

DELEGATED

AGENDA NO
PLANNING COMMITTEE

21 APRIL 2010

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

10/0093/RET

166 Bishopton Road, Stockton-on-Tees,

Revised retrospective application for erection of wall and gates to the front and side and erection of wall to the rear and side

Expiry Date 17th May 2010

SUMMARY

Retrospective approval is sought for the erections of a boundary wall and gates. A previous application for the wall was given approval, however when the wall was constructed it was built higher than the approved plans, this application seeks approval for the revised height and will therefore regularise the situation.

The application is being reported for determination by Planning Committee, as the applicant is a Teacher employed by the Council.

Two letters of objection have been received from neighbouring properties, comments relate to the visual impact of the wall, the wall not being built in accordance with the approved plans and inaccuracies in the submitted plans, which have now been amended and are accurate.

RECOMMENDATION

Planning application 10/0093/RET be Approved with Conditions subject to

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>2010/001/01 REV B</i>	<i>29 March 2010</i>
<i>2010/001/02 REV B</i>	<i>29 March 2010</i>
<i>0521-100 REV A</i>	<i>18 March 2010</i>

Reason: To define the consent.

INFORMATIVES

It is not considered that the proposal will have any significant impact upon residential amenity, the character of the area or highway safety. The proposal has been considered against the policies below and it is considered that the scheme accords with these policies

and there are no other material considerations, which indicate a decision, should be otherwise.

Stockton on Tees Borough Council Local Development Framework:
CS3: Sustainable living and climate change

BACKGROUND

A previous application for a boundary wall and gates was approved (09/0900/FUL), the majority of the wall was subsequently constructed however the wall was not constructed in accordance with the approved plans, and this application seeks permission for the wall as built.

PROPOSAL

1. This application seeks permission for the erection of wall and gates to the front and side and the erection of a wall to the rear and side of 166 Bishopton Road, Stockton-on-Tees. The majority of the application is retrospective with only the rear wall not yet constructed.
2. The wall has a maximum height of 1.95m, with a staggered height design between the pillars. The previous approval gave permission for the maximum height of the wall to be 1.58m.

CONSULTATIONS

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

3. Acting Head of Technical Services

General Summary

Urban Design has no objections.

Highways Comments

Highway comments remain as previous memo.

The new vehicle access was considered under previous application 08/1103/FUL. The width of the proposed gateway will provide adequate pedestrian visibility for vehicles exiting the site. The wall will not affect vehicular visibility therefore we raise no objections.

Landscape & Visual Comments& Built Environment Comments

In our opinion the pillars are too high in places particularly on Newham Grange Avenue.

However the overall scheme does not detract from the street scene & therefore we have no objections.

PUBLICITY

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

E Harris

87 Bishopton Road Stockton-on-Tees

As one of the neighbours directly affected by the view of the wall recently constructed around No.166 Bishopton Road, I consider that this wall does not appear as that which was shown on the original proposed boundary plan and is quite 'out of place' in its surroundings. It is much more elaborate than the original drawing indicated.

The original plan seemed to indicate the use of a brick to blend with the existing building and also a plain capping stone on the pillars. However the existing construction has considerable use of buff coloured bricks, and the capping stones have elaborate 'pagoda' style design which I feel is quite out of sympathy with the surroundings.

I did not object to the original plans for the extension to the house at No 166 and indeed I consider that the house extension, with the brick used and the over all design, fits in comfortably with its surroundings. However I was surprised that plans for the complete removal of the very long hedge which had been there for some fifty years or more, and the extensive hard surfacing, just completed, was passed in view of current environmental considerations.

Mr S Whyman
168 Bishopton Road Stockton-on-Tees

The completed areas of the development so far have not been constructed in accordance with the requirements of the original approval and the Determination of Application under Delegated Powers in that:

Samples of materials used were not supplied or approved in writing by the Local Planning Authority prior to construction commencing, nor are the main bricks of a type matching the dwelling as stated in all the plans, including the plans for retrospective approval.

The maximum height of the wall (1580) was exceeded by the Applicant against the requirements stated under Landscape and Visual Comments and Impact on Street Scene and Character of the Area by a considerable margin. The heights now vary between a minimum of 1660 and a maximum of 2060.

The capping stones on the original plan were a modest and reasonable 553 x 80. The actual capping stones are of scene stealing design and an imposing 700 x 220.

The original planning application did not take into account the Charges Register with regard to restrictions on the maximum height of fences next to the road. The vast majority of the properties in the area do comply with these restrictions.

The shared boundary fence between 166 & 168 Bishopton Road was removed by the Applicant without our consent, and without requirement under the planning application.

The original planning application 09/0900/FUL was revised to reduce the height of the wall from a proposed maximum height of 1890 to 1580. This new application, if granted, will contradict all original objections raised in the Planning Approval process.

The submitted plans show inaccuracies, as follows:

On the boundary plan there are four pillars shown on the shared wall between 166 & 168 Bishopton Road. This is as per the original approved plans, but in fact there are only three pillars, and greatly changed dimensions, as per the wall 'as built' plan.

The rear boundary between 166 & 168 Bishopton Road, as shown on all the plans, does not reflect the true boundary. It is difficult to comment on what is not a true representation as the possible impact is currently unclear, but could be great. We request that accurate plans are drawn up so the Planning Office is able to consider the, as yet to be built, rear wall, with accurate information. We would also like the opportunity to comment on accurate plans.

All plans indicate that 'main bricks are to match dwellings.' which is patently not the case for the 'as built' areas.

As the rear wall is not yet built, we are confused as to why the Applicant is not taking the opportunity to keep to the original planning approval with regard to materials, design and dimensions.

We feel that to grant retrospective planning permission would be a mockery of the Planning Regulations and its process, and set a precedent for future similar developments in the area. Surely there are too many changes to materials, design and height, to be lightly dismissed.

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 Core Strategy Development Plan Document, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).
6. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.

The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.

All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.

Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy,

these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.

Additionally, in designing new development, proposals will:

Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;

Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;

Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;

Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

SITE AND SURROUNDINGS

7. The application site is located in Newham Grange, Stockton-on-Tees. The property is a mature semi-detached property located on a corner plot on the junction with Bishopton Road and Newham Grange Avenue. The property is bounded to the north and west by neighbouring dwellings; to the south and east are the highways of Bishopton Road and Newham Grange Road.

MATERIAL PLANNING CONSIDERATIONS

8. The material planning considerations when assessing this application are the potential impact upon the amenity of neighbouring properties, in terms of appearing overbearing and loss of outlook or light and potential implications for highway safety. Also necessary for consideration is the impact of the design of the proposal in relation to the character of the surrounding street scene.
 - Impact upon the amenity of neighbouring properties
9. A section of wall will replace the northern boundary of the application site, adjacent to the shared boundary with number 2 Newham Grange Avenue; this is the part of the development that has not yet been constructed. An existing fence and the neighbour's hedge enclose this boundary. Due to the location of the proposed wall and the presence of the neighbouring properties hedge it is not considered that the proposal will have a detrimental impact upon the amenity of this neighbouring property in terms of appearing overbearing or loss of outlook and light.
10. The wall has also replaced part of the western boundary of the application site, adjacent to the shared boundary with No. 168 Bishopton Road. A low level fence previously marked this boundary. Whilst the wall is higher than the previous fence, it is considered that due to

the height of the wall there is no significant detrimental impact upon the amenity of this neighbouring property in terms of appearing overbearing or loss of outlook and light.

11. There are no other residential properties adjoining the site, the remainder of the wall adjoins the footpath and highway.
 - Impact on Highway safety
12. The Acting Head of Technical Services has raised no objections to the proposal on highway safety grounds as the width of the proposed gateway will provide adequate pedestrian visibility for vehicles exiting the site and the wall will not affect vehicular visibility. It is therefore not considered that the proposal results in an adverse impact upon highway safety.
 - Impact on the street scene and character of the area
13. The boundary treatments in the surrounding area vary in design and consist of fences and walls and appear to vary in height between 1.0m and 1.5m, however some do have higher pillars. Whilst the wall is in a highly visible location, due to the site being on a corner plot, it is not considered the wall forms an incongruous feature within the street scene. The materials that have been used in the construction of the wall while not matching the bricks in the side elevation of the host property blend in with the existing dwelling and wider surrounding area.
14. Two letters of objection from neighbours have been received, both comment on the visual impact of the wall. Reference is made to the design, materials used and the design of the capping stones and state they are out of sympathy with the surroundings and are of scene stealing design. While the design of the wall and the capping stones are different to existing boundary walls within the area, it is considered that they are acceptable and do not detract from the character of the area. The Acting Head of Technical Services has also provided Landscape and visual comments on the application and states that the overall scheme does not detract from the street scene. Overall it is not considered that the design of the wall has a detrimental impact upon the street scene and character of the surrounding area.
 - Residual Matters
15. Representations within the letters of objections also make reference to the wall not being built in accordance with the approved plans, however this application has been submitted to regularise the situation and gain approval for the wall as built.
16. Reference is also made to the inaccuracy of the plans submitted and there have subsequently been amendments to the elevations, site plan and location plan to rectify the inaccuracies, the plans now accurately reflect the site boundary and what has been constructed on site.
17. Reference is also made to the removal of the hedging that previously bounded the site and the installation of hard surfacing and questions why they were approved. It should be noted that planning permission was not required for the removal of the hedge and the Local Planning Authority could not control its removal. Planning permission is also not required for the hard standing as drainage for the surface water run off is provided within the curtilage of the property.
18. Other matters relating to the removal of shared boundary fencing and restrictions on the Charges Register are civil matters and are not material planning considerations.

CONCLUSION

19. Overall, it is considered that the wall as now built does not form a congruous feature within the street scene, does not have a detrimental impact on the amenity of neighbouring occupiers in terms of overbearing and loss of outlook or light and does not have an impact on highway safety. The application is therefore recommended for approval.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

IMPLICATIONS

Financial Implications: as per report

Environmental Implications: as per 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 Borough Council Local Development Framework:
Core Strategy Development Plan Document

WARD AND WARD COUNCILLORS

**Ward Newtown
Ward Councillor Councillor P. W. Baker**

**Ward Newtown
Ward Councillor Councillor R Gibson**