

**DELEGATED  
UPDATE REPORT**

**AGENDA NO 3  
PLANNING COMMITTEE**

**DATE 26<sup>TH</sup> 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**

This report updates agenda item 3, in that it:

- sets out the response to a letter of concern from the occupant of Fairhaven, High Lane, Maltby which complains of errors in the main report,
- addresses the concerns set out in two letters from neighbouring resident at No.3 Dunsmore Close,
- addresses a letter of concern from the neighbouring property at Wayside, High Lane, Maltby, which also complains of errors in the main report, and
- responds on a letter from the applicant's agent to the Chair and Members of Planning Committee, addressing the reason for refusal of this application.

It is not considered that the issues highlighted in these further communication raise any new material planning considerations. Nor are the minor errors identified material to the planning case. Consequently, the recommendation and reason for refusal remains unchanged.

### **RECOMMENDATION**

***Subject to the clarifications set out below, the recommendation for refusal set out in the main report, remains unchanged.***

### **MATERIAL CONSIDERATIONS**

Letter from Mr and Mrs McBride of Fairhaven High Lane

1. The comments received from Mr and Mrs McBride of Fairhaven High Lane related primarily to perceived discrepancies and errors in the main report.
2. In response to the alleged discrepancies the following comments are made:

- a) Point 1: *Description of the streetscene*. Paragraph 3 of the main report gives an accurate description of the street scene. Only the immediate neighbours are bungalows.
- b) Point 2: *Reasons for Refusal*. It is your officer's opinion that only the proposed garage is unacceptable in planning grounds. The additional reasons for refusal attached to the previous refused applications were added by Members.
- c) Point 3: *Omission of previous application S1593/87*. It is accepted this was missed from the planning history section of the main report. However, this application was approved some 20 years ago and the extensions approved have been implemented. Any impact from the past extensions have been fully considered in the assessment of the current planning application.
- d) Point 4: *Previous Proposals*. Previous refused application 08/0464/FUL did differ in respect of garage width from this current application. However, it is accepted that in an earlier refusal in 2005 the garage was single.
- e) Point 5: *Chimney Stack*. The submitted plan does not show any encroachment onto adjoining land. The agents have signed Certificate A of the application form to confirm that.
- f) Point 6: *Landscape Architects*. These comments are found in paragraphs 18 to 25 of 08/3008/FUL main report. Notwithstanding comments made to previous applications, the Landscape Architect on visiting the site again for this application, is now satisfied that the proposal would not have an adverse impact provided that planting takes place along the highway frontage of the site.
- g) Points 7: *Dormers*. In response to concerns expressed by objectors with regard to previous planning applications for installation of dormer windows, it should be noted that application 94/0493/P did not refuse permission for dormers, rather it said no dormers shall be installed without prior consent. This site is just off High Lane. With regard to S1593/87, the original proposal sought to demolish an existing garage and replace it with a new garage and utility room with two bedrooms and a shower at first floor level. The windows proposed first floor windows were not dormers. The submitted scheme was unsatisfactory but was revised to a single storey development and was approved on that basis. It should be noted that both applications were determined prior to the adoption in March 2006 of SPG2: Householder Extension Design Guide, which provides design advice on dormer windows. This application has been considered against requirements set out with current policy.
- h) Points 8: *Dormers and privacy*. The concerns raised in respect of privacy and impact of the dormer windows on the amenity of neighbouring properties are noted but not agreed. Issues of privacy and amenity on surrounding properties are fully addressed in paragraphs 47 to 52 of the main report.
- i) Point 9: *Dimensions*. The statement in the report concerning unchanged eaves level is correct and given its orientation the provision of a gable wall in this location, would not, it is considered, overshadow Wayside. For clarity, the report in paragraph 48 should have said that the host property is on the common boundary and in relation to Wayside, is 2.0 metres from the side elevation of this neighbours garage. It is not agreed that it is less than 2.0m as claimed. The other matters raised regarding the overall height issue and impact on neighbouring properties have been addressed in paragraphs 48, 50 and 52 of the main report.

- j) Point 10: *Materials*. This application is recommended for refusal and therefore conditions for an approval are not specified. If, however, Members wish to approve the application, a planning condition would need to be imposed to control this matter. Such a condition was recommended in the main report of the concurrent application 08/3009/FUL (condition 2) but unfortunately for an unknown reason failed to be reproduced in the report to Members. That issue and others will be dealt with in the necessary update report in respect of that agenda item (No 4) .
  - k) Point 11: *Paragraph 59 (not 74)*. This is a typographical error. The sentence should state that 'this proposal does not include a '**double**' garage' and would provide four bedrooms, rather than five'.
  - l) Point 12: *PPS 3 requirements*. This matter has been addressed in the last sentence of paragraph 62 of the main report.
  - m) Points 13: *Visual impact on neighbouring properties and street scene*. The objectors disagreement with the concluding assessment in the report that the proposal would not have an adverse impact on the amenities of the occupants of neighbouring properties and street scene is noted. The officer's view remain unchanged.
3. A copy of the letter and enclosure is attached as Appendix 1 to this report.
  4. In summary it is not considered that any of the issues raised, nor the minor errors in the report highlighted require any material change to the original recommendation

Letter from occupant of 3 Dunsmore Close

5. A letter received from the resident at No.3 Dunsmore Close has been attached to this report in appendix 2. The comments reiterate the concerns about the impact of the development on her residential amenity, as noted in her initial letter of objection. The neighbour has supplied an additional copy for Members of her original objection letter, together with her own photomontages of the proposed development.
6. These comments made by the objector have been addressed throughout the main report.
7. For information for Members, with regards to the photomontages, these, it is considered, do not portray a true image of the development in relation to adjoining properties.
8. The second letter received from this resident which has also been attached to this report in appendix 3, relate to perceived discrepancies and errors in the main report.
9. In response to the alleged discrepancies the following comments are made:
  - a). *Para 4 (page 1)* .This paragraph is a summary, not a direct quote and does not change the reason for refusal of the application.
  - b). *Para 44 (page 9)* . In the penultimate sentence after the word 'Landscape Officer' the word '**as**' needs deleting. Notwithstanding this error, the sentence still remains clear.
  - c). *Para 45 (page 9)*. From the Ordnance Survey at scale of 1:500, the distance of the proposed sun room to the boundary with No.3 Dunsmore Close measures 10 metres.

- d). *Para 48 (page 10)*. The matter regarding the dimensions of the development in relation the neighbouring property at Wayside has been clearly addressed in paragraph 2 (i) of page 2 of this update report.
- e). *Para 53 (Page 10)*. This is a typographical error and should read 36%, not 31%.
- f). *Para 57 (Page 11)*. It is acknowledged that the photographs displayed within the Design and Access Statement Appendix EPP1, do not show residential properties within the vicinity of the application site though Appendix EPP2 of this statement does show the street scene of High Lane, Maltby.
- g). *Para 59 (page 11)*. The resident's disagreement that previous refused applications do not differ from this application is noted. As set out in paragraph 2 (k) due to a typographical error, the sentence within this paragraph should state that 'this proposal does not include a **'double'** garage' and would provide four bedrooms, rather than five'.

Letter from occupant of Wayside, High Lane, Maltby

- 10. The letter received from the resident at Wayside has been attached to this report in appendix 3. The comments relate to concerns with perceived discrepancies and errors in the main report.
- 11. In response to the alleged discrepancies the following comments are made:
  - a). Point 1a & c: These matters have been addressed in paragraph (i) of Page 2 of this update report.
  - b). Points 1b, 2 & 6, : With regards to encroachment concerns during construction is a civil issue and not a planning matter.
  - c). Point 3a & b: This matter has been addressed in paragraph (b) of Page 2 of this update report.
  - d). Point 4: This matter has been addressed in paragraph (a) of Page 2 of this update report.
  - e). Point 5: The submitted plans appear to be accurate with regards to the boundaries of the application site and do not show any encroachment of the development onto neighbouring land, therefore does not require Certificate B being served.
  - f). Point 7: This matter has been addressed in paragraph (m) of Page 3 of this update report.
  - g). Point 8: This matter has been addressed in paragraph (g) of Page 2 of this update report.
  - h). Point 9: This matter has been addressed in paragraph (c) of Page 2 of this update report.

### Agent's Letter

12. Whilst this letter agrees with the comments in the report concerning the alterations to the dwelling, the agent does not agree with the view taken that the garage would constitute an incongruous element in the street scene.
13. The agent summarises his case and states that the garage would not appear out of character in the street scene because:
  - “there is no distinct building line along High Lane;
  - the garage would project only marginally beyond the dwelling at 1 Dunsmore Close;
  - the garage would be dominated by the larger building next door, and
  - it could be largely screened by garden planting.”
14. Whilst these comments are noted, they are not agreed. It remains your officer view that it is considered inappropriate to allow a single garage extension to the front of the property as it 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.

### **CONCLUSION**

15. It is considered that no new material planning considerations have been raised in relation to the proposal which indicate that a decision should be otherwise than to refuse planning permission. The recommendation is therefore unchanged in that the view is taken that the proposed garage element of the development does not accord with guidance found in the Supplementary Planning Guidance Number 2: Householder Extension Design Guide, and would be contrary to policies GP1 and HO12 of the Adopted Stockton on Tees Local Plan.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Fahim Farooqui**  
**Telephone No 01642 528558**  
**Email Address [fahim.farooqui@stockton.gov.uk](mailto:fahim.farooqui@stockton.gov.uk)**

**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: S1593/87, 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.