

DELEGATED
UPDATE REPORT

AGENDA NO 4
PLANNING COMMITTEE

DATE 26TH NOVEMBER 2008

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

08/3009/FUL
Summerhill, High Lane, Maltby
Alterations and extensions to dwelling including sunroom extension to side

Expiry Date 15 December 2008

SUMMARY

This report updates agenda item 4, 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 applicants agent to the Chair and Members of Planning Committee,
- adds two further conditions accidentally omitted in the original committee recommendation for approval.

It is not considered that the issues highlighted in these further communications from the objectors or the applicant's agent raise any new material planning considerations. Nor are the minor errors identified material to the planning case. Consequently the recommendation for approval remains unchanged but with the addition of the two missing conditions.

RECOMMENDATION

Subject to the clarifications set out below, the recommendation for approval set out in the main report remains unchanged but with two additional conditions to be imposed as set out below.

“02. 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.

03. Prior to the commencement of development, a scheme detailing the obscurely glazed first floor emergency window in the elevation nearest to the boundary of No.1 and No.3 Dunsmore Close shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building hereby permitted is brought into use and retained in accordance with the approved scheme for the life of the development hereby permitted.

Reason: In the interests of the amenity of the occupiers of the adjacent property.”

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 wider street scene. Only the immediate neighbours are bungalows.
 - b) Point 2: *Previous Reasons for Refusal*. It is your officer's opinion that only the proposed garage (and omitted from this application) 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) Points 4: *Dormers*. In response to concerns expressed by objectors with regards 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 at first floor level 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. The reference and comments to other properties further down lane at Greylands and Lea Close are noted and accord with the officer's comments set out in the main report.
 - e) Points 5: *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 43 to 48 of the main report.

- f) Point 6: *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 44 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 neighbour's 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 44, 46 and 48 of the main report.
 - g) Point 7: *Materials*. Unfortunately recommended condition 2 concerning materials (as well as condition 3 concerning the installation of emergency window with obscure glazing within the first floor side elevation to No.1 and No.3 Dunsmore Close,) was omitted from the main report. This matter is dealt with below.
 - h) Point 8: *Previous Proposals*. Previous refused application 08/0464/FUL did differ in respect of consisting of a double garage and refused application 05/2969/FUL did show five bedrooms. Notwithstanding, that these are only slight changes, paragraph 55 of the main report addresses the main reason for entertaining this application.
 - l) Point 9 *PPS 3 requirements*. This matter has been addressed in the last sentence of paragraph 57 of the main report.
 - j) Points 10: *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 remains unchanged.
 - k) Points 11: *Anomalies within Design and Access Statement*. The anomalies identified by objectors have been addressed throughout the main report. However, there is one point made by objectors in respect to the photographs displayed within the Design and Access Statement Appendix EPP1. It is acknowledged that these 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.
3. A copy of the original 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 concerning the planning history or the missing conditions are material or affect the original recommendation.

Letter from occupant of 3 Dunsmore Close

5. The 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 original objection letter. The neighbour has supplied an additional copy for Members of her original objection letter, which also include photo montages of the proposed development.
6. The comments made by the objector have been addressed throughout the main report.

7. For information for Members, with regards to the photo montages, 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.
 - c). *Para 41 (page 10)*. 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.
 - c). *Para 44 (page 11)*. The matter regarding the dimensions of the development in relation the neighbouring property at Wayside has been clearly addressed in paragraph (f) of page 3 of this update report.
 - e). *Para 49 (Page 11)*. The plot coverage proposed within this application is approximately 31%. The proposed plot coverage within the concurrent application 08/3008/FUL is 36%.
 - f). *Para 52 (Page 12)*. 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 54 (page 12)*. The resident's disagreement that previous refused applications do not differ from this application is noted.

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 (f) of Page 3 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 (j) of Page 3 of this update report.

g). Point 8: This matter has been addressed in paragraph (d) 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. This letter agrees with the recommendation of approval for the alterations to the dwelling including sunroom to side and the comments within the report.

Additional conditions

13. In transferring the report for publication via agenda recommend planning conditions 2 and 3 for an unknown reason were accidentally omitted. These conditions are:

"02. 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.

03. Prior to the commencement of development, a scheme detailing the obscurely glazed first floor emergency window in the elevation nearest to the boundary of No.1 and No.3 Dunsmore Close shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building hereby permitted is brought into use and retained in accordance with the approved scheme for the life of the development hereby permitted.

Reason: In the interests of the amenity of the occupiers of the adjacent property."

14. To correct that error these two conditions should be added to any planning approval.

CONCLUSION

15. It is considered that no new material planning considerations have been raised by the objectors in relation to the proposal which indicate that a decision should be otherwise than to grant planning permission. The recommendation is therefore unchanged in that the view is taken that the development is not out of character with the street scene, nor will have an overbearing impact on neighbouring properties and is not overdevelopment of the site. However any approval should include the two accidentally omitted conditions set out in paragraph 9 above.
16. In light of the above, it is considered that the proposal accords with Policies GP1 and HO12 of the adopted Stockton on Tees Local Plan, and guidance in SPG2 and SPD3 and conditional approval is recommended.

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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: S1593/87, 95/0709/P, 04/0106/FUL, 05/0867/FUL, 05/1275/REV, 05/2969/FUL, 08/0464/FUL and 08/3008/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.