

DELEGATED

AGENDA NO
PLANNING COMMITTEE

12 MAY 2010

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

10/0478/FUL

241 Oxbridge Lane, Stockton-on-Tees, TS19 7AG

Erection of two storey and single storey extension to the rear.

Expiry Date 13 May 2010

SUMMARY

This application seeks planning permission for the erection of a two storey and single storey extension to the rear of No 241 Oxbridge Lane.

The main planning considerations with regard to this application are the impacts on the existing dwelling and street scene, the impact on the amenity of neighbouring properties and highway safety. No objections have been received from residents of neighbouring properties or consultees.

In accordance with the approved scheme of delegation, the application is being reported to the Planning Committee for determination as the applicant is an employee of the Council.

It is considered that the proposed scheme will have an unacceptable overshadowing and overbearing impact upon the adjoining neighbouring property of No 239 Oxbridge Lane and is therefore considered to be contrary to Saved Policy HO12 of the Stockton on Tees Local Plan and to the advice given within SPG2 Household Extension Guide.

The application is recommended for refusal.

RECOMMENDATION

Planning application 10/0478/FUL be refused for the following reason(s)

1. *The proposed scheme by virtue of its size, massing and location has an unacceptable overbearing and overshadowing impact on the amenity of the occupants of No's 239 and 243 Oxbridge Lane thereby harming the residential amenity which the residents could reasonably expect to enjoy, contrary to Saved Policy H012 of the adopted Stockton-on-Tees Local Plan and Supplementary Planning Guidance Note 2; Householder Extension Guide.*

SITE AND SURROUNDINGS

1. The application site is a 2.5 storey, 4 bedroom, semi detached dwelling located along Oxbridge Lane, Stockton on Tees. An original two storey offshoot is present to the rear which has a maximum projection of approximately 3.6m. A detached brick garage is located to the rear of the site (north west).
2. To the east is the adjoining property of No 239 Oxbridge Lane, to the west is No 243, and to the rear (north west) are No's 2 and 4 Merville Avenue. The application site has a large

rear garden that is enclosed by a brick wall approximately 1.85m high and hedgerow along the adjacent boundary to the east and a 1.8m high closed boarded fence and hedgerow along the adjacent boundary to the west.

PROPOSAL

3. This application seeks planning permission for the erection of a two storey and single storey extension to the rear of No 241 Oxbridge Lane.
4. The proposed two storey element of the scheme will have a maximum projection of approximately 4.3m x 4.4m in width x 7.2m in height with a pitched roof and will incorporate the existing two storey rear offshoot (a cumulative projection from the rear wall of the main house of approximately 8.5m). The proposal will feature 4 windows in the rear elevation (north), 2 windows in the side elevation (west) and two windows in the first floor side elevation (east). The proposed scheme will facilitate the creation of a family room/kitchen extension at ground floor and a master bedroom, en suite and bathroom at first floor.
5. The proposed single storey extension will be attached to the east elevation of the proposed two-storey extension and will project along the adjacent boundary of No 239 Oxbridge Lane. The proposal will have a maximum projection of approximately 7.9m x 2.4m in width x 3.8m in height (maximum) with a lean to roof that pitches away from the adjacent boundary. The proposal will feature 1 window in the rear elevation (north) and 3 velux roof lights. The proposal will extend both the kitchen and family rooms.

CONSULTATIONS

6. The following Consultations were notified and any comments received are set out below:-
7. Acting Head of Technical Services

Highways Comments - The applicant does not intend to increase the number of bedrooms therefore we raise no objection as the existing car parking provision is acceptable.

Landscape & Visual Comments & Built Environment Comments - No comment.

PUBLICITY

8. Neighbours were notified and no comments have been received.

PLANNING POLICY

9. 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).
10. 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

- 11.
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

12. 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
13. Other relevant considerations include;

MATERIAL PLANNING CONSIDERATIONS

14. 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 outlook, overlooking, overbearing and overshadowing. Other considerations include the impact on highway safety and any residual matters.

Impact on the existing dwelling and street scene

15. Taking into account the size of the application site and the original extension and detached garage to the rear of the property, it is considered that the proposed two storey and single storey extensions to the rear will not have an adverse impact on the character and the appearance of the existing dwelling due to the design, mass and scale of the proposed scheme, which respects the proportions of the existing dwelling and the application site.
16. The main element of the proposed scheme will be located to the rear and will largely be hidden from the street scene. The projection to the side of the property will be visible to from the front of the application site, however, it is well set back from the front of the property and will not have an adverse impact on the visual amenity of the street scene.
17. Accordingly the proposal is considered to be acceptable in terms of its impacts on the existing dwelling and street scene.

Impact on amenity of neighbouring properties

18. 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 both the 45 degree guidance (for two storey/first floor extensions) and 60 degree guidance (for single storey extensions) is applied, guidance of which can be found in SPG2.

Impact on No 239 Oxbridge Lane

19. The proposed two storey extension will have a maximum projection of 4.3m from the existing two storey offshoot to the rear the dwelling and is therefore subject to the 45 degree guidance. When applied the proposed scheme contravenes this guidance.
20. Owing to the minimal separation distance of approximately 3.5m between the side elevation (east) of the proposal and the windows within the ground and first floor rear elevation of the adjoining neighbouring property of No 239 Oxbridge Lane, it is considered that the proposed two storey extension will lead to an unacceptable adverse impact on amenity in terms of loss of outlook, being overbearing and overshadowing windows that serve habitable rooms within the rear elevation of the neighbouring property.
21. Given that the two windows in the first floor side elevation (east) of the proposal would serve non habitable rooms and could be fixed and obscurely glazed, and that no direct view will be achievable between the windows within the north elevation of the proposal and the rear elevation of No 239, it is considered that the proposal will not lead to an adverse loss of amenity in terms of overlooking.

22. The proposed single storey extension will have a maximum projection of approximately 7.9m metres along the immediate boundary to No 239 Oxbridge Lane and is therefore subject to the above mentioned 60 degree guidance. There is an existing 1.85m (approximate) high wall along the immediate boundary and the proposal will feature a lean to roof that pitches away from the immediate boundary. However whilst this will screen some of the extension, there is a significant element of the proposal that will still be visible over the wall for a length of approximately 7.9m. It is considered that this would lead to an unacceptable loss of amenity in terms of overbearing and overshadowing for the adjoining neighbouring property.
23. In addition, owing to the presence of a significant two storey element to the rear of No 239 Oxbridge Lane, it is considered that the proposed scheme will lead to a potential tunnelling effect, which will further worsen the impact of the proposed scheme on the habitable room windows within the rear elevation of the adjoining property.
24. Given that no direct view will be achievable between the window within the north elevation of the proposal and the rear elevation of No 239, it is considered that the proposal will not lead to an adverse loss of amenity in terms of overlooking.

Impact on No 243 Oxbridge Lane

25. Within the side elevation (east) of the adjacent neighbouring property of No 243, a set of living room patio doors are present. Within the existing single storey kitchen extension to the rear of this property 1 window is present in the side elevation and 1 window and 1 door are present in the rear (north) elevation. In addition, 2 windows are present in the first floor rear elevation that serve bedrooms.
26. With respect to the impact on the bedroom windows and kitchen window and door in the rear elevation (north), there is a separation distance of approximately 7m between the side elevation of the proposed two storey extension and the windows within the rear and side elevations of No 243, and the proposal accords with the 45 degree guidance. Taking into account the separation distance, it is considered that that the proposal will not lead to a significant unacceptable loss of amenity in terms of outlook, overbearing and overshadowing for the habitable room windows within this neighbouring property.
27. A separation distance of approximately 7m will remain between the side elevation of the proposal and the patio doors and 1 kitchen window located within the side (east) elevation. It is noted that the patio doors are the only light source to the living room. Taking into account the proposals cumulative projection of approximately 8.5m along the adjacent boundary, it is considered that the proposal will lead to an unacceptable loss of amenity in terms of overbearing and overshadowing of the patio doors that serve a habitable room within the side elevation of No 243 Oxbridge Lane.
28. With respect to the impact on the 1 window within the side elevation of the single storey extension to the rear, given that this room is also served by a window and door in the rear (north) elevation, it is not considered that the proposal will lead to adverse loss amenity in terms of overshadowing and overbearing of this window.
29. There is a 1.8m high-closed boarded fence along the adjacent boundary to the west, which prevents overlooking from the ground floor window in the side (west) elevation of the proposed extension. The window within the proposed first side (west) elevation of the proposal will serve a non-habitable room (bathroom), and no direct view will be achievable between the windows within the north elevation of the proposal and the rear elevation of No

243. It is therefore considered that the proposal will not lead to an adverse loss of amenity in terms of overlooking.

30. The single storey extension will be screened by the proposed two storey extension and will not be visible from the adjacent neighbouring property.

Properties to the rear

31. Owing to an oblique separation distance of approximately 14m between the proposed scheme and the neighbouring properties to the north west of the site, it is considered that the proposal will not lead to an adverse loss of amenity in terms of overlooking, overbearing and overshadowing.

Impact on highway safety and parking provision

32. The Acting Head of Technical Services has raised no objections, commenting that the proposed scheme will not result in the creation of any additional bedrooms and that the existing car parking provision is acceptable. It is therefore considered that the proposal will not lead to an adverse loss of highway safety.

Suggested Amendments

33. The applicant has suggested that under the Town and Country Planning (General Permitted Development) (Amendment) Order 2008, that a two storey extension could be erected under permitted development with a 3m projection from the offshoot of the original dwellinghouse and that the proposal only exceeds such permitted development rights by a further 1.3m (approximately).
34. Whilst the principle of permitted development is acknowledged, a 3m extension could not be built to the same width and height specifications as set out in the proposed plans under such permitted development rights as the proposal would be within 2m of the adjacent boundary to the west and the maximum height of the eaves would exceed 3m (not permitted development by Class A.1 g). In addition, whilst the main structure of the existing two storey offshoot is to be retained, the proposed scheme will extend beyond the original side elevation (west) of the dwelling and offshoot by approximately 0.4m which would lead to the proposal having 'a width greater than half the width of the original dwellinghouse' (not permitted development by Class A.1 h).
35. The proposal would therefore need to be reduced by approximately 1.3m in length x 1.5m in width to for the two storey extension to be classed as permitted development.
36. With regard to the proposed single storey extension, this would need to be reduced from its proposed 7.9m (approximate) projection to 3m in projection for the proposal to constitute permitted development.
37. It was suggested to the applicant that in order to reduce the impact of the proposed scheme, it was necessary to reduce the projection of the two storey extension from 4.7m to 3m, and reduce the projection of the single storey extension from 7.9m to 3m. It is considered that such reductions would take into account the principle of the permitted development rights and would significantly reduce any adverse impact on the amenity of the neighbouring property and the single storey extension would accord with the Council's guidance contained in SPG2.

38. However the applicant does not wish to revise the plans and would like plans to be considered in the current form.

Residual Matters

39. The applicant's acting agent has highlighted that no letters of objection have been received from adjacent neighbouring properties and that written support could be provided if necessary. Whilst this is acknowledged, it is not only necessary to consider the impact on the amenity of existing neighbouring properties, but it is also considered necessary to safeguard the amenity of potential future occupants of the adjacent neighbouring properties.
40. The applicant's agent has made reference to the original two storey extension that was present to the rear of the site before a significant element of the extension was demolished (date unknown). Whilst the history of the site is acknowledged and was taken into consideration when trying to agree an amended scheme, it is considered that the current proposal is contrary to the Council's supplementary planning guidance and Saved Policy HO12 and does not outweigh the reasons for refusal mentioned in the above report.
41. The applicant has also commented that a similar application for a two storey and single storey extension has recently been approved within vicinity of the current application site at No 4 Oulston Road (approval 09/2516/REV). However it is considered that the proposed scheme does significantly differ to that of the above referenced planning approval and cannot be used to justify this scheme. In addition each application is dealt with on its own merits.

CONCLUSION

42. Overall it is considered that the proposed scheme will have an unacceptable overshadowing and overbearing impact upon the neighbouring properties of No's 239 and 243 Oxbridge Lane. The application is considered to be contrary to Saved Policy HO12 of the Stockton on Tees Local Plan and to the advice given within SPG2 and is recommended for refusal.

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

IMPLICATIONS

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.

WARD AND WARD COUNCILLORS

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

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