

DELEGATED

**AGENDA NO 6
PLANNING COMMITTEE**

8 April 2009

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

08/3586/FUL

**Bishopsgarth Cottages, Darlington Back Lane, Stockton-on-Tees
Retrospective application for erection of 2 No. dwelling houses.**

Expiry Date: 10 March 2009

Update Report

Within Paragraph 19 of the main report reference is made to design changes which have not been previously approved. The references relating to 'Several brick courses above first floor windows' and 'The proliferation of windows' have actually been previously approved and are incorrectly referenced within Paragraph 19 in this regard.

Southern Boundary

The hedge forming the southern boundary to the site has now been removed and a post and rail fence has been erected in this position (see appendix ref. 1).

The fence to the front of the site has been erected having post heights ranging from between 1.5m and 1.75m in height, although the cross rails sit below these heights. As the fence is adjacent to a highway, permitted development allowances would only allow a fence of 1m in height to be installed in this position without the need for planning permission and as such, the fence which has been erected would require permission. The style of the fence as a post and rail fence is generally considered to be acceptable.

Whilst initial approvals required the retention of the hedge to the front of the site, the later approval under application 07/2319/ARC required a replacement, taking into account significant damage caused to it during the construction phase of the development. As the development has not been carried out in accordance with earlier approvals, the removal of the hedge would not constitute a breach of the previous conditions. However, it remains to be considered appropriate to achieve a scheme of native hedge planting adjacent to the southern boundary in order to green the street scene and break up the appearance of the buildings on site.

Northern and western boundaries

The applicant (Mr Farooq) has advised that he does not own the fence to the rear of the site and as such cannot affect its current form which is considered to be of an inappropriate style (Close boarded) and height (approx. 1.6m) for its position on the urban fringe. Based on the Land Registry information relating to this site, it is advised from the Councils Legal Team that Mr and Mrs Farooq own the two properties, and that the previous owners have retained the ownership of the access track to the western side of the site. The responsibility to erect and thereafter maintain a fence is on the owners of the new development site (the Farooq's) and this is regardless of whether the fence is on their land or on that retained by the sellers. It is the legal requirement of the land sale for a stock proof fence to be erected and maintained to the northern and western boundaries and for the type of fence to be approved by the Sellers first. Taking these matters into account, it remains to be considered that the boundary fence treatments to the northern and western boundaries are of an inappropriate style and height for the location and would not be accepted as part of the sites redevelopment.

Other matters

A post and rail fence has been erected around a fiberglass septic tank which has been located immediately to the west of the site. The fence has been installed around the tank to protect it from animals walking over it. Taking into account the functional need of the fencing and its appearance, it is considered that this would be appropriate for the location.

Enforcement Proceedings

It is intended that enforcement proceedings would be undertaken through serving an Enforcement Notice although this will be discussed further with the Councils Legal Team as to the most appropriate method available.

In order to give committee clarity of the works that would be sought to be remediated back to the details as approved under 07/2319/ARC, the works are listed below;

- Reduction by 1m in width and 1m in depth of lower section of dwelling no. 1 (garage/utility section)
- Reduction in the eaves height by 1.3m and ridge height by 1.2m of the lower section of dwelling no. 1 and removal of the water table detailing accordingly.
- The lowering of the eaves and ridge height of the stepped 2 storey section of dwelling no. 1. Eaves being reduced by 0.4m.
- Replace French doors within the first floor elevation of the northern elevation of dwelling no.1 with a picture window and remove the Juliet balcony.
- Replace French doors within the ground floor eastern side elevation of dwelling 1 with arched boarded doors.
- Lower ridge height of garage block of dwelling no. 2.
- Removal of conservatory base associated with dwelling no. 2.

Whilst the remedial works will achieve the above, as they are affecting the positions of walls and roof heights, it is possible that they may require more fundamental works to be undertaken such as the demolition and rebuilding of the garage (to the smaller size) and the removal and reconstruction of roof sections.

The conditional requirements of the approval 07/2319/ARC would also require appropriate fencing being erected to the northern, western and southern boundaries and for a suitable landscaping scheme to be implemented. These remain to be necessary and it is intended that enforcement proceedings would take these into account.

Drainage has been installed to the satisfaction of the Councils Building Control and no action is considered necessary in this regard.

08/3586/FUL – Bishopsgarth Cottages

Update Report Appendices Ref. 1

Photograph showing current state of southern boundary



Update Report Appendices Ref. 2

Site location plan (omitted from main report)

