

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

DATE 23 SEPTEMBER 2009

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

**09/2064/FUL
12 Temple Court, Stockton-on-Tees, TS20 2AU
Erection of conservatory**

Expiry Date: 12 October 2009

SUMMARY

Planning permission is sought for the erection of a conservatory to the front of this mid terraced dwelling at No. 12 Temple Court, Tilery, Stockton. The property is located within a street scene of similar house types.

The applicant has replaced an existing 1.0m high timber fence enclosure to the front of the property with a 2.0m high timber close boarded fence to each perimeter of the site under permitted development rights due to the fence not being adjacent to any vehicular highway.

However, due to the dwelling being an ex-council property, the applicant has not applied for permission for the fence under the restrictive covenants from the Council's legal division or the Housing estate office.

Within this application, one letter of objection has been received from the landlord of the neighbouring residents at No.10 and 11 Temple Court. The main objections relate to the developments being out of character with surrounding area, having an adverse impact on the amenities of neighbouring residents and being an incongruous feature within street scene.

Due to the applicant being an employee of Stockton on Tees Borough Council; the application requires to be determined by the Planning Committee.

RECOMMENDATION

Planning application 09/2064/FUL be Approved subject to the following condition

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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>17 August 2009</i>
<i>SBC0002</i>	<i>17 August 2009</i>

09/02
09/01

17 August 2009
17 August 2009

Reason: To define the consent.

02. The existing 2 metre high boundary fence shall be retained and maintained during the life of the conservatory.

Reason: As the proposed development is considered to have an unacceptable impact on its own and it is only by virtue of the existence and impact of the 2 metre high permitted development boundary treatment that the development is considered acceptable.

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and the proposal is in keeping with the property and the street scene in terms of style, proportion and materials and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties or raise any highway safety concerns and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

GP1 General Principles

HO12 Householder Extensions

Supplementary Planning Guidance Number 2: Householder Extension Design Guide

BACKGROUND

1. The host dwelling was previously a Stockton Council property which was subsequently sold in 1982. Restrictive covenants were placed upon the deeds of the property, stating that no wall, fence or hedge along the boundaries of the property or carry out any external alterations without written consent from the Council.
2. The Council's legal division, state that the applicant has not obtained consent in writing from the Council Housing department with regards to the erection of fence or conservatory.
3. However, if the applicant did apply for consent from the Council's Housing department they have advised that they would not take any action against the applicant, due to the remaining properties within this locality being in the ownership of housing association and having no Council properties within this area of Tilery.

PROPOSAL

4. Planning permission is sought for the erection of a conservatory to the front of the property at No.12 Temple Court, Tilery, Stockton. The development has been partly built to brick base level, however, works have since ceased.
5. The proposed conservatory is to be of an Edwardian design and is to be sited 0.85m off the boundary to No.11 and 0.4m off the boundary to No.11 Temple Court. It will measure 3.8m wide x 2.97m long x 3.0m high with a hipped Upvc roof.
6. The conservatory will have a 0.8m high brick base with French doors and glazed unit to the front elevation, brick base with glazed units above to each side elevation.

7. The applicant has erected a 2.0m high timber close boarded fence to each perimeter to the front. Under planning consideration this does not require planning permission, due to it not being adjacent to any vehicular highway.

CONSULTATIONS

8. The following Consultees were notified and comments received are set out below:-

Tristar Homes Ltd Housing Management Officer

9. Temple Court Properties were transferred to Accent North East approx. 15 years ago and I understand 12 Temple Ct was already an owner occupier. We would have no objections to this alteration.

PUBLICITY

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

Accent Foundation Ltd
J Brindley Charlestown House Acorn Park Ind. Estate.

Objects to application on grounds of having an adverse impact on residential amenity on neighbouring properties, proposed conservatory would be out of character, be an intrusive element and high fence is unsightly.

PLANNING POLICY

11. 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), Tees Valley Structure Plan (TVSP) and the Regional Spatial Strategy (RRS).

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 HO12

Where planning permission is required, all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Permission for two-storey rear extensions close to a common boundary will not normally be granted if the extension would shadow or dominate neighbouring property to a substantial degree.

Permission for two-storey side extensions close to a common boundary will not normally be granted unless they are set back from the boundary or set back from the front wall of the dwelling

SITE AND SURROUNDINGS

12. The application site is a mid terraced dwelling located within a residential estate of similar properties. The property has a front garden area which is enclosed by a 2.0m high timber closed boarded fence to each boundary. There is a public footpath which runs along the front this row of properties, and the property is also adjacent to an area of open space.
13. To the rear of the property, there is a yard arrangement with a detached garage and an enclosure of 1.8m high timber fencing. The properties in this estate predominately use the rear yard area as access to their dwellings, rather than the front, which is prevalent throughout the borough on similar housing estates.
14. The adjacent neighbouring properties have a uniform appearance at present with low timber enclosures to their front gardens and projecting bay windows with open porches.
15. There are no other examples front extensions as proposed within this application.

MATERIAL PLANNING CONSIDERATIONS

16. The primary consideration in regard to this application is the effect of the proposal on the character of the surrounding area, street scene in terms of scale and materials; the potential impact on the amenity of neighbours; and highway safety issues.

Character and Street scene:

17. The Council's SPG2: Householder Extension Design Guide states '4.1 With the exception of modest porches, extensions to the front of a property would not normally be appropriate as they would upset the building line and be highly obtrusive. There may be circumstances where extensions to the front of the house are appropriate, but you will need strong justification for this. Extensions are best placed to the side or rear of properties where their effect on the street scene is more limited'.
18. It is considered that the conservatory without screening would be out of character with the dwelling and terrace. However in this instance, given the 2.0m high close boarded fence to each boundary to the front and the decrease in ground level from the adjacent public footpath towards the host property, the main bulk of the proposed conservatory will be not visible from the street scene of Temple Court, apart from the glazed roof element.
19. Therefore, it is considered from a planning standpoint, that given the present boundary treatment being permitted development and screening the proposed conservatory, would not introduce an incongruous feature in to the street scene. The issue of the likelihood of a

reduction in the height of the boundary treatment via the covenants has been considered as this would materially alter the impact of the Conservatory. However it appears on the balance of probabilities that the fence will not be removed under the restrictive covenant.

Amenity:

Impact on neighbouring property at No. 11 Temple Court, Tilery.

20. Taking into the account that the existing height of the boundary fence, the eaves of the building would be at a height of 2.2m close to the side boundary of No.11, with a glazed pitched roof sloping away to a maximum height of 3.0m;
21. It is considered that due to the existence and impact of the 2m high permitted development boundary fence, the development is considered acceptable and would not have a detrimental overbearing impact or raise any loss of light issue and loss of privacy to this neighbour, sufficient to warrant refusal of the application.

Impact on neighbouring property at No. 14 Temple Court, Tilery.

22. With respects to this neighbouring property, the development will be situated approx.4.0m away from the front bay window of this neighbour, with a further screening by the 2.0m high timber fence along the boundary.
23. On this basis, it is not considered that the proposal would not have a detrimental overbearing impact or raise any loss of light issues to this neighbour.
24. No objections have been received from neighbouring residents or ward councillors.

CONCLUSION

25. In light of the above assessment and the existence and impact of the 2m high permitted development boundary fence, it is considered that the proposed conservatory would not have an adverse impact on the amenity of neighbouring occupiers and would not detract from the quality of the street scene.
26. The proposed development therefore accords with policy GP1, HO12 of the Adopted Stockton on Tees Local Plan and guidance found within SPG2: Householder Extension Design Guide and is considered acceptable.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Fahim Farooqui Telephone No 01642 528558**

Financial Implications – As report

Environmental Implications – As report

Legal Implications – As report

Community Safety 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

Background Papers

WARD AND WARD COUNCILLORS

Ward **Stockton Town Centre**
Ward Councillor **Councillor D. W. Coleman**

Ward **Stockton Town Centre**
Ward Councillor **Councillor P. Kirton**