

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 25th FEBRUARY 2009

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

08/3022/FUL

**Ashdale Barn, Cowpen Bewley, Billingham
Erection of Double Garage**

Expiry Date: 3rd March

SUMMARY

Members will recall that consideration of this planning application was deferred at the last Planning Committee meeting on 4th February 2009 to enable Members to visit the site before determining the application.

The application site is Ashdale Barn, Cowpen Bewley. It is a residential barn conversion located within an Article 4 Conservation Area. The applicant is seeking permission for the erection of a detached double garage.

The site is adjacent to other residential properties and facing towards the village green.

The planning application has been publicised by means of individual letters and 5 objections have been received from 2 neighbouring properties and objections have also been received from Councillors Cunningham and Stoker and from Billingham Town Council. The main planning considerations relate to the impact upon the character of the conservation area, the visual impact upon the street scene and any impacts upon the privacy and amenity of the occupants of neighbouring properties and highway safety.

It is considered that overall the proposed development will not have a significant detrimental impact on the amenities of the area and is in accordance with policies GP1 and EN24 of the Stockton on Tees Local Plan. It is accordingly recommended for approval with conditions.

RECOMMENDATION

Planning application 08/3022/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.***

Plan Reference Number	Date on Plan
SBC001	3 October 2008
Drg 001 P1	3 October 2008
Drg 002 P2 Rev A	6 January 2009

Reason: To define the consent.

02. Details of all external finishing materials shall be agreed in writing by the Local Planning Authority prior to the commencement of development on site.

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. Prior to the commencement of the development, hereby approved, a detailed scheme for landscaping and tree planting shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall specify types and species and numbers, densities, soil depths and planting methods. All works shall then be carried out in accordance with the approved details in the first planting season following construction of the development hereby approved and any trees or plants which dies, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

04. Prior to the development, hereby approved being brought in to use, the hard-standing to the front of the garage shall be extended to a length of 6m in accordance with a scheme to be approved in writing by the Local Planning Authority. Such a scheme shall include details of the surface materials and methods of construction and the approved hard-standing shall then be retained for the life of the development.

Reason: To ensure sufficient manoeuvring space in the interests of highway safety.

05. Prior to the commencement of development a scheme for the protection of existing trees on site, in accordance with BS5827:2005 Trees in Relation to Construction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to any equipment, machinery or materials being brought to site for use in the development and shall be maintained until all equipment, machinery or surplus materials associated with the development have been removed from site.

Reason: To ensure the protection of existing trees on site, in the interest of the visual amenity of the area.

06. The developer shall give two weeks notice in writing of commencement of works to Tees Archaeology, Sir William Gray House, Clarence Road, Hartlepool, TS24 8BT, Tel 01429 523458, and shall afford access at all reasonable times to Tees Archaeology and shall allow observation of the excavations and recording of items of interest and finds.

Reason: The site is of archaeological interest.

07. The garage to which the permission relates shall be used for the parking of private motor vehicles, incidental to the enjoyment of the occupants of the dwellinghouse, and no other purpose.

Reason: To ensure that the adjoining residential properties are not adversely affected by the development.

The proposal has been considered against the policies below and it is considered that the scheme accords with these policies as the development is considered to be in keeping with the character of the conservation area and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties or any significant impact upon highway safety and there are no other material considerations which indicate a decision should be otherwise.

**Stockton on Tees Local Plan
GP1 General Principles and EN24 Conservation Areas.**

BACKGROUND

1. The application site is a former barn that was granted approval for conversion into a dwelling in 1999. In 2003 permission was granted for the conversion of outbuildings into part of the dwelling and there has also been an approval for the erection of a boiler room extension and a conservatory.
2. Planning application 02/0511/P, for the creation of a vehicle access and rebuilding of boundary wall, was refused in April 2002. The application subsequently went to appeal (APP/H0738/A/02/1102223) and was dismissed. The main reasons given by the inspector were that the proposed entrance gate would be wider than other gates and would be out of proportion and that the introduction of additional traffic across the green would detract from its appearance.

SITE AND SURROUNDINGS

3. The application site is a barn conversion located in Cowpen Bewley Village, an Article 4 conservation area. The site is a large dwelling with gardens to the front rear and side and an access leading from Cowpen Bewley Road.

PROPOSAL

4. Approval is sought for the erection of a detached double garage measuring 7m x 8.6m x 4.8m high, with a gable roof. The proposal will be located to the north east of the main dwelling and on an existing gravel area.

CONSULTATIONS

5. Urban Design

General Summary

Urban Design has amended the landscape and visual comments following consultation with the Historic Buildings Officer and no longer has an objection to the development.

Highways Comments

Following revised plans we have no objections to the proposed double garage subject to the hard standing area to the front of the garages being extended to 6m long to provide sufficient manoeuvring space for the vehicles.

Landscape and Visual Comments

The corrected site plan shows the private access track on the eastern boundary curving slightly away from proposed garage – this will provide a slightly greater area for landscaping as requested in previous memos but we recommend the garage is still pulled away from this site boundary up to 4m to allow for screening of the garage when viewed from the neighbouring property to the east as detailed in previous memo.

All existing planting on the site, including the tree belt on the northern boundary and hedging on the eastern site boundary should be protected during any site works in accordance with B.S BS5837 Trees in Relation to Construction.

If consent is granted conditions should be applied (suggested conditions relate to landscape planting and maintenance and tree protection).

6. Tees Archaeology

The proposed double garage lies within the historic medieval settlement of Cowpen Bewley. The development may have an impact on buried archaeological remains. I note from recent aerial photographs that the development footprint occupies an area, which is currently hard-standing. I, therefore, recommend that an archaeological watching brief takes place during development secured by condition. This would allow a member of Tees Archaeology to be present during excavations and being allowed to record any features of interest and finds. This is a purely precautionary measure and would entail no financial costs to the developer and the minimum of delay. Any finds would remain the property of the landowner unless otherwise directed by national law.

7. Historic Buildings Officer

The historic character of the conservation area of Cowpen Bewley lies in the medieval village layout, based around a central green with a row of houses either side. New build is strongly resisted to ensure this character is conserved.

Any new development or extensions should be small scale and related to existing uses. The garage will be set back from the existing green by approx 10m and will not affect the prominent building line. The garage, although double, is a building, which is domestic in scale and will be used in conjunction with the host property.

In light of the information before me, I have no adverse comments to the proposal subject to a condition requiring submission of sample materials.

PUBLICITY

8. Neighbours of the application site were notified of the application by letter and by site notice. The first consultation period expired on 14th November. Neighbours were consulted again on the submission of revised plans and this period expired on 27th January.

9. A total of five objections have been received from 2 neighbouring properties, Chapel Cottage and Ivy House, and objections have also been received from Councillors Cunningham and Stoker.

10. Councillor Cunningham

I'd like to express my concerns over the proposed huge garage in the above application within the village conservation area. It strikes me as extreme over development – there is already provision for several garage places within the development, though it may currently be shared. It also strikes me as being in a very peculiar position – right next to a private access track over, which the applicant has no right of way – and I understand will not be granted such an access. The plans do not indicate the vehicle access to the property nor which side the door is proposed.

I also understand that residents, keen to preserve their village, see the building being adapted at a later stage as living accommodation, which I understand would be contrary to local plans.

Prior to the Planning Committee meeting on 4th February Councillor Cunningham also submitted the following additional comments:-

I have learned that there is a recommendation to approve the application despite the background of refused applications in the past, which would have had an adverse effect on the conservation village. I'm told the only remaining Durham Gap Toothed Village.

It appears that there appears to be a move by planning officers to minimise the effect of any building which seems to miss the main point – which is not to put any buildings there which compromise the Gap Tooth nature of the village. I have probably failed to get the message across and addressed the size of the proposed building and the access myself.

My preference would be to have the application rejected as to allow planning permission will open the door for a host of buildings within gaps in the conservation area that would damage its historical significance forever. At the very least I would hope that Councillors on the Planning Committee would visit the site and understand for themselves the context of the application

11. Councillor Stoker

I object to this application on the grounds of siting, size and previous planning history. Cowpen Bewley is the sole remaining example of an open gapped Durham village. This application would both distract and harm the unique features of the conservation area; it will be too close and overbearing to the village green.

This location benefits from previous planning applications, one of which resulted in an appeal dismissal, which makes numerous references to the above previous considerations. Notwithstanding the recent rural village consultation on behalf of the LDF survey which resulted in strong opposition to further development or infill within the village envelope. I feel that, as stated in the inspector's report that this application would fail to preserve the character and appearance of the Cowpen Bewley conservation area and would be contrary to policies GP1 and EN24 of the local plan.

I have also learned that there is a recommendation to approve the application despite the background of refused applications in the past, which would have had an adverse effect on the conservation village. I'm told the only remaining Durham Gap Toothed Village.

It appears that there appears to be a move by planning officers to minimise the effect of any building which seems to miss the main point – which is not to put any buildings there which compromise the Gap Tooth nature of the village. I have probably failed to get the message across and addressed the size of the proposed building and the access myself.

My preference would be to have the application rejected as to allow planning permission will open the door for a host of buildings within gaps in the conservation area that would damage its historical significance forever.

12. Billingham Town Council
The Council would like to object against the erection of a double garage at Ashdale Barn. The Council feel that erecting this building will have an adverse affect on the area particularly with it being in a conservation area. In such small villages it is nice to keep the focus on originality and preserve the look of the older style buildings.
13. The main reasons for the objections from the neighbouring residents are outlined below:
- Loss of open space between properties.
 - Contrary to village study
 - Impact upon character of conservation area
 - Visible from and in close proximity to village green
 - Concerns over labels on submitted plans

PLANNING POLICY CONSIDERATIONS

14. 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)*.
15. 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 EN24

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

MATERIAL PLANNING CONSIDERATIONS

16. The main considerations in respect of the proposed development relate to the impacts upon the character of the conservation area and the visual amenity of the street scene, the impacts upon the amenity of neighbouring residents and highway safety.

Impact on the Character of the conservation area and visual amenity

17. The application site is a residential barn conversion located with the village of Cowpen Bewley, which is an Article 4 conservation area. Objections have been received in relation to the impact of the proposal upon the character of this area and the visual amenity of the village.
18. The Conservation Area Appraisal (CAA) for Cowpen Bewley does state that development that deviates from the original medieval layout form of the village should be avoided to preserve the medieval settlement pattern. This is described as being two rows of properties either side of the village green and with fields behind. The CAA explains that the frontages onto the green would originally have been continuous and the conspicuous gaps are as a result of depopulation within the 17th and 19th Centuries and are not part of the original medieval layout.
19. The CAA does recommend that the gaps, which would have previously been filled by a dwelling, are retained. However, this would relate mainly to further developments of new dwellings, which would still not be considered appropriate. The proposed garage is of a domestic size and, due to its position central to Chapel Cottage and the dwelling at Ashdale Barn and with open space to either side, is not considered to fill a 'Gap'. Furthermore, historic maps of the village indicate that there have previously been outbuildings in this location.
20. The Historic Buildings Officer has been consulted on the application and had no objections to make. It was stated that the garage will be set back from the existing green by approx 10m and will not affect the prominent building line. The garage, although double, is a building, which is domestic in scale and will be used in conjunction with the host property.
21. The proposal will be visible from the village green. However, the proposal is set back from the neighbouring Chapel Cottage. The existing boundary wall will be retained and conditions to protect existing trees and to provide additional planting will further screen the development. It is not considered that the proposal will form an obtrusive feature within the street scene.
22. Concerns have been raised that the proposal would result in an over development of the site. SPG2: Householder Extension Guide recommends that approximately 66% of a site remains undeveloped. The proposal will result in approximately 15% of the substantial plot being developed. It not, therefore, considered that the application will lead to over development.
23. It is considered that conditions requiring all finishing materials to be approved, the retention and protection of existing trees on site and the provision of additional screen planting will ensure that the proposal does not have a significant impact upon the character of the conservation area or the visual amenity of the street scene.
24. Objection letters have made reference to the dismissal of a previous appeal at the site. This was made in 2002 and was for the creation of a vehicle access and rebuilding of boundary

wall. The main reasons for the dismissal given by the inspector were that the proposed entrance gate would be wider than other gates and would be out of proportion and that the introduction of additional traffic across the green would detract from its appearance. The current application does not include proposals for a new vehicle access and will not result in any changes to the existing boundary wall. A copy of the appeal decision letter is appended to this report.

25. The Planning Inspector did state that village had an open and rural appearance and character. However, as stated above, it is not considered that the proposal will detract from this open character, due to its scale and design and the space retained at either side of the proposal.

Impact on Amenity of Neighbouring Residents

26. The proposed garage will be located towards the neighbouring property of Chapel Cottage. However, it will be located at least 3m from the boundary and will be separated from the neighbouring dwelling by a distance of 9.5m. There is an existing 1.8m high boundary fence and a private access track also separates the application site from the neighbouring dwelling.
27. The Landscape Architects have recommended that the proposed garage is located 4m from the boundary to allow planting to screen the garage from the view of Chapel Cottage. However, it is considered that the separation distance of 3 – 3.5m will allow landscape sufficient planting. Furthermore, as the proposal will be adjacent to the garage at Chapel Cottage, it is not considered that there will be any significant impact upon the amenity of these residents.

Highway Safety Issues

28. The Head of Technical Services has been consulted on the application no objections were received providing that the hard-standing in front of the garage is extended to 6m to provide sufficient manoeuvring space for vehicles. This will be required as a condition on any approval and it is not considered that the proposal will result in a significant impact upon highway safety.

Other Matters

29. A neighbouring resident has stated that an area marked private access track on the proposed site plan should be labelled as neighbouring land. However, the applicant has not included this access track within the red outline and it is, therefore, clear that the land is not within the ownership of the applicant.
30. The neighbour had also expressed concerns that a number of measurements given on the original submitted plan were stated as approximate. There is no requirement for measurements to be stated on plans and the submitted revised plans do not include these measurements.
31. Concerns have also been expressed that the proposal may be used as residential accommodation. This, however, would require a separate planning permission and cannot be considered during this application.

CONCLUSION

32. It is considered that the proposed development, accords with the Council's adopted standards and Adopted Stockton on Tees Local Plan Policies GP1 and EN24 and is therefore acceptable.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Rebecca Wren Telephone No 01642 526056

Financial Implications – None

Environmental Implications - As Report

Community Safety Implications - N/A

Human Rights Implications

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

Background Papers - Stockton-on-Tees Local Plan

Ward **Billingham East**

Ward Councillor **Councillor A Cunningham**
Ward Councillor **Councillor M Stoker**