

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

21 April 2010

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

09/2516/REV

4 Oulston Road, Stockton-on-Tees,

Two storey extension to the rear, single storey extension to the rear and conservatory to the rear (demolition of existing garage)

Expiry Date 24 March 2010

SUMMARY

This application was deferred for a site visit at the Planning Committee on the 17th March 2010 to enable Members to visit the site before determining the proposal.

Planning permission is sought for the erection of a two-storey extension, single storey extension and a conservatory to the rear of the property.

There have been 16no letters of objection relating to the impact of the development on the privacy and amenity of neighbours, the size of the extensions, over development of the site and potential increase in cars parking.

Subsequent to the last Planning Committee, the Core Strategy has been adopted. Policy GP1 is no longer relevant and has been replaced with Core Strategy CS3. In addition following consideration of the discussion of the application by Members at the last Planning Committee, condition 4 has been revised to remove the reference to a fixed window.

The planning merits of the proposed development have been carefully assessed and the proposal is considered to be acceptable.

RECOMMENDATION

Planning application 09/2516/REV 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>01</i>	<i>27 January 2010</i>
<i>02</i>	<i>27 January 2010</i>

Reason: To define the consent.

02 *Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.*

Reason: To enable the Local Planning Authority to control details of the proposed development.

- 03 Prior to the extension hereby approved being brought into use, the parts of the side elevation of the kitchen extension including the new stepped wall, that are visible to No 2 Oulston Road, shall be rendered and painted to match the existing party wall that is to remain.**

Reason: In the interests of visual amenity of the neighbour at 2 Oulston Road.

- 04 The windows within the kitchen and shower room facing 6 Oulston Road and the landing window facing 2 Oulston Road; hereby approved; shall be glazed with obscure glass, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved glazing shall be installed before the building hereby permitted is brought into use and retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In the interests of the amenity of the occupiers of the adjacent property

INFORMATIVES

The proposal has been considered against the policies and documents below and it is considered that the scheme accords with these policies as the development is considered to be 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 impact on highway and highway safety and there are no other material considerations which indicate a decision should be otherwise.

**Core Strategy Development Plan Document (March 2010) Policy CS3: Sustainable Living
Stockton on Tees Local Plan (1997) Saved Policy HO12 - Domestic Development
SPG2: Householder Extension Design Guide
SPD3; Parking Provision for New Developments (2006)**

BACKGROUND

1. Planning permission was approved in September 2009 for a single storey extension and conservatory to the rear (Application 09/1450/FUL). The plans on the application were later found to be incorrect and the applicant was advised that this permission could not be implemented.
2. The applicant has submitted a number of drawings that have been incorrect and did not reflect the full situation on site. The applicant has since changed agents and had new plans drawn up which are considered to be accurate.

SITE AND SURROUNDINGS

3. The application site is a semi-detached dwelling with a large double garage to the rear, located in Oulston Road, Stockton.
4. The dwelling shares a party wall with No 2 Oulston Road, which is located to the north of the site. No 2 Oulston Road originally had an offshoot to match the application site. The offshoot was demolished however the party wall was retained. A single storey extension

was then constructed at No 2 Oulston Road set back from the original offshoot by two metres (see Appendix F which shows the extensions to neighbouring properties)

5. To the south of the site is 6 Oulston Road. This property has also previously been extended. A two-storey extension has been built to the side, close to the common boundary and a single storey extension has been erected to the rear. This extension was retrospective and provided a kitchen window in the side overlooking the application site, which was to be obscurely glazed within two months of the permission being granted, however plain glass is still in situ. Due to the length of time that has lapsed since construction, no enforcement action can be taken with regards to this matter (the plan at Appendix F shows the extensions to neighbouring properties).
6. To the rear (west of the site) is Castle Eden Walkway and then Phoenix Gardens.

PROPOSAL

7. Planning permission is sought for the erection of a two storey and single storey extension, and conservatory to the rear of the dwelling.
8. The proposed extension to the rear measures 6 metres x 6.3 metres at ground floor and will provide a kitchen/dining room, shower room and utility room. The two storey element is located to the south of the extension towards 6 Oulston Road and measures 4.715 metres x 3.375 metres and will provide an additional bedroom.
9. The proposed conservatory will measure 4 metres x 3.6 metres and will be sited approximately 100 mm from the boundary with 2 Oulston Road. In order to facilitate this; the hedge that overhangs into the application site will be trimmed back (this does not require planning permission).

CONSULTATIONS

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

Acting Head of Technical Services

11. The proposed extension will increase the property to 4 bedrooms in accordance with Supplementary Planning Document 3: Parking Provision for New Development November 2006: a 4 bedroom property in this location should provide 3 incurtilage car parking spaces.

The demolition of the garage reduced the parking provision however there is sufficient space within curtilage of the property to accommodate the requisite 3 spaces to Design Guide Standard. There are no objections to this application on Highway grounds.

Councillor A Cockerill

12. No comments made

PUBLICITY

13. Neighbours were notified and comments received are set out below:-

Iqbal Malik, 2 Oulston Road Stockton-on-Tees

14. The plans are not in keeping with the character of the surrounding area having been prepared with no thoughts to the neighbours either side. I am of the belief that this proposal will have a significant and detrimental impact to my property.

To date there have been a lot of different plans submitted and the latest plans are inaccurate. The latest plans show in the internal measurements larger but the 45° rule shows the line further away – this is impossible can a line be drawn anywhere?

Additionally the way the lower extensions roofs are to be separated is archaic. In the 60's garage roofs were finished like this and for me to look out of my bedroom window to at a stepped wall higher than the existing roof with a concrete slab on top is an unbearable thought. The dotted lines on the plans showing this should not be dotted but as full line as this is what will be seen from my property.

The plans also show the hedge and shrubs are to be removed however these are on my land and I do not want them to be removed.

Finally plans show my rear wall as solid however this is has a large window in and is the only source of daylight into the room and therefore there will be a significant loss of daylight from this room. Is there any ruling against my window not being shown on the plans?

Neighbours opposite were not informed however Phoenix Gardens were. They cannot see the proposal. Bad choice of notification and should more neighbours not be informed,

I understand this application will go to Committee and request that Members make a site visit to understand the seriousness and consequences of the proposal.

Sue Donaghy, 6 Oulston Road Stockton-on-Tees

15. I object as the development is out of keeping with the scale form and character of the road and will have a significant adverse effect on our and our neighbour's amenity. The proposals will be overbearing and result in a loss of light from our property and garden. The proposals will lead to a loss of privacy through overlooking. The kitchen is the hub of our home and we are distraught that the extension will be built so close to our kitchen window.

The proposals have not been thought out and the plans have been wrong making it impossible to for the full effects of the development to be appreciated. I also believe the current proposals are wrong and involve land not within the applicant's ownership. I understand that ownership is a private matter but it is important to understand that the applicant will be unlikely to build the proposals as they are shown.

The applicant is seeking to build further extensions, which will double the length of the current build.

Each element when assessed might meet the required criteria however the inaccurate plans and the totality of the proposals give me no confidence that our amenity is being properly assessed. I believe the proposals are contrary to Policies GP1 and HO12 as the proposals are out of character with the area and lead to overshadowing and dominance of the neighbouring property.

I think it is important that members visit the site to understand how the proposals will swamp the garden area and have an adverse impact upon the street scene. Although this is a rear extension it is visible over a wider area as the rear of the site is publicly accessible on foot.

I hope the Members will give consideration to our amenity and we are at a loss to how Officers can support this application and allow the applicant to submit a number of inaccurate plans. This should have been refused many weeks ago and do not understand what special circumstances exist to allow these proposals to remain on the Councils List of undetermined applications.

Edwin Mack, 6 Oulston Road Stockton-on-Tees

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The proposals have not been thought out and the plans have been wrong making it impossible to for the full effects of the development to be appreciated. I also believe the current proposals are wrong and involve land not within the applicant's ownership. I understand that ownership is a private matter but it is important to understand that the applicant will be unlikely to build the proposals as they are shown.

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Mrs E Cruickshank 8 Oulston Road Stockton-on-Tees

17. The extension is out of scale with the existing and neighbouring properties both in terms of overall height and size. I am also concerned about the additional cars visiting the property. I have not been consulted on the application and Phoenix Gardens who are further away have and wonder why.

Mrs.Montagniani, 10 Oulston Road Stockton-on-Tees

18. I am surprised I have not been consulted seeing as it is visible from the rear of my property. The extension is too big and out of keeping with the area

Mandy Williams 12 Oulston Road Stockton-on-Tees

19. When I applied for an extension I was told the roofline could not be higher than the original roof. On this basis I would hope the same principle applies and the application is refused. Incidentally the development is bigger than anything in the area and will be out of character

Calvin Bates, 14 Oulston Road Stockton-on-Tees

- 20 I am shocked that we have not been consulted on the application. I am objecting, as I believe the size of the extension will create traffic and parking problems in an already busy area.

Kirsten Anderson 16 Oulston Road Stockton-on-Tees

21. The development is too big for the area and will create parking problems with additional cars visiting the property. I am surprised I have not been consulted as Phoenix Gardens have.

Mrs Christina Kemp 1 Oulston Road Stockton-on-Tees

22. The extension is too big and will set a precedent. Traffic and parking will also be affected.

Mr Ian Sanderson 3 Oulston Road Stockton-on-Tees

23. The building is too big and there are too many cars in the road.

Mr M Garbutt 22 Phoenix Gardens Stockton-on-Tees

24. Development is too big for the area. There has been a double garage built that we were not advised of.

Mr W Winspear 23 Phoenix Gardens Stockton-on-Tees

25. The building is too big and is double the site of the existing property. Concerned this will set a precedent

Mr M Wild 26 Phoenix Gardens Stockton-on-Tees

26. The building is too large

Mr R E Jones 186 Oxbridge Lane Stockton-on-Tees

27. I am concerned I have not been consulted. I am concerned this is an overdevelopment of the site.

PLANNING POLICY

28. 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 are the Core Strategy Development Plan Document; Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RRS).

29. 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

30. 1. 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.

2. 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'.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

Policy HO12

31. 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

32. SPG2: Household Extension Guide

33. SPD3: Parking Provision for New Developments

MATERIAL PLANNING CONSIDERATIONS

34. The material planning considerations of this application are the impacts on the character of the surrounding area, the impact on the privacy and amenity of the surrounding properties and access and highway safety.

Impact on the character and appearance of the surrounding area

35. The proposed extensions are located to the rear of the property and are not directly visible from the main Oulston Road. The extensions will also not be directly visible from the main public walkway to the rear (Castle Eden Walkway) due to the existing landscaping and trees that screen the proposal. Limited views can be afforded from Oxbridge Lane.
36. The proposed extensions will project no further than the existing offshoot, however will project six metres at ground floor and 4.715 metres at first floor. The proposed conservatory will project four metres. There are a number of houses in the street that have been extended and altered, with varying design and appearance and therefore there is no longer a definitive house type or design (See appendix H for photograph showing rear of 8 – 12 Oulston Road).
37. Objectors have commented that this proposal is an over development of the site. The application site has a large garden area. The proposed extension, although large can be accommodated easily on the site and will leave an adequate amount of private amenity space for the occupiers of the dwelling, with the back garden being approximately 26 metres long x 9 metres wide, albeit some of this has been taken up by a detached garage in the rear garden which did not require planning permission. It is therefore considered that the proposed extension will not be an over development of the site and adequate amenity space will remain for the occupants of the dwelling
38. Taking the above into consideration it is not considered that the proposed scheme will be over development of the site or have an adverse effect on the character and appearance of the area.

Impact on neighbouring properties

39. The proposed extensions are located to the rear of the property. Neighbours to the rear in Phoenix Gardens are located over 50 metres away and screening is provided by the substantial landscaping and trees along Castle Eden Walkway. The development is not visible from Oulston Road itself and it is therefore considered that the neighbouring properties that will be affected by the development are no 2 and 6 Oulston Road.

Impact on 2 Oulston Road

40. 2 Oulston Road has a single storey kitchen/dining room extension to the rear served by a single window in the rear elevation. At first floor there are 2 bedroom windows.
41. The existing off shoot will be demolished to the rear of 4 Oulston Road. These demolition works do not require planning permission.

42. The proposed single storey extension to the rear will be built adjacent to the party wall and will not project any further forward than the existing offshoot. The proposed roof will be constructed separately from the neighbour's roof, which is to be made good and flashed into side of wall to be built up and finished with stone capping.
43. The neighbour at No 2 has objected to this roof construction describing it as archaic however, this method, whilst a little unusual can be implemented successfully and overcomes the need to build on land not within the applicants ownership. The neighbour has stated that to look out of the bedroom window to at a stepped wall higher than the existing roof with a concrete slab on top is an unbearable thought; however it is considered that whilst the roof construction may be different from the previous roof it would not warrant refusal of the application. A condition has been recommended that the applicant render the visible elements of the wall to match the existing off shoot.
44. The proposed two storey extension will be sited away from the party boundary, however SPG2 states that any extensions that project further than 3 metres will be subject to the 45 and 60 degree rules. In order to assess the impact of a two storey extension on a neighbouring property, the Council will apply the '45 degree rule'. This is simply a line drawn at 45 degrees from the centre of the neighbours nearest window of a habitable room. Should the extension cross that line there could be an unacceptable impact on the amenity of the neighbouring property. The applicant has drawn the a 45° line from the neighbours first floor window on the plans but this is incorrect as a line would be drawn from the ground floor window at 45 degrees for a two storey extension and 60 degrees for a single storey extension. Applying these principles to the extension it will not conflict with this guidance and it is considered that the proposed two-storey element of the proposal will not have an adverse overbearing effect on this neighbour. There is a first floor window proposed in the elevation facing No 2; however this will be obscurely glazed and will therefore remove any potential for overlooking.
45. The applicant proposes a conservatory to the rear, which will project by 4 metres and will be 2.7 metres high sloping to 2.5 metres. Potentially an extension, 4 metres high, with an eaves height of less than 3 metres which projects by 3 metres can be built on the rear off shoot without planning consent and therefore this must be taken into consideration when determining this application (see Appendix G).
46. The proposed conservatory projects four metres and when the 60-degree rule is applied the conservatory clearly contravenes this guidance. However as this is guidance when considering the application, other factors must be taken into consideration such as the existing situation and the boundary treatment. The current situation when viewed from number 2 is the remnants of No 2's party wall from when the offshoot was originally demolished and then a hedge. The garden area of No 2 is higher than the main house and a retaining wall is in place around the garden area, which is approximately 500mm high. The hedge is approximately 2.3 metres high (at the time of measuring). The overall height of the boundary treatment from ground level on the main house is therefore approximately 2.8 metres high. The proposed conservatory is less than this and therefore, even when the hedge is trimmed, only the roof of the conservatory will be visible. It is therefore considered that when compared to the existing situation the proposed conservatory will have limited impact on this neighbour, over and above the existing situation.
47. A two-metre boundary wall is also proposed however this does not require planning permission.
- 46 Overall it is considered that the proposed development to the rear of 4 Oulston Road will not have an adverse effect on the neighbouring property sufficient enough to warrant refusal of the application for the reasons outlined above.

Impact on 6 Oulston Road

47. 6 Oulston Road has a two-storey extension to the side up to the party boundary. There are no windows in the side elevation of this extension but there is a door in the rear elevation serving a utility room. The property also has a single storey extension to the rear serving a kitchen and a habitable room. The kitchen has patio doors to the rear and a window in the side elevation overlooking the application site, which should have been obscurely glazed to protect the privacy and amenity of the residents at No 4, however there is still plain glass in the window.
48. The proposed extension will be constructed to the rear of the main house. The full ground floor of the extension will project 6 metres from the main house, in line with the existing offshoot and a first floor extension is proposed projecting 4.715 metres. The proposed extension will be sited approximately 4.5 metres from 6 Oulston Road.
49. Neighbours at 6 Oulston Road have objected to the application due to the proximity of the extension and also the potential loss of light and overlooking. When determining this application it should be noted that potentially the applicant could also build a two storey extension in this location which extends 3 metres from the main house. This would be in front of the neighbour's kitchen window (see Appendix G).
50. This kitchen window is considered to be a secondary window and whilst it is acknowledged that there may be a loss of light to this window it should be noted that potentially a two storey extension could be built under permitted development which would have the same effect. The proposed extension will project beyond the neighbour's main house but when applying the 45 and 60-degree rule from both the utility door and the patio windows in the kitchen the proposal does conflict with this guidance. There is a window proposed in the side elevation of the extension, which may lead to overlooking. A condition was recommended previously that this window be fixed, however it is considered that with the use of a top opening window and obscure glazing the likelihood of overlooking will be removed and still provide adequate ventilation to the kitchen. Overall, it is considered that due to the orientation of the dwelling, the fact the window is a secondary window and with the use of controlling conditions regarding the proposed window serving the kitchen, the proposed extension will not have such an adverse effect on this neighbour to warrant refusal of the application.
51. The proposed conservatory is located away from the neighbour at No 4; however there will be windows in the elevation facing the neighbour. There is a 1.85 metre high fence between the two properties and No 6 has a detached garage, which is close to the party boundary. Due to the presence of this fence and the current boundary treatment it is not considered that the proposed conservatory will have an adverse effect on this neighbour though overlooking or loss of privacy.

Pedestrian and Highway Safety

52. Neighbours are concerned that that the proposal will lead to extra traffic. The proposed scheme will result in the creation of an extra bedroom and in accordance with SPD3: Parking Provision for New Developments, four bedrooms requires three car parking spaces.
53. The applicant has a detached double garage to the rear of the site (which did not require planning), a long drive and parking to the front. The Acting Head of Technical Services has viewed the proposals however is satisfied that the requisite parking can be provided and raises no objections.

54. It is considered that the proposed development does not have an adverse effect on pedestrian or highway safety.

Residual matters

Consultation

55. Neighbours have queried why they were not consulted on the application. Normal practice is that all adjoining landowners are consulted and if the extension is to the rear the neighbours to the rear are consulted. Neighbours opposite a site who will not be affected by or see the development or neighbours further down the street are not consulted unless the case officer, after visiting the site, considers it is appropriate to extend the existing consultation area. The case officer did not consider any additional consultation was appropriate in this case.

Further builds

56. Concerns have been raised regarding the possibility of further extensions. Should the applicant wish at a later date to apply for further extensions requiring planning permission; then this would be subject to a separate application and the neighbours given an opportunity to comment.

Land Ownership

57. Concerns have been raised over land ownership, however the requisite notice has been served on the owner of 2 Oulston Road and any matters regarding land ownership or the party wall act are civil issues and not a planning matter.

Precedent

58. Neighbours are concerned that this development if approved will set a precedent for similar developments in the area, however each application is dealt with on its merits and the approval of this application will not set a precedent for extensions of this size to be acceptable in every case.

CONCLUSION

59. In conclusion, it is considered that the proposed development complies with the relevant policies and documents and the proposal will not have a significant adverse effect on the character or appearance of the area, neighbouring properties or highway safety. The application is recommended for approval with conditions.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mrs Elaine Atkinson Telephone No 01642 526062**

IMPLICATIONS

Financial Implications: None

Environmental Implications: None

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: Application 09/2516/REV

WARD AND WARD COUNCILLORS

Ward **Grangefield**
Ward Councillor **Councillor P Broughton**

Ward **Grangefield**
Ward Councillor **Councillor A Cockrill**