

DELEGATED

AGENDA NO
PLANNING COMMITTEE

16 DECEMBER 2009

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

09/2566/FUL
2 Stainsby Gate, Thornaby, Stockton-on-Tees
Erection of garden shed to the rear.

Expiry Date 31 December 2009

SUMMARY

Approval is sought for the erection of a garden shed to be located within the rear garden serving the application site. In connection with this application the existing 2 metre high fence will be moved out towards the highway, under permitted development rights and as such no part of the fence will be within two metres of the highway.

A letter of objection has been received from the ward Councillor and a further six letters of objection have been received from surrounding neighbouring residents.

It is considered that as the proposed fence will provide a significant amount of screening for the shed, and as the shed will be located away from the boundary with the highway, within the rear garden of the application site, the proposal is acceptable. A planning condition is recommended requiring that the 2 metre high fence is erected as indicated to provide the required screening.

RECOMMENDATION

Planning application 09/2566/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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
4062/5	15 October 2009
SBC0001	5 November 2009
SBC0002	5 November 2009

Reason: To define the consent.

02. *Prior to the development hereby approved being constructed 2 metre high boundary fence shall be constructed and maintained during the life of the shed.*

Reason: As the proposed development is considered to have an unacceptable visual impact on its own and it is only by virtue of the provision 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 and proportion and does not involve any significant impact upon the amenity of the residents of the neighbouring properties. There are no other material considerations which indicate a decision should be otherwise.

***Adopted Stockton on Tees Local Plan (June 1997)
GP1 General Principles***

PROPOSAL

The applicant is seeking permission for the erection of a garden shed to be located within the rear garden serving the application site. The proposed shed will measure 4 metres in width with a length of 3 metres and a pitched roof with a maximum height of approximately 2.5 metres.

In connection with this application the applicant intends to move the 2 metre high fence further out towards the highway. However providing that the fence does not come within 2 metres of the highway as indicated on the submitted plan this can be carried out under permitted development rights.

CONSULTATIONS

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

Councillor Sylvia Wamsley

As Stainsby Hill Ward Councillor I wish to object to the erection of a garden shed as proposed in the above application.

Far from being a shed it is more a grand pavilion of an unacceptable size and nature thus it will have a detrimental impact upon the street scene.

The height will make it partially visible from the rear but also totally visible from both Mitchell Avenue & Stainsby Gate. It will also be totally visible to all traffic entering Mitchell Avenue from Acklam Road.

It is totally out of keeping with the area and may cause a serious precedent if allowed.

The plans do not show the existing fence which will have to be demolished and also the proximity of the existing tree does not seem correct.

Can you please place my objections on record and confirm if this will be a delegated or committee decision.

PUBLICITY

Neighbours were notified and comments received are summarised below:-

A Robbins

13 Mitchell Avenue Thornaby

Objects on the grounds that it looks like a log cabin. Whilst the applicant states it will be partially visible it will in fact be able to be fully viewed from Mitchell Avenue. The 2 metre fence blocks the

view along Mitchell Avenue and this will make the situation worse. Furthermore the other concerns are that the fence which has been erected has covered the main man hole for drains. The shed will further block access to the drains. Foundations have already been started for the base. Also if the shed goes up it will destroy the tree which is existing. The fence is already and eyesore we do not want the shed.

Thomas William Donaldson
14 Mitchell Avenue Thornaby

Having seen plans of the proposed siting of and the appearance of the "shed" I would like to strongly object to it. It is direct view of my lounge window and in my opinion will be a complete eyesore, out of place in the surrounding area. In addition, should the proprietor fail to uphold maintenance of the foresaid shed it will be even worse. Also, it will attract acts of vandalism and general mischief making as customers leave the Roundel at night. I feel that with that being the view from my lounge, were I to put my property up for sale in the future it will have a detrimental effect on both price and interest

I Clayton
10 Mitchell Avenue Thornaby

The proposal is misleading. The plans show that the shed will face on to Mitchell Avenue on the side land not the rear. Its appearance is of a small house. It will be out of place with the surrounding properties and look like an eyesore. It will also be a direct target for drinkers leaving the pub at night and create a disturbance.

David Winn
12 The Fleet Thornaby

A boundary fence has already been erected on previously open plan garden to the side of the property. With additional fast growing conifers planted inside. The fence partially covers a drain access cover which is at the junction of the drain/sewer system for the even numbers of The Fleet and some odd numbers of Mitchell Avenue. The erection of this very large play house, it is by no stretch of the imagination a shed, to the side of the property, not to the rear, will add to restriction of access to this cover.

D Robinson
12 Mitchell Avenue Thornaby

Objects as it will be an eyesore, out of place with the surrounding properties. I feel it will be a target for patrons leaving the roundel on an evening. The overall appearance of a small house not a shed. The shed should be put behind the fence not at the side.

Mrs M Hoar
11 Mitchell Avenue Thornaby

Objects on the ground that the shed would be visible from the front living room and bedroom windows. It will also be visible from Mitchell Avenue and will only be located approximately 1 metre from the boundary.

It would look like an allotment as it would look like a pigeon shed and be complete eyesore at the gateway to the newly developed down centre.

Everyone else has respected the builder's wishes and kept the area open plan. The fence which has already been erected already spoils the area and a shed would further spoil the appearance of the area and open the flood gates for any development.

The applicants have already assumed permission and begun work.

PLANNING POLICY

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 (RSS).

The following saved planning policy is 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.

SITE AND SURROUNDINGS

The application site is a linked detached dwelling house located upon the corner plot of Stainsby Gate and Mitchell Avenue. There is an existing 1 metre high fence with encloses the side garden adjacent to the footpath along Mitchell Avenue. There is a further 2 metre high fence, set away from the boundary with the highway, which encloses the rear garden serving the application site. There is an existing tree with is located within the site and will be retained as part of the development.

The neighbouring property to the south is situated upon a different aspect to the application site and front on to Mitchell Avenue. As such the rear elevation of the application site faces on to the side elevation of this neighbouring property. Directly opposite the application site is the access to the Roundel Pub.

MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration when assessing this application are the potential impact upon the amenity of neighbouring properties, in terms of overlooking and appearing overbearing and potential impacts upon the character of the surrounding area.

Six letters of objection have been received from neighbouring residents and a letter of objection has been received from the Ward Councillor. These are largely on the grounds that the proposed shed will create an incongruous feature within the street scene and will appear out of keeping with the character of the surrounding area and will be highly visible from the surrounding properties and highways. Further concerns raised include that the shed will block views along Mitchell Avenue and will restrict access to existing drain covers which are needed for maintenance. Furthermore concerns are raised that the shed will create disturbance for neighbouring properties as it will attract drunks on the way home from the Roundel Pub on an evening.

Comments are made that the shed would be more suitably located behind the two metre high fence rather than within the side garden serving the dwelling.

The above comments will be addressed in the following report.

Amenity of neighbouring properties

The applicant has indicated on the submitted plan that it is proposed to move the existing 2 metre high boundary fence to within 2 metres of the public highway... As such, given that the proposed shed has a maximum height of 2.5 metres; only 0.5 metres of the roof of the shed would be visible. Given that there is a separation distance of approximately 35 metres to the neighbouring property on the opposite side of Mitchell Avenue, it is not considered that the proposal will result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking and appearing overbearing.

The neighbouring property to the rear, number 11 Mitchell Avenue, is situated upon a different aspect to the application site. As such the side elevation of this neighbouring property is adjacent to the rear boundary of the application site. This neighbouring property is situated further forward than the application site, furthermore the side elevation of this neighbouring property does not contain any windows. As such, given that a 2 metre high fence will be erected to provide screening for the shed, it is not considered that the proposed shed will result in a detrimental impact upon the amenity of this neighbouring property.

The proposal will largely be screened from the neighbouring property directly opposite by the existing dwelling house. Furthermore the proposed shed will be located approximately 14 metres from the shared boundary with number 4 Stainsby Gate. As such it is not considered that the erection of a fence will result in a detrimental impact upon the amenity of these neighbouring properties.

Whilst there is no right to a view in Planning and is not a material planning consideration, as only .5 of the proposed roof of the shed will only be visible above the 2 metre high fence, it is not considered that the proposal will result in a significant impact upon the outlook of neighbouring properties. A condition is recommended to ensure that a 2 metre high fence is erected to provide screening for the proposed shed

Character of the Surrounding Area

Whilst it is noted that part of the shed will be visible from the highway on Mitchell Avenue, the proposed shed will be located approximately 3.5 metres from the boundary with the footpath to the west of the application site on Mitchell Avenue. As such it is not considered that the proposal will create an incongruous feature within the street scene or result in a detrimental impact upon the character of the surrounding area.

Residual matters

Concerns have been raised regarding access to the manhole covers to drains, on the applicants land, for maintenance purposes. This is an issue which is usually dealt with by a building control application however this structure is exempt from a building regulations application. The applicant has confirmed in writing that the shed will not be situated on top of the man hole covers, as such the man hole covers will be accessible.

Objectors have raised concerns that the shed will result in disturbance and will attract drunks from the public House on Mitchell Avenue. As the shed will be located within the garden of the application site, which will be enclosed by a 2 metre high fence, it is considered that the use of the

shed, within the curtilage of the dwelling, will not worsen an existing situation in terms of noise disturbance.

CONCLUSION

It is considered that the proposal will not result in a significant impact upon the amenity of neighbouring properties or upon the character of the surrounding area and accords with saved policy GP1 and as such is considered to be acceptable.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Helen Turnbull Telephone No 01642 526063**

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

WARD AND WARD COUNCILLORS

**Ward Stainsby Hill
Ward Councillor Councillor Mrs Sylvia Walmsley**

**Ward Stainsby Hill
Ward Councillor Councillor Eileen Craggs**