

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

17 December 2008

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

08/3331/FUL

Land to the rear of 2 Beckwith Road, Yarm

Erection of 1 no Single storey bungalow and creation of a new drive to existing bungalow

Expiry Date: 2 January 2009

SUMMARY

Planning permission is sought for the erection of a single storey detached bungalow on land to the rear of 2 Beckwith Road, Yarm.

A similar application has previously been refused for 3 reasons relating to

- the unacceptable impact on the host property and those properties in Darcy Close,
- the proposal would lead to a cramped form of development and;
- the development would lead to a loss of car parking for the host property car parking and the applicant had failed to demonstrate that replacement car parking could be provided to acceptable standards.

The applicant appealed against the decision and whilst the Planning Inspectorate dismissed the appeal, it was only on the loss of car parking for the host property.

The planning application has been publicised by means of individual letters, and 9no letters of objection have been received from 8no neighbouring properties mainly relating to the impact on the character of the area, highway safety and developing under power lines.

The main considerations in determining this application are the principle of developing the site, the impact on neighbouring properties and the character of the area in general, the provision of adequate access and parking, and developing beneath overhead power lines

It is considered that overall the proposed development is acceptable and is recommended for approval with conditions. However a revised scheme has been submitted and the neighbour consultation period expires on the 15th December 2008. An update report will be issued with any additional comments received.

RECOMMENDATION

Planning application 08/3331/FUL be Approved with 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.***

Plan Reference Number	Date on Plan
SN/08/002/11	7 November 2008
SN/08/002/21	7 November 2008
SN/08/002/31	7 November 2008
SN/08/002/41	7 November 2008
SN/08/002/22 A	5 December 2008

Reason: *To define the consent.*

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

Reason: *In the interests of a visual amenity*

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

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

- 05.** **Full details of the proposed means of disposal of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby permitted and shall be provided in accordance with the approved details before the development is brought into use.**

Reason: *To achieve a satisfactory form of development*

- 06** **No development shall commence on site until full details of hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.**

Reason: *To ensure a satisfactory form of development.*

- 07.** **Prior to the commencement of development, the proposed replacement car parking spaces for the host property, 2 Beckwith Road as shown on plan SN/08/002/22a dated 5 December 2008, shall be provided and thereafter retained for the parking of vehicles.**

Reason: *To provide sufficient car parking space for a the host property.*

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

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

09. **Notwithstanding the provisions of classes A, B, C, D E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment)(No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority**

Reason :In order that the local planning authority may exercise further control in order to protect the amenity of adjoining residents.

The proposed development has been considered against policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan and previous appeal decisions. It is considered that the principle of development is acceptable whilst the impact of the proposed development is not considered to unduly compromise the privacy or amenity of surrounding properties, or highway safety and as such it is considered there are no matters outstanding, which would suggest a decision should be made otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP 1 General Principles

HO3 Development on Unallocated Sites

HO11 Design and Layout

Supplementary Planning Document 3: Parking in New Development

Planning Policy Statement 3 - Housing

BACKGROUND

1. Planning permission was refused for the erection of a single detached bungalow on the above site (application 07/2700/FUL) for the following reasons:
 01. *In the opinion of the Local Planning Authority the dwelling proposed by virtue of its siting and location would have an unacceptable overbearing impact on the host property, 4 Beckwith Road and neighbouring properties in Darcy Close, contrary to the provisions of policies GP1, HO3 and HO11 of the adopted Stockton on Tees local plan.*
 02. *In the opinion of the local planning authority, the proposed development would result in the loss of car parking for the host property for which the applicant has failed to demonstrate that adequate replacement car parking can be provided to the Councils Parking standards. Accordingly the development is contrary to SPD3: Car Parking Provisions for new development and the implementation of the proposal would have an adverse effect on pedestrian and highway safety, contrary to policies GP1, HO3 and HO11 of the Stockton on Tees Local Plan.*
 03. *In the opinion of the Local Planning Authority the application site is of inadequate size to satisfactorily accommodate the dwelling house, thereby resulting in a cramped form of development close to the boundaries of neighbouring properties, contrary to policy GP1, HO3 and HO11 of the adopted Stockton on Tees Local Plan.*

A copy of the application and decision notice is attached at Appendix A and B.

2. Planning permission was dismissed appeal but only on the loss of the car parking for the host property. The other two reasons for refusal were rejected by The Planning Inspectorate. A copy of the inspector's decision is attached at Appendix C.

SITE AND SURROUNDINGS

3. The application site is the rear garden of 2 Beckwith Road. The modest host property lies to the north of the site and bungalows in Darcy Close to the south. To the east are the gardens of properties in Beckwith Road and to the west is Fauconberg Way from which the application site is to be accessed.

PROPOSAL

4. The applicant seeks consent for the erection of a detached bungalow with an attached garage (which is the existing garage retained). The proposed bungalow will be 8 metres x 8.5 metres and will have a maximum height of 5.5 metres. The proposed dwelling will house a lounge/dining room, kitchen, bathroom and two bedrooms.
5. The application also includes the provision of 2no car parking spaces to the front of 2 Beckwith Road, to provide replacement parking for those lost should approval be given for the erection of the bungalow.

CONSULTATIONS

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

National Grid

7. Based on the information provided and the proximity and sensitivity of these networks we have concluded that the risk is Moderate in terms of safety during construction works.

Councillors

8. No comments made

Parish Council

9. No comments made

Urban Design Highways Comments

10. In accordance with SPD3: Parking Provision for New Developments, a two-bedroom property in this location must provide 2 incurtilage parking spaces. These spaces have been identified satisfactorily within the curtilage of the property and will use the existing driveway access for 2 Beckwith Road.

As the proposed dwelling is to use the existing property's driveway, the 2 existing car parking spaces for 2 Beckwith Road will be lost and therefore will need to be replaced within the proposed curtilage of the property. SBC Design Guide and Specification 5.2.11(ii) states, 'The access should be at 90° to the centre line of the road', therefore the proposed driveway does not meet the required standard. The applicant will therefore need to provide

further details of the proposed car parking for 2 Beckwith Road in accordance with the Design Guide & Specification.

If the development were allowed without additional car parking for the existing dwelling being provided then it would result in vehicles parking on the highway to the detriment of highway safety and the free flow of traffic.

Updated Comments

- 11 Following receipt of the revised plan, I am satisfied that the 2 car parking spaces for the existing dwelling can be provided to design guide standard, I therefore have no objection.

Urban Design - Landscape & Visual Comments

12. I have reviewed the submitted documents and would object on landscape and visual grounds for the reasons set out below.
The proposed footprint is over large for the size of the plot, consequently the building proposed would be very close to the public footpath and amenity / garden space available very small. The resultant garden for no.2 would be similarly reduced dramatically in size. The proposed building would be closer to the highway than other properties and visually poorer. I do not believe that soft landscaping or enclosures would be able to improve this sit

Updated Comments

13. Having reconsidered the application we now offer no objection to the application. The frontage of the dwelling should be landscaped to match the surrounding street scene

Environmental Health Unit

- 14 No objection in principle to the development, however, would recommend conditions as be imposed on the development should it be approved relating to construction noise

Northumbrian Water Limited

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

Northern Gas Networks

- 16 No comments made

CE Electric UK

- 17 Standard Response indicating position of apparatus

PUBLICITY

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

Mrs M P Hughes, 42 Fauconberg Way, Yarm

- 19 The reasons for refusal on the first application have not been addressed satisfactorily. The bungalow and drive are not in keeping with the area as no other bungalows are sited just one metre from the pavement. The removal of the fence will create more parking problems.

The proposed access will not comply with road safety standards or pedestrian safety, it is still too close to the junction and is not an acceptable solution, The existing parking areas are not used so the proposed one will not either. Regulations state that ground used for properties are not under power lines which this clearly is, and the properties in the area are currently receiving compensation for this from the National Grid.

Mr and Mrs Huitson, 40 Fauconberg Way, Yarm

- 20 The proposal is contrary to Policy HO3 as the development is beneath power lines and satisfactory arrangements have not been made for access and parking which meet highway and pedestrian safety. The proposed dwelling is out of character as too close to footpath. Removal of the fence will create more highway problems. The proposed drive is still too close to the junction and we are appalled that the Planning Inspectorate has the opinion that the power lines has no effect on health, the majority of the residents are in the process of receiving compensation from the National Grid.

Mr G Morrison, 38 Fauconberg Way, Yarm

- 21 Satisfactory arrangements have not been made for access and parking which meet highway and pedestrian safety as proposed drive is still too close to the junction views will be impaired. The proposed dwelling is out of character as too close to footpath and removal of the fence will create more highway problems. The development will be built under power lines contrary to Policy HO3 and other research and evidence that show the effect that these lines have on health.

K Grocott, 36 Fauconberg Way' Yarm

- 22 The bungalow footprint is too large for the size of land available, and would look very cramped, also it is 1 metre from the public footpath, which surely make this a Health and Safety issue. It also makes the bungalow completely different to the surrounding homes as they are set back from the road. I was under the impression that all homes had to have 2 parking spaces; this is taking away the parking from 2 Beckwith Road, leaving it with none. The new access drive is not acceptable and will not be used. 2 Beckwith Road has a covenant on it, which states there can be no access from Beckwith Road. I was on the understanding that the Government has stated that there was to be no new buildings under or near Pylons and their wires for Health & Safety Issues, If Not, why is the National Grid paying out thousands of pounds to the people who already live near or under them. Maybe the appealing officer does not understand that this happening now in Fauconberg Way and the surrounding area!! If the application is granted would it be possible to consider taking away all outside developing rights. e.g. Conservatory, extra garages and sheds.

Thomas Nelson, 11 Darcy Close' Yarm

- 23 My concerns have not changed from the last application and will never change and I hope the Inspectors decision is upheld. My views and concerns have not altered and my concerns regarding highway and pedestrian safety and off road car parking are compounded by the Inspectors Assessment.

Kay Nelson, 11 Darcy Close' Yarm

24. My concerns have not changed from the last application and will never change and I hope the Inspectors decision is upheld. My views and concerns have not altered and my concerns regarding highway and pedestrian safety and off road car parking are compounded by the Inspectors Assessment.

Mr And Mrs Noble, 12 Darcy Close' Yarm

- 25 No new buildings under power lines. Out of Character and shoehorned into site. Only one space for new bungalow leading to parking on the road to the detriment of pedestrian and highway safety.

Mrs Hilda And Mr James Ferguson, 10 Darcy Close' Yarm

26. The proposal is contrary to Policy HO3 sections ii, iv and vi. (ii) The land is not underneath electricity lines; and (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and (vi) Satisfactory arrangements can be made for access and parking.

I cannot believe that the planning officer and the inspectorate have stated that the electricity lines have no detrimental effect on amenity of residents. Is the explanation that there is an absence of evidence his own opinion. Why is it mentioned in HO3 then so flippantly dismissed.

The dwelling is sited just one metre from the road making the new build look cramped as it is built in a back garden – a classic case of overdevelopment

The access is still unacceptable, as it does not meet with road standards. In addition the deeds say no parking to the front.

May I remind that the elect council was to stop back garden building?

Mrs E Pickering, 34 Fauconberg Way' Yarm

- 27 The building of a bungalow will look cramped and out of place. This will be another eyesore and would create more cars on road parking.

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 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

- 30 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

- 31 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

32. 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.
- 33 Supplementary Planning Document 3: Parking in New Development
- 34 PPS 3 - Housing

MATERIAL PLANNING CONSIDERATIONS

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

Principle of development.

- 36 Planning Policy Statement No. 3 (Housing) promotes a more efficient use of land and the re-use of brown field, previously developed land, 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.
- 37 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. Policy HO3 of the Borough Local Plan suggests that development of such land may be permitted subject to several criteria. These criteria require development not to result in the loss of sites which are allocated for another use, the land is not underneath electricity lines; or are used for recreational purposes and which are sympathetic to the surrounding area, take into account important features within the site, make adequate access and parking provision whilst not result in an unacceptable loss of amenity to adjacent land users.

- 38 In view of the above, the principle of the proposed development is considered to comply with PPS3 however the more detailed matters outlined in Policy HO3 of the Borough Local Plan, are considered below.

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

39. The application is no different from the previously refused scheme where the Planning Inspector concluded that the bungalow will stand on the Fauconberg Way frontage, and the separation distances between the bungalow and 2 Beckwith Road and 12 Darcy Close will be comparable with the separations elsewhere on the estate.
- 40 The bungalow is set back from the main road, varying from one metre to five metres. Residents have objected that the development is too close to the road, however the frontage will be open plan to reflect the character of the surrounding area and in light of the Inspectors comments who also considered that the development would integrate well with its surroundings it is considered that the development will not have a detrimental effect on the character of the area or the street scene.

Impact on neighbours privacy and amenity

41. The rear elevation of the proposed dwelling will align with the side elevation of the host property, such that the development would not stand behind the host property. Given the offset and the 1.8 close boarded fence the Inspector concluded that the proposal would not be overbearing on the host property.
42. The bulk of the property would be screened from 10 Darcy Close by the high close boarded fence and the garages. Only the ridge would be visible from some parts of the gardens of neighbouring properties and from the observations and distances observed by the planning inspector the proposal would not be unduly overbearing on the neighbours in Darcy Close and would not appear cramped.
- 43 Whilst your officers still have reservations about the development, taking into account the findings of the Planning Inspector and that there is no change to the plans or the neighbouring properties it is difficult to argue that the proposed scheme would not have an adverse effect on the host property or the neighbours in Darcy Close.

Access and highway safety.

44. The Planning Inspectorate agreed with the third reason for refusal on the previous scheme in that the applicant had failed to demonstrate that suitable replacement car parking could be provided for the host property and in the absence of this, the proposal would have an adverse effect on pedestrian and highway safety
45. The plans submitted with the application for replacement parking were considered unacceptable and contrary to the standards as outlined in SPD3; Parking Provision for New Developments
46. The applicant has now submitted further plans for consideration and The Head of Technical Services has considered these revisions and raises no objections to the provision of 2no car parking spaces in this location.
47. Neighbours have been consulted on these revisions and any comments received will be considered in an update report.

Overhead Power Lines

48. The application site is located close to overhead power lines with the lines running across the site, along the road and pavement to the front. Policy HO3 states "Within the limits of development, residential development may be permitted provided thatthe land is not underneath electricity lines". The explanation given in the local plan is on account of the detrimental effect on the amenity of residents and possible effect on health.
49. This was considered in the previous application and the report stated "The proposal is contrary to this policy, however in the absence of any evidence of the detrimental effect on health that this would have on the proposal and the other examples in the area of electricity lines overlying existing homes, this is not considered to be sufficient grounds for refusal". This remains your officer's view.
50. Objectors have again raised this issue and have questioned the view when occupiers are currently pursuing compensation from the National Grid. Whilst this is acknowledged, the National Grid have been consulted on the application and have indicated a moderate risk to apparatus from the development but have not advised against the building works.

Other Matters

51. The application site is a site with many constraints and it is considered that in view of the confined site and its proximity to surrounding dwellings, any future extensions/alterations should be subject to a further application and permitted development rights should be removed. Any approval should therefore be conditioned accordingly.
52. Objectors state that there is a restrictive covenant on the deeds of the property to prevent parking to the front. This is a civil matter and is not a matter for consideration by the Council.

CONCLUSION

64. Overall it is considered that the proposed development is acceptable in principle, will not have an adverse effect on the area or surrounding neighbouring properties. It will also not have an adverse effect on pedestrian and highway safety or landscaping and is therefore in accordance with Policies GP1, HO3 and HO11. Accordingly it is recommended that the application be Approved with Conditions for the reasons specified above.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson
Telephone No 01642 526062
Email Address: elaine.atkinson@stockton.gov.uk

Financial Implications.

None

Environmental Implications.

As Report.

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

Adopted Stockton on Tees Local Plan (June 1997)

Application File: 08/3331/FUL

Application File: 07/2700/FUL

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor J Earl

Ward	Yarm
Ward Councillor	Councillor Mrs J. Beaumont,

Ward	Yarm
Ward Councillor	Councillor A B L Sherris