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.

PLANNING HISTORY

1. For Members information the planning history of the site is set out below:

- Planning Application reference number 93/0360/P – Proposed single storey extension to rear. Approved with a condition on 16th April 1993. Implemented.
- Planning Application reference number 05/0867/FUL - Proposed sun room extension to side and front and double garage extension with playroom above to front. Single storey extension to front, loft conversion with dormer windows to front. Conversion of existing garage to habitable room and first floor extension to side with dormer windows. Withdrawn.
- Planning Application reference number 05/1275/REV - Proposed revised application for sun room extension to side and front and double garage extension with playroom above to front. Single storey extension to front, loft conversion with dormer windows to front. Conversion of existing garage to habitable room and first floor extension to side with dormer windows. Refused on 30th June 2005 for the following reasons:

“In the opinion of the Local Planning Authority the increase in roof height would have an overbearing impact to the neighbouring properties at Wayside, High Lane and No.1, No.2 and No.3 Dunsmore Close, Maltby contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance note 2.

In the opinion of the Local Planning Authority, the proposed dwelling and detached double 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.”

- Planning Application reference number 05/2969/FUL - Proposed extensions and alterations to dwellinghouse including garage and sun room to side/front, conversion of existing garage into habitable room, extension to front and raising height of roof to accommodate dormer windows and rooms in the roof. Refused on 23rd March 2006 for the following reasons:

“In the opinion of the Local Planning Authority, the proposed dwelling and garage to the front would form an incongruous element in the streetscene 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.

The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local streetscene 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.

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.

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 2.”

- Planning Application reference 08/0464/FUL - Proposed first floor and single storey extensions to front and side including dormer windows and single storey double garage to front. Refused on 1st May 2008 for the following reasons:

“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.

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.

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.

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”

2. Submitted concurrently with the present application is a further application (reference number 08/3009/FUL) which proposes the same alterations and extensions to dwelling including sunroom extension to side but omits the garage. This application is included on this agenda and due for consideration today.

SITE AND SURROUNDINGS

3. The application site is a detached bungalow. The immediate neighbouring properties are bungalows, beyond which are a mix of house types. The remaining street scene further along High Lane and to the east generally, consists of a variety of house types including two storey houses and cottage style dwellings.

4. The host property is in an elevated position relative to the highway to the south west: High Lane, and to adjacent neighbouring properties on either side. The highway frontage of the site comprises a hedgerow, which adjoins a 1.0m high (approx.) wooden fence, and agricultural style gates. A blank brick elevation of the detached garage and a 1.6 metre fence forms the boundary to No. 1 Dunsmore Close (east) and a rendered wall 1.6m high (approx.) to the boundary to 'Wayside', High Lane (west). The rear boundary comprises a 1.6m high (approx.) wooden fence.
5. 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.
6. The immediate building line is formed by neighbouring properties on High Lane and it is slightly staggered. No. 1 Oxhill Farm, Wayside and Summerhill have a principal elevation facing High Lane, whereas No 1 Dunsmore Close presents a side gable. All properties are set back from the highway edge. Properties on the opposite side of High Lane present a staggered building line and are, again, set back from the highway edge.

PROPOSAL

7. This application differs from the previous refused application in that the proposed garage has been reduced from a double to a single. Again the application is for full planning permission and proposes as well as the garage a first floor extension, a single storey extension to the front, 2 no. dormer windows, 5 no. rooflights, a single storey sunroom and installation of a false chimney.

Sunroom to front and side

8. It is proposed that the sunroom would be located on the south east corner of the property. The room would project forwards towards High Lane, and sideways towards the side boundary to No.1 Dunsmore Close. It would measure 5.8 metres wide x 4.1 metres long topped by a dual pitch roof with a ridge height of 4.1 metres. The front and rear elevation of the sunroom would contain glazed units with french doors. A blank brick wall would face No.1 Dunsmore Close at a distance of approx.9.5 metres from this neighbour's conservatory. The submitted plans indicate that the roof will have glazed panels.

Single garage to front

9. The proposed garage measures 5.84m wide x 3.80m long with a maximum height to the pitch of the roof of 4.775m (set 600mm below ground level of host dwelling) and is positioned approximately 7.0 metres from the front boundary of the property facing onto the highway. This differs from the previously refused double garage which was approximately 3.3 metres from the highway boundary.
10. The door of garage, which is of traditional design, is sited on its western elevation and measures 2.5m x 2.5m. It has 2no. Velux windows in the roof measuring 0.6m x 0.6m. The southern elevation facing the highway is a 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 and facing 1 Dunsmore Close. The garage would be finished in render with a pantile roof.

Alterations to existing dwelling

11. A first floor extension would provide additional living space at first floor. This element of the development involves raising the height of the roof from 5.6 metres to approximately

6.2 metres as measured from immediate adjacent ground level. A projecting front gable is proposed, featuring a central window at first floor and bay window at ground level. Two dormer windows are proposed in the front elevation of the property.

12. A total of five (5) rooflights would be inserted into the roof planes, on the basis of one (1) in the south east (front) roof plane, one (1) in the east (side), three (3) in the rear (north west) roof plane. No windows would be installed in the south west elevation facing 'Wayside'.
13. A small extension to the front of the existing bedroom to allow a better articulation with the sunroom.
14. It is proposed that the integral garage is converted to a habitable room, with other structural changes to allow for a rearrangement of the uses of ground floor rooms. A decorative double chimney stack measuring 7.7 metres high would be attached to the exterior of the south western elevation of the property.

CONSULTATIONS

The Head of Technical Services

Highway Comments

15. I have reviewed the information submitted by the applicant.
16. In accordance with 'Supplementary Planning Document 3: Parking Provision for New Developments, November 2006'. A 4-bedroom property in this location must provide a minimum of 3 curtilage parking spaces.
17. The garage and driveway provide sufficient space to accommodate the requisite spaces to Design Guide standard. I therefore have no objection to this application on highway grounds.

Landscape and Visual Comments

18. I have reviewed the submitted documents and would not wish to object to the proposal on landscape or visual grounds, subject to the comments and informative below.
19. Previous landscape and visual comments from 24/4/08 ref 08/0464/ful are still relevant and are copied below – "Neighbours most affected by the development will be the properties directly opposite, Fairhaven and no. 1 Fourways. Both of these will have clear views of the extension and alterations. As a result I suggest that tree and hedge planting is carried out along the frontage of the property to reduce the visual impact of the development. This would then provide a similar front boundary treatment as the other properties along High Lane.
20. Overall, I have no objections to the development as long as a hedge and tree-planting scheme is carried out.
21. Should consent be granted, details of the hard and soft landscaping proposals and boundary treatments will be required. Full details should be provided to the following minimum standard:

22. A detailed landscape plan for hard construction indicating materials and construction methods.
23. Boundary treatment details confirming heights and precise locations.
24. A detailed tree and shrub planting plan indicating soil depths, plant species, numbers, densities, locations, and sizes, planting methods, maintenance and management.”
25. If consent is granted, conditions should be applied.

Maltby Parish Council

Summarised:

26. Objects to application on the grounds that the applicant has ‘desecrated’ the site with garden rubbish and boarding the property, the application proposes an incongruous development in this part of the village, overdevelopment of the site, agent using previous illustrations that are not of Maltby and that the application does not address the previous reasons for refusal.

PUBLICITY

27. The application has been publicised by means of individual notification letters to neighbours. Seventeen (17) individual letters of representation have been received from the occupants of the following addresses:

Dunsmore Villa, 1 Dunsmore Close, 3 Dunsmore Close, 7 Dunsmore Close, 9 Dunsmore Close, 11 Dunsmore Close, 2 Dunsmore Close, 4 Dunsmore Close, Beech Cottage, Fairhaven, Meadowfield, Wayside, Lea Close, 5 Beech Grove, Hawthorn Cottage, 2 Oxhill Farm, 1 Pennyman Green

Summary of objections:

- Proposal is the same as previous applications 05/2969/FUL and 08/0464/FUL excluding garage. Previous refusal points and objections still stand with regards to alterations to dwelling.
- 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’
- The proposal does not meet the Office of Deputy Prime Ministers Planning Policies regarding sustainable development, affordable housing and providing housing for the elderly and the disabled.
- 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 proposal contrary to PPG3
- Proposal is overdevelopment and will no amenity space

- Car parking issues within the curtilage of the property
- Encroachment issues with works to property adjacent to Wayside, High Lane.
- Discrepancies with application form and Design and Access statement, with regards to materials existing and proposed, presence of trees, photographs illustrating other villages than Maltby apart from one photograph.
- Current state of land and dwelling, being in disrepair.

In addition there has been email correspondence as to whether the Authority should have accepted this application for determination.

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 Plan is *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.

30. 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

Supplementary Planning Guidance Number 2:Householder Extension Design Guide (SPG2)

Supplementary Planning Document Number 3:Parking Provision for New Developments (SPD3)

MATERIAL PLANNING CONSIDERATIONS

31. The main planning considerations 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 existing occupants of neighbouring and the extended properties, access and highway safety considerations, and the previous reasons for refusal.

Impact on the Streetscene and Appearance of the Property

Sunroom and Front Extensions

32. 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'
33. The proposed sunroom would project 0.5 metres forward of the bay window of the host dwelling, and the ground floor front extension would sit behind this new elevation. The new first floor projecting gable whilst protruding beyond the roof plane would not extend beyond the aforementioned bay window. The sunroom would stand some 10 metres from the highway edge.
34. Given this and taking account of the building line, it is not considered that this element of the proposal would be obtrusive nor be of undue harm to the character of the streetscene formed by the building line. It is considered that sunroom as a whole is in keeping with the overall design of the development. Equally the impact of the extension to bedroom one is considered minor. It is therefore considered that these elements of the proposal are not obtrusive would not have an unacceptable adverse impact on the street scene and accords with Policies GP1 and HO12 and the advice given in SPG2.

Alterations to Existing Dwelling

35. Paragraph 9.1, 9.2 and 9.3 of SPG2 gives guidance in relation to loft conversions, but helpfully advises that raising the roof height to allow more of the space to be used, is "a somewhat drastic measure and will significantly upset the aesthetic balance of the house. There are only a few houses where it could be done without significant visual harm and is therefore not normally supported by the Council."
36. However, this application seeks not only to raise the roof of the property, but also to change the character of the dwelling entirely. The height and pitch of the roof is considered appropriate in the context of the design and proportions of the proposed resultant dwelling. This being the case, it is not considered that the proposal fails in this respect insofar as it does not significantly upset the balance of the house, as redesigned.
37. SGP2 advises "Normally roof windows of any design are not permitted in the front elevation unless they are already a feature of the house or street." However, the Note goes on to say that "It is possible to extend the amount of useable loft space with dormer windows, and these will be assessed by size, design and siting with regard to the neighbouring properties. More traditionally shaped windows will be preferable to large flat roof dormers, and multiple smaller dormers will be better than a single large window."
38. The Case Officer's previous report relating to planning application 05/1275/REV 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'.
39. This was an erroneous statement and as it has been found subsequently that there are no refusals of planning permission for Dormers on High Lane. Planning permission was

however granted for 8 No. Dormer windows at 2 Oxhill Farm (04/0106/FUL). Those dormers have not been installed and roof lights used instead (planning permission granted under reference number 07/0969/FPD). Nevertheless, this property is sited in a cul-de-sac, and had those Dormers been installed their impact on the visual quality of High Lane would be somewhat limited.

40. There are two further properties along High Lane with dormers to their front elevations at Lea Close and Greylands. They are however, located 200 metres from the site. It cannot be said that they dominate the core character of High Lane; but appear to add to the interest and complexity of High Lane at this point, rather than detract from the streetscene.
41. It is considered that the addition of the pitched roof and chimney feature to the west elevation would be in keeping with the remainder of the alterations.

Single Garage

42. The advice set out in paragraph 32 above is relevant to the consideration of the impact of the single garage. The proposed garage is to be sited 7.0 metres from the highway, and will project beyond the side elevation of No.1 Dunsmore Close. Consequently in this location it would be intrusive in the streetscene. Whilst the garage in design terms is in keeping with the rest of the development, it is out of character with the layout of surrounding dwellings, and is considered to have an unacceptable adverse impact on the streetscene, contrary to the guidance set out in SPG 2.

Conclusion

43. The assessment turns therefore on the impact of the resultant building and garage on the streetscene, which is of particular concern to the residents.
44. The proposed changes are significant and will alter and make an addition to the existing building. In pure design terms the changes are however, well thought out and of good quality. The planning issue is the context of these changes - will it detract from the street scene in this part of High Lane? Adjacent properties are single storey bungalows and this development will add a two storey dwelling on a fairly small and restricted plot. The concerns of the residents are understandable as to whether such development is appropriate in this location. However, it is considered that taking into account residents concerns, the case made by the applicant, and the design of the changes, overall the development in respect of the changes to the host property is acceptable. Whilst it is possible to lessen the impact of the development on the outlook of neighbours by planting and as recommended by the Landscape Officer, as it does not overcome the overall concern of the impact of the development on the streetscene. It is considered that a garage in this location constitutes an incongruous element in the streetscene, and is unacceptable.

Impact on Residential Amenity

Sunroom Extension to side and Front Extension

45. The existing boundary treatments are set out in paragraph 8 above. The sun room would be located 27 metres from 'Fairhaven', 9.5 metres from a conservatory extension at 1 Dunsmore Close, 10 metres from the boundary with 3 Dunsmore Close, 27 metres from Beech Cottage, 34 metres from 1 Pennyman Green at is 27 metres distant, largely screened from the front garden at the Wayside by the existing/proposed resultant

dwelling. Taking account of these distances and boundary distances, the design of the sunroom and the general change in levels, it is not considered that the proposed sunroom would overlook or have an overbearing impact on the amenity of those neighbouring properties. Furthermore, given the orientation and location of neighbouring properties and the design of the proposed sunroom, it is not considered that this element of proposal would unduly overshadow neighbouring properties.

46. In view of the dimensions and location of the small ground floor extension to the existing bedroom, it is not considered that proposed development would have any adverse impacts on the amenity of neighbouring properties in terms of overlooking, overshadowing or overbearing impact.

Alterations to existing dwelling

47. The dormer windows would be to the front of the dwelling, but set back within the site. The properties at 'Fairhaven' and No.1 Pennyman Green would be between 25-30 metres away. Taking into consideration those distances and account of the change in levels, it is not considered that the installation of Dormer windows would lead to a loss of privacy for the residents of those neighbouring properties.
48. In respect of 'Wayside', the proposal would raise the height of the nearest part of the resultant building. The ridge of the roof would be raised by 600mm and the eaves remain at 3.2 metres. However, this gable would be approximately 2 metres from the common boundary and separated from 'Wayside' by the existing garage at that site. Taking account of this distance, and the existing difference in finished floor levels between the two properties, it is not considered that the proposed resultant building would dominate or overshadow 'Wayside'.
49. Existing ground floor windows in the rear elevation of Summerhill allow for views towards the rear garden of 'Wayside'. The changed ground floor layout maintains those views. There are no windows in the gable of Summerhill facing 'Wayside', and it is not considered that the oblique views of the rear garden available from the new rooflights would lead to a loss of privacy that would warrant refusal on that ground.
50. No.1 Dunsmore Close is located to the north east of the Summerhill, and given the general dimensions of the proposal, and that the bulk of the building is 6 metres from the common boundary, it is not considered that the resultant building would overshadow that property. Again, taking account of the relationship of No. 1 and Summerhill, it is not considered that the resultant dwelling would have an overbearing impact.
51. The existing elevation of Summerhill, which faces No.1, contains windows serving bedroom 2 and bedroom 3. The proposed layout shows at ground floor windows serving a snug and study, and at first floor, a bedroom window. It is considered that the ground floor arrangement merely replicates the existing opportunities for views. The first floor window is to be an obscurely glazed emergency window, and is required for building regulations purposes. The details of the emergency window would, in the event of any permission being granted, be controlled by condition.
52. Summerhill is to the south of the rear gardens at 3 and 5 Dunsmore Close, and the garden is relatively short. Nevertheless, Summerhill is slightly off set and therefore it is not considered that the resultant building would overshadow those rear gardens, nor has an overbearing impact.
53. Objection has been made on the grounds that the proposal would constitute overdevelopment of the plot. Supplementary Planning Guidance Note 2: Householder

Extension Design Guide advises that approximately two thirds of each plot remains as amenity space, with one third allowed for built development. The plot coverage as proposed is approximately 31%, which generally accords with this advice. It is considered that the proposal maintains acceptable levels of privacy and amenity space for the occupants of resultant building and is therefore acceptable.

Single Garage

54. The garage would be 23 metres from Fairhaven, 31 metres from 1 Pennyman Green, 25 metres from Beech Cottage and 9.5 metres from the conservatory at No.1 Dunsmore Close. Taking account of these distances, the design of the garage and the general change in levels, it is not considered that the proposed garage would overlook or have an overbearing impact on the amenity of those neighbouring properties. Furthermore, given the orientation and location of neighbouring properties and the design of the garage, it is not considered that this element of proposal would unduly overshadow neighbouring properties.

Conclusion

55. Notwithstanding residents concerns, overall the development is considered acceptable in terms of its impact on residential amenity.

Access and Highway Safety

56. 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 considered acceptable in highway safety terms.

RESIDUAL MATTERS

57. The anomalies identified by the objectors with respects to the photographs within the Design and Access Statement are noted but are not relevant to the planning issues.
58. With regards to the proposed materials to be used for the development if approved permission, a relevant planning condition can be imposed to control this matter, in order to maintain the visual amenity aspect of the surrounding area.
59. This application differs from previous applications 05/2969/FUL and 08/0464/FUL, which have been refused. This proposal does not include a garage and would provide four bedrooms, rather than five.
60. Issues relating to the consideration of refusing to entertain the application for determination have been assessed. In light of the circumstances, and the provisions of Section 70A of the Town and Country Planning Act 1990, it has been decided that the application is worthy of determination.
61. Other representations have been received relating to the proposal not meeting PPG3 guidance, encroachment during construction, dormer windows are not permitted in the covenants of these properties on High Lane and application site in disrepair.
62. 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 and encroachment issues

with during construction, are civil matters; PPG3 (now PPS3) requirements with regard to sustainable development, affordable housing and providing housing for the elderly and the disabled relates to new residential dwellings and not existing household extensions.

63. With regard to the site being in disrepair, this matter is being investigated for possible action under Section 215 of the Act.

CONCLUSION

64. It is considered that 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.
65. Furthermore, 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 single garage, a garage in this location would still constitute an incongruous element in the street scene contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice in SPG2. It is therefore recommended that planning permission be refused on this basis.

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, 05/2969/FUL and 08/0464/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.

