

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

16 DECEMBER 2009

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

09/2540/FPD

5 Linshiels Grove, Ingleby Barwick, Stockton-on-Tees  
Conservatory to rear

Expiry Date 29 December 2009

**SUMMARY**

This application seeks permission for the erection of a conservatory to the rear (east) of No 5 Linshiels Grove, Ingleby Barwick.

The application site is a two storey, end terrace dwelling, located within Linshiels Grove, Ingleby Barwick, Stockton on Tees. To the north are the attached properties of No's 1 and 3 Linshiels Grove, to the south is No 7 Linshiels Grove and to the east (rear) are No's 12 and 14 Ingram Grove.

No letters of objection have been received from neighbouring properties following written consultation.

The application is being reported to the Planning Committee for determination as the planning application has been submitted by the applicant, who is an employee of the Council.

It is considered that the scheme accords with Saved Policies GP1 and HO12, and SPG2 as the proposal does not have an adverse impact on the existing dwelling and street scene, and the proposal does not lead to a loss of amenity for neighbouring residents.

**RECOMMENDATION**

Planning application 09/2540/FPD 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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>E09/031/06</i>	<i>13 October 2009</i>
<i>E09/031/07</i>	<i>13 October 2009</i>
<i>E09/031/08</i>	<i>13 October 2009</i>
<i>E09/031/10</i>	<i>13 October 2009</i>
<i>E09/031/01</i>	<i>13 October 2009</i>
<i>E09/031/02</i>	<i>13 October 2009</i>
<i>E09/031/03</i>	<i>13 October 2009</i>
<i>E09/031/04</i>	<i>13 October 2009</i>
<i>E09/031/05</i>	<i>13 October 2009</i>
<i>SBC0001</i>	<i>3 November 2009</i>

**Reason: To define the consent.**

***Fixed and obscurely glazed windows in side***

**02. The windows located within the side elevation (north) of the conservatory to the rear shall be fixed and obscurely glazed using type 4 opaque glass before the conservatory is brought into use and shall remain during the life of the building unless otherwise agreed in writing with the Local Planning Authority.**

**Reason: In the interests of the privacy and amenity of the occupiers of the adjoining property, and to comply with saved Policy HO12 of the Stockton on Tees Local Plan.**

**INFORMATIVES**

**General Policy Conformity**

**The proposed scheme has been considered against the policies and documents identified below. It is considered that the scheme accords with these documents as the proposal does not lead to a significant loss of amenity for neighbouring residents in terms of overlooking, overbearing and overshadowing. It is also considered that the proposal does not have an adverse impact on the existing dwelling and does not create an incongruous feature within the street scene. There are no material planning considerations, which indicate that a decision should be otherwise.**

**The following policies of the Adopted Stockton on Tees Plan and associated documents are considered to be relevant to the determination of this application**

**Policy GP1 -General Principles**

**Policy HO12 -Domestic Development**

**Supplementary Planning Guidance Note 2; Householder extension guide (SPG2, 2004)**

**HEADS OF TERMS**

**PROPOSAL**

1. This application seeks planning permission for the erection of a conservatory to the rear of No 5 Linshiels Grove. The proposal will have a maximum projection of approximately 2.7m by 4m in width by 3.2m in height with a pitched roof. The proposal will feature a high level of glazing within the roof, side (south) and rear (east) elevations and will also feature a set of French doors in the rear elevation (east).

**CONSULTATIONS**

2. The following Consultees were notified and comments received are set out below:-
3. Ingleby Barwick Town Council  
No comments received to date.

## **PUBLICITY**

4. No comments were received from the properties that were consulted in respect to the application.

## **PLANNING POLICY**

5. 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) and the Regional Spatial Strategy (RRS).

The following planning policies are considered to be relevant to the consideration of this application:-

6. 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.

7. 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.

## **SITE AND SURROUNDINGS**

8. The application site is a two storey, end terrace dwelling, located within Linshiels Grove, Ingleby Barwick, Stockton on Tees. To the north are the attached properties of No's 1 and 3 Linshiels Grove, to the south is No 7 Linshiels Grove and to the rear are No's 12 and 14 Ingram Grove. The boundary treatment that encloses the rear garden of the application site consists of an approximately 1.5m high fence along the adjacent boundary to 3 Linshiels Grove (north), a 1.75m high fence along the boundary to the rear (east) and an approximately 1.8m high fence along the adjacent boundary to No 7 Linshiels Grove (north).

## **MATERIAL PLANNING CONSIDERATIONS**

9. The main planning considerations with regard to this application are the impact on the existing dwelling and street scene, and the impact on the amenity of neighbouring properties in terms of overlooking, overbearing and overshadowing.

### **Impact on the existing dwelling and street scene**

10. Due to the complementary design, mass and scale of the proposed scheme, which respects the proportions of the existing dwelling and the application site, it is considered that the proposed conservatory to the rear will not have an adverse impact on the character and the appearance of the existing dwelling
11. Given that the proposal will be located to the rear and will not be visible from the front, it is considered that the proposal will not have an adverse impact on the visual amenity of the street scene.

### **Impact on amenity of neighbouring properties**

12. SPG2: Householder Extension Design Guide states that rear extensions can be particularly overbearing in their impact on neighbouring properties and a 3m projection is often considered a reasonable compromise between the need for space by the applicant and an acceptable impact on the neighbouring properties. In cases where the projection is greater than 3m then the 60 degree rule is applied, guidance of which can be found in SPG2.
13. As that the proposal will not exceed 2.7m in projection from the existing rear elevation of the dwelling, the proposal is not subject to this guidance.
14. Due to the modest projection of the proposal and a separation distance of approximately 0.3m between the proposal and the adjacent boundary of No 3 Linshiels Grove (north), it is considered that the proposal accords with this guidance and will not lead to an unacceptable loss of amenity in terms of overbearing and overshadowing for the adjoining property.
15. The proposal will feature 3 small windows within the side elevation of the proposal facing towards the rear elevation of the adjoining property (No 3 Linshiels Grove). It is considered that the existing 1.5m high fence is insufficient in this instance to safeguard any potential loss of amenity in terms of overlooking. It has therefore been agreed in writing with the applicant's agent that these windows will be fixed and obscurely glazed, which can be secured by planning condition. Subject to this condition, it is considered that the proposal will not lead to an unacceptable loss of amenity in terms of overlooking for the adjoining property.
16. There would be a separation distance of approximately 5.1m between the proposal and the side elevation of No 7 Linshiels Grove (south), which features 1 obscurely glazed single access door in the ground floor side elevation and 1 obscurely glazed window in the first floor side elevation, and due to the presence of a 1.8m high fence along the adjacent boundary, it is considered that the proposal will not have an adverse impact on the amenity of the adjacent neighbouring property in terms of overlooking, overbearing and overshadowing.
17. With a separation distance of approximately 29m between the rear elevation of the proposal and the neighbouring properties to the rear of the site (12 and 14 Ingram Grove), and due to the presence of a 1.8m high fence along the boundary to the rear of the site, it is considered that the proposal will not lead to adverse loss of amenity for these properties in terms of overlooking, overbearing and overshadowing.

### **CONCLUSION**

18. It is considered that the proposal does not have an adverse impact on the existing dwelling and street scene, and the proposal does not lead to a loss of amenity for neighbouring

residents and therefore accords with the scheme accords with Saved Policies GP1 and HO12 of the Adopted Stockton on Tees Local Plan and SPG2. The application is therefore recommended for approval.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Daniel James Telephone No 01642 528551**

**Financial Implications: As report**

**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**

**Stockton on Tees Local Plan, Policies GP1, HO12**

**Supplementary Planning Guidance Note 2; Householder extension guide (2004)**

**WARD AND WARD COUNCILLORS**

<b>Ward Ward Councillor</b>	<b>Ingleby Barwick West Councillor K Dixon</b>
<b>Ward Ward Councillor</b>	<b>Ingleby Barwick West Councillor R Patterson</b>
<b>Ward Ward Councillor</b>	<b>Ingleby Barwick West Councillor J Kirby</b>