

DELEGATED

AGENDA NO

PLANNING COMMITTEE

DATE 23 JUNE 2010

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

10/0865/FUL

Kentisbury, The Spital, Yarm

Erection of detached dormer bungalow to rear of existing property.

Expiry Date : 17 June 2010

SUMMARY

Planning permission is sought for a 2 storey detached dormer bungalow within the rear garden of an existing property. The site is surrounded by existing residential curtilages and their associated dwellings.

Two previous applications for dwellings on the site have been considered, refused and dismissed on appeal.

A total of 10 letters of objection have been received in respect to the proposed development. Objections mainly relate to the loss of privacy and amenity, the impact on light and the overbearing nature of development as a result of its mass and height and the levels associated with the site.

The Acting Head of Technical Services has raised no objections to the scheme. The Council's Environmental Health Officer has requested conditions be imposed should the application be approved.

The site is considered to be in a sustainable location, within the defined limits of development and as such the principle of residential development is accepted. The proposed building is smaller and located in a more central position than the two previous proposals whilst window orientations would significantly reduce overlooking from the previously proposed situation. Taking into account the layout of surrounding properties, intervening distances between properties, site levels and existing landscape features, it is considered that a dwelling of this scale can acceptably fit within this location without being unduly detrimental to the privacy or amenity of surrounding properties or to the character of the area, being in accordance with relevant Planning Policies.

RECOMMENDATION

Planning application 10/0865/FUL be Approved with Conditions subject to

01 *Approved Plans*

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>1a</i>	<i>21 May 2010</i>
<i>2a</i>	<i>21 May 2010</i>
<i>4a</i>	<i>21 May 2010</i>

5C	11 June 2010
6	16 April 2010
7a	21 May 2010
8a	21 May 2010
9	22 April 2010
10	16 April 2010

Reason: To define the consent.

02. Levels

Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor level of the dwelling along with the floor level of the existing property known as Kentisbury. The development shall be carried out in accordance with these approved details.

Reason: To take into account the properties position and impact on adjoining properties and their associated gardens in accordance with Policy HO3 of the Stockton on Tees Local Plan.

03. New fencing

No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority precise details of the proposed eastern boundary fence. The development shall be carried out in strict accordance with the approved details.

Reason: In order to ensure adequate privacy is achieved between dwellings in accordance with saved Policy HO3 of the Stockton on Tees Local Plan.

04. Materials – prior to above ground construction

Notwithstanding any description of the materials in the application, no above ground construction of the buildings shall be commenced until precise details of the materials to be used in the construction of the external walls and roof of the buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to allow the Local Planning Authority adequate control over the appearance of the development and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.

05. Tree and landscaping protection

No development hereby approved, including any preparatory works to the ground, shall commence until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the precise location of protective fences, areas of material storage within the site and root protection zones. The approved scheme of protection shall be implemented on site prior to construction works commencing on site and shall be maintained throughout the period of construction.

Reason: In the interests of visual amenity and to accord with Stockton on Tees Core Strategy Development Plan Policy CS3 'Sustainable living and climate change'.

06. Hours of operation on site

No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays.

Reason: To avoid excessive noise and disturbance to the occupants of nearby properties and to accord with saved Policy HO3 of the Stockton on Tees Local Plan.

07. Roof lights in eastern roof slope – Obscure

Notwithstanding details hereby approved, the dwelling hereby approved shall not be occupied until the rooflights within the eastern roof slope have been obscurely glazed in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to minimise the perception of being overlooked for the future occupiers of Kentisbury in accordance with the requirements of saved Policy H03 of the Stockton on Tees Local Plan.

08. Removal of PD Rights – All Householder

Notwithstanding the provisions of classes A, B, C, D & E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage without the written approval of the Local Planning Authority.

Reason: To prevent significant undue detrimental loss of privacy and amenity for future occupants taking into account the location of the dwelling, and to comply with saved Policy HO3 of the Stockton on Tees Local Plan.

09. Unexpected land contamination

In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination of the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.

Reason: To ensure the proper restoration of the site and to accord with guidance contained within Stockton on Tees Core Strategy Policy 10 (CS10) – Environmental protection and enhancement

INFORMATIVES

General Policy Conformity

The proposed development is considered to be of a suitable scale, mass, design and layout for the site. Adequate access and parking have been provided and it is therefore considered that the proposed development is in accordance with the Policies listed below. It is considered that there are no other material considerations which suggest the application should be determined otherwise.

Stockton on Tees Local Plan Policy H03

Stockton on Tees Core Strategy Development Plan Document Policy CS2

Stockton on Tees Core Strategy Development Plan Document Policy CS3

Stockton on Tees Core Strategy Development Plan Document Policy CS8

BACKGROUND

The relevant planning history for the site is as follows;

00/1994/P - Two storey extension to the front and side of Kentisbury. Approved 2nd March 2001

00.8.5.620 - Tree Preservation Order at No. 1 The Pines. (See appendix ref. 5)

03/0044/P - Single storey extension to existing kitchen and provision of 3 velux rooflights to Kentisbury. - Approved 28th February 2003

05/2805/FUL - Erection of 1 no. detached dwelling house and associated means of access and landscaping (within rear garden of Kentisbury). Refused 8th December 2005 for the following reason.

The development proposed by virtue of its size, height and location of the proposed dwelling on the site, will have an unacceptable overbearing impact and loss of privacy on the neighbouring properties, harming the existing residential amenity which the residents could reasonably expect to enjoy.

This decision was appealed against. The appeal was dismissed. The inspector acknowledged that the carefully arranged internal areas would minimise overlooking, however, considered that due to the size of the footprint, its tight configuration within the site, particularly along the eastern and northern boundaries, there was no doubt that the development would sit uncomfortably within the site, affecting the open character and pleasant quality enjoyed by surrounding residents, being adversely over bearing to most of the neighbours. (see appendix reference 2 for appeal decision).

05/3472/REV - Revised application for the erection of 1 no. dormer bungalow and associated means of access and landscaping. Refused 6th February 2006 for the following reason;

The development proposed by virtue of its size, height and location of the proposed dwelling on the site, will have an unacceptable overbearing impact and loss of privacy on the neighbouring properties, harming the existing residential amenity which the residents could reasonably expect to enjoy.

This decision was appealed against. The appeal was dismissed. See Appendix reference 3 for the appeal decision. The inspector concluded that the proposed development would unacceptably harm the living conditions currently enjoyed by the occupiers of at least 2 adjacent dwellings, in conflict with Policies GP1 and HO3 of the Stockton on Tees Local Plan.

06/2705/X - Application to lop an overhanging branch from 1 no. pine tree. Approved 18th October 2006.

06/3283/FUL - Application to widen driveway across grass verge. Approved 8th December 2006. This showed a max. 5m wide verge crossing although this has been provided at 3.75m in width.

07/2622/CPL- Application for a certificate of lawfulness for proposed use / development of outbuilding to rear to provide indoor swimming pool, fitness facilities and garage space for the enjoyment solely for those living in the existing dwelling house. Advised Permitted Development 18th December 2008. See appendix reference 4 for the layout and elevations of the scheme.

PROPOSAL

1. Planning permission is sought for the erection of a 2 storey dormer bungalow within the rear garden area of Kentisbury, an established property on The Spital in Yarm.
2. The proposed bungalow has a rectangular footprint measuring approximately 10.5m x 14.8m in plan (156sqm), a height to eaves of 2.75m and maximum ridge height of 7m. The bungalow has the same orientation as the main dwelling on the site, having a frontage facing the rear of the existing house and the rear elevation facing the rear garden boundary. Windows are shown in the eastern, western and southern elevations and both roof slopes, although the main outlook for the property is to the rear. The bungalow layout indicates a kitchen, dining room, study, lounge and family room / guest bed at ground floor with 2 bedrooms and a bathroom at first floor. A lift has been incorporated into the layout.
3. The dwellings footprint is shown approximately 6.75m away from the northern garden boundary and 3.1m from the southern garden boundary and between 16.8m and 20m from the western boundary. The dwelling is provided with front and rear gardens of approximately 3m and 17m respectively.
4. The building has been laid out to have its main elevation facing over the rear garden. A new fence is to be provided between the existing rear garden of Kentisbury and the new front elevation of the proposed dwelling.
5. The development is being proposed on a sloping site from a high south west point to a low north east point. Levels plans have been included with the submission, which indicate a level change across the site of approximately 870mm.
6. There are several existing shed type structures already aligned along the northern boundary, which are indicated as being retained on the proposed plans albeit in a slightly revised location.
7. Since the submission of the application amendments have been made to reduce the size of dormer windows, remove the patio door within the northern side elevation and provide trimmed hips to the gable roof.

CONSULTATIONS

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

Northern Gas Networks

No objections

Councillors

Councillor Sherris

Concerned about the description of the proposed property as being a dormer bungalow when it is essentially a large house with dormer windows of comparable size as adjacent property in The Pines and certainly larger than those found behind the site in Blackfriars.

Impact on privacy and amenity value of properties in Blackfriars and No. 1 The Pines.

Ground levels have been significantly raised which will make the property even more over-bearing on neighbours.

Request that all heights and measurements be checked for accuracy.

Consideration be given for application to go to Committee rather than be delegated and that a site visit be arranged.

Acting Head Of Technical Services

Highways Comments

The submitted information has been considered and the development should be designed and constructed in accordance with the Council's Design Guide and Specification (Residential and Industrial Estates Development) current edition and Supplementary Planning Document 3: Parking Provision for New Developments, November 2006.

Access to the proposed property is via the existing access to Kentisbury and is acceptable. The plan shows a study and a family room/guest bedroom on the ground floor, these are of a sufficient size to be considered as bedrooms. In accordance with the guidance a 4 bedroom property in this location should provide 3 curtilage parking spaces. The double garage can only be considered as 1 parking space as the shortest length measures 4.5m, however, there is adequate space within the curtilage of the property to provide the required 3 spaces to Design Guide standard.

The existing dwelling has sufficient parking and manoeuvrability within its curtilage there is therefore no Highway objection to this application.

Landscape & Visual Comments

We have no objections to the development as there appears to be adequate room for the bungalow within the rear garden plot. Plan ref drawing 8 does not distinguish the garden area from the driveway and garage access and this needs to be shown on a revised plan as the garden space will be important to help soften the proposal.

There are protected pine trees on the northern site boundary that must be protected during construction works and condition wording to this effect is attached in the informative section below. This includes request for the location of a site compound.

Environmental Health Unit

No objection in principle to the development, however, some concerns are raised and conditions relating to the following are recommended;

Construction Noise

Unexpected land contamination

PUBLICITY

Neighbours were notified and comments received are summarised below:-

Mr And Mrs J Cook, Foxlease, The Spital

Object as the size, height and location of the proposed dwelling will have an unacceptable overbearing impact creating a loss of privacy to neighbouring properties, harming residential amenity. The proposed dormer bungalow is almost the height of a house and is far taller than the bungalow of Foxlease.

It was actually suggested at a previous planning committee that the only building that planning would be prepared to look at would be a bungalow with no 1st floor accommodation.

With the existing and proposed properties, there is the potential for the parking of 20 vehicles which raised further concerns that either could be used for commercial purposes.

It is trusted that this application will be refused.

Following the submission of amendments, previous objections remain. It is also advised that elevations do not reflect the proposed rooflines and that there is no knowledge of a previously approved building on the site. The addition of a patio door and roof window within the rear elevation are points of the previous objection.

Gill Leach, 1 The Pines, Yarm

Feels deceived as the proposal was expected to be a bungalow where as it is actually a large 2 bedroom dormer bungalow which will have an overpowering effect. The floor area is more than twice that of an average 4 bedroom house.

N And S Shields, 2 The Pines, Yarm

Object to the proposed development as it fails to meet local planning requirements, these being relative to but not restricted to its excessive size, bulk, height and the back garden environment within which it would be built as well as the impact on the privacy of surrounding properties which the proposed development would overlook due to its height and the raised garden level. We would also query access arrangements.

J And H Watson, 12 Blackfriars, Yarm

Object to the building of the dormer bungalow within the garden area. The ground level has been raised and the bungalow will therefore dominate the nearby house in The Pines. The footprint has increased in size also.

Mr And Mrs Whitehill, 10 Blackfriars, Yarm

Objects on grounds that the proposed description of a dormer bungalow is misleading, the size and mass represents that of a 4 bedroom house and the 2 bedrooms upstairs may be open to change in the future. Concern is raised regarding the impact on privacy as dormer windows will directly overlook 10 Blackfriars and enjoyment of the garden area will be greatly reduced. The current conifers which give partial screening could be removed which would impact excessively. The garden level has been substantially raised over the last 5 years making the effect of development more imposing.

E And R Lack, 3 The Pines, Yarm

Object to the building of this bungalow. The main concern is that it is a 2 storey house which will be out of scale with the surrounding properties.

Mr And Mrs Hornby, 9 Mortain Close, Yarm

The proposed dwelling is of a considerable size, which is inappropriately large for the size of the plot on which it is proposed to be built. It will overlook neighbouring gardens and significantly affect their privacy, especially if trees are removed in the future. It is too large, obtrusive, its size is not in keeping with its surroundings, it will interfere with light and privacy associated with adjacent properties, it would generate additional traffic to an already congested road regularly used by parents and children accessing the nearby schools.

Paul And Lindsay Long, The Gables, The Spital

Raise concern about the loss of privacy should the build go ahead. All first floor windows to the rear look directly down into the rear of The Gables which includes bedroom windows. This is a massive invasion of privacy in view of the close proximity of the building.

Mr M C And G Leach, 1 The Pines, Yarm

The development description is misleading as the proposal is for a house with dormer windows. Only those working with engineering drawings would appreciate the implications of the scale of the proposal. The formal letter of notification is a legal obligation issued by the Local Authority, it should therefore be factual and the application should be withdrawn and resubmitted to reflect this point.

The development is not a bungalow as previously recommended by the Local Planning Meeting, Local Council representatives and the Inspectorate. The recommendations regarding reduction in footprint, building mass and window directions would appear to reflect just some of the local concerns. However, we consider the size of the footprint needs to be reconsidered. We also remain concerned about the height of the house. The impact of the roofline could be reduced if the gable ends had small hip corners without restricting access in the bedrooms.

Concern is raised in respect to the raising of the ground levels on which the house would be built. The levels seem to be based on the existing driveway which has been constructed about 300mm above the local ground level. It is estimated that the building level would be approximately 1m higher than the existing ground level at 1 the Pines. There is scope for the driveway to be raised further by the installation of block paving. As providing either internal or external steps is unsuitable it is likely that the ground levels would be raised.

Some of these points could be addressed by caveats on the detailed submission, but we are not confident that this alone would safeguard the genuine interests of affected neighbours.

It is requested that re assessment of the building heights takes place to ensure the council is satisfied that the scheme is still compliant with requirements. Attention is also drawn to an appeal decision for East Hants District Council ref: T/APP/m170/C/99/1019806 which has similar relevant points.

M Leach, 1 The Pines, Yarm

Additional comments have been provided which comment on the description of the development as a dormer bungalow and that plans should be resubmitted with the corrected building description, that the new ground level zero should be used as a datum for any building and that the height should not exceed that for a bungalow quoted in the original submission. It is suggested that any deviation from agreed levels should be rigorously enforced and that the mass and height of this proposal will be clearly seen from the pathway and road of The Pines and will be a blot on the open nature of the area.

Further comments suggest that the existing concrete driveway is not permitted development and that it should have been installed at a lower level.

Whilst the dwelling is smaller than previously proposed, a garage has been erected which will increase the footprint beyond the previous schemes.

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 Plan is the Core Strategy

Development Plan Document, Stockton on Tees Local Plan (STLP) and the Regional Spatial Strategy (RSS).

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

Policy HO3

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.
2. All major development proposals that are likely to generate significant additional journeys will be accompanied by a Transport Assessment in accordance with the 'Guidance on Transport Assessment' (Department for Transport 2007) and the provisions of DfT Circular 02/2007, 'Planning and the Strategic Road Network', and a Travel Plan, in accordance with the Council's 'Travel Plan Frameworks: Guidance for Developers'. The Transport Assessment will need to demonstrate that the strategic road network will be no worse off as a result of development. Where the measures proposed in the Travel Plan will be insufficient to fully mitigate the impact of increased trip generation on the secondary highway network, infrastructure improvements will be required.
3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.
Further guidance will be set out in a new Supplementary Planning Document.
4. Initiatives related to the improvement of public transport both within the Borough and within the Tees Valley sub-region will be promoted, including proposals for:
 - i) The Tees Valley Metro;
 - ii) The Core Route Corridors proposed within the Tees Valley Bus Network Improvement Scheme;
 - iii) Improved interchange facilities at the existing stations of Thornaby and Eaglescliffe, including the introduction or expansion of park and ride facilities on adjacent sites; and
 - iv) Pedestrian and cycle routes linking the communities in the south of the Borough, together with other necessary sustainable transport infrastructure.
5. Improvements to the road network will be required, as follows:
 - i) In the vicinity of Stockton, Billingham and Thornaby town centres, to support the regeneration of these areas;
 - ii) To the east of Billingham (the East Billingham Transport Corridor) to remove heavy goods vehicles from residential areas;
 - iii) Across the Borough, to support regeneration proposals, including the Stockton Middlesbrough Initiative and to improve access within and beyond the City Region; and
 - iv) To support sustainable development in Ingleby Barwick.

6. The Tees Valley Demand Management Framework will be supported through the restriction of long stay parking provision in town centres.

7. The retention of essential infrastructure that will facilitate sustainable passenger and freight movements by rail and water will be supported.

8. This transport strategy will be underpinned by partnership working with the Highways Agency, Network Rail, other public transport providers, the Port Authority, and neighbouring Local Authorities to improve accessibility within and beyond the Borough, to develop a sustainable

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

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.

Core Strategy Policy 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:

- i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
- ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
- iii) The priority accorded to the Core Area;
- iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.

3. Areas where land will be allocated for housing in the period 2016 to 2021:

Housing Sub Area Approximate number of dwellings (net)

Core Area 500 - 700

Stockton 300 - 400

Billingham 50 - 100

Yarm, Eaglescliffe and Preston 50 - 100

4. Areas where land will be allocated for housing in the period 2021 to 2024:

Housing Sub Area Approximate number of dwellings (net)

Core Area 450 - 550

Stockton 100 - 200

5. Funding has been secured for the Tees Valley Growth Point Programme of Development and consequently the delivery of housing may be accelerated.

6. Proposals for small sites will be assessed against the Plans spatial strategy.

7. There will be no site allocations in the rural parts of the Borough

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

1. Sustainable residential communities will be created by requiring developers to provide a mix and balance of good quality housing of all types and tenure in line with the Strategic Housing Market Assessment (incorporating the 2008 Local Housing Assessment update).

2. A more balanced mix of housing types will be required. In particular:

- _ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
- _ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
- _ In the Core Area, the focus will be on town houses and other high density properties.

3. Developers will be expected to achieve an average density range of 30 to 50 dwellings per hectare in the Core Area and in other locations with good transport links. In locations with a particularly high level of public transport accessibility, such as Stockton, Billingham and Thornaby town centres, higher densities may be appropriate subject to considerations of character. In other locations such as parts of Yarm, Eaglescliffe and Norton, which are characterised by mature dwellings and large gardens, a density lower than 30 dwellings per hectare may be appropriate. Higher density development will not be appropriate in Ingleby Barwick.

4. The average annual target for the delivery of affordable housing is 100 affordable homes per year to 2016, 90 affordable homes per year for the period 2016 to 2021 and 80 affordable homes per year for the period 2021 to 2024. These targets are minimums, not ceilings.
5. Affordable housing provision within a target range of 15-20% will be required on schemes of 15 dwellings or more and on development sites of 0.5 hectares or more. Affordable housing provision at a rate lower than the standard target will only be acceptable where robust justification is provided. This must demonstrate that provision at the standard target would make the development economically unviable.
6. Off-site provision or financial contributions instead of on-site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.
7. The mix of affordable housing to be provided will be 20% intermediate and 80% social rented tenures with a high priority accorded to the delivery of two and three bedroom houses and bungalows. Affordable housing provision with a tenure mix different from the standard target will only be acceptable where robust justification is provided. This must demonstrate either that provision at the standard target would make the development economically unviable or that the resultant tenure mix would be detrimental to the achievement of sustainable, mixed communities.
8. Where a development site is sub-divided into separate development parcels below the affordable housing threshold, the developer will be required to make a proportionate affordable housing contribution.
9. The requirement for affordable housing in the rural parts of the Borough will be identified through detailed assessments of rural housing need. The requirement will be met through the delivery of a 'rural exception' site or sites for people in identified housing need with a local connection. These homes will be affordable in perpetuity.
10. The Council will support proposals that address the requirements of vulnerable and special needs groups consistent with the spatial strategy.
11. Major planning applications for student accommodation will have to demonstrate how they will meet a proven need for the development, are compatible with wider social and economic regeneration objectives, and are conveniently located for access to the University and local facilities.
12. The Borough's existing housing stock will be renovated and improved where it is sustainable and viable to do so and the surrounding residential environment will be enhanced.
13. In consultation with local communities, options will be considered for demolition and redevelopment of obsolete and unsustainable stock that does not meet local housing need and aspirations.

SITE AND SURROUNDINGS

8. The site is located within the rear garden of an existing dwelling situated along The Spital in Yarm. The site is surrounded by residential curtilages on all sides and their associated dwellings. There are 2 storey houses to the rear of the site (western boundary) in Blackfriars, a 2 storey dwelling to the north in The Pines and a bungalow and its associated curtilage to the south (Foxlease). The applicants existing property (Kentisbury) is located to the east.
9. There are a number of trees both within the site and in adjacent garden areas including a line of mature conifers along the western boundary and several large pine trees in the

neighbouring properties garden to the north which are covered by a Tree Preservation Order.

10. The site is mainly characterised by the openness of this and other rear garden areas to the south and the amount of greenery within the area, in particular a stand of large pine trees to the northern boundary.
11. An existing garage is located within the south western corner of the garden. Close boarded fences enclose the existing garden area, these being approximately 2.05m high to the south, 1.95m high to the west and 1.85m high to the north (see appendix ref.1).

MATERIAL PLANNING CONSIDERATIONS

Principle of residential development

12. The proposal relates to a site within the defined limits of development within close proximity to public transport routes and Yarm Centre, therefore being in a sustainable location for residential development. Two applications for residential development have previously been considered on this site, both of which were refused and dismissed on appeal. Neither of these appeals were dismissed due to the principle of residential development being unacceptable but on the specific impacts of the proposals.
13. Government's Planning Policy Statement 3 on housing has been revised (June 2010) and now excludes domestic gardens in built up areas from the definition of brown field or previously developed land. The implications of this is that the site of the proposed development is now classed as greenfield and whilst there is a presumption in favour of redeveloping brownfield sites, the principle of developing green field sites remains to be acceptable. Stockton on Tees Core strategy Policy CS7 (Housing Distribution and Phasing) seeks to achieve 75% of dwelling completions on previously developed land. The rate of brownfield completions for the year ending April 2010 was 70% and although lower than the policy target, as the proposal relates to a single dwelling it is considered to have a negligible impact of the overall delivery of dwellings on previously developed land.
14. In view of the above the principle of the development is therefore considered to accord with the requirements of saved Stockton on Tees Local Plan Policy HO3 '*development of unallocated sites*'.
15. The main planning considerations of this proposal therefore relate to the scale, design and layout of the proposed development, its impacts on the surrounding properties and consideration against the findings of the earlier appeal decisions and against relevant national and local planning policies and guidance. These and other material planning matters are considered as follows;

Consideration of previous appeals

Application 05/2805/FUL.

16. Erection of a 2 storey detached dwelling house and associated means of access and landscaping. Refused 8th December 2005 and dismissed on appeal. The dwelling proposed under this application had a footprint area of approximately 200sqm, an eaves height of approximately 5.2m and an overall ridge height of approximately 8.6m. The dwelling was shown as being 1m from the southern boundary, 7.4m from the western boundary and 8.6m from the northern boundary at its closest points.
17. The appeal Inspector's comments indicated that the carefully arranged internal areas would minimise overlooking, however, considered that due to the size of the footprint, its tight

configuration within the site, particularly along the eastern and northern boundaries, that there was no doubt that the development would sit uncomfortably within the site, affecting the open character and pleasant quality enjoyed by surrounding residents, being adversely over bearing to most of the neighbours. Taking into account the dwellings position it is assumed that the Inspector meant to refer to the southern and western boundaries as against the northern and eastern.

Application 05/3472/REV.

18. Erection of a 2 storey dormer bungalow. Refused by the Local Planning Authority and dismissed on appeal.
19. The dwelling proposed under application 05/3472/REV had a footprint of approximately 195sqm, having maximum plan dimensions of 14.6m x 16.8m. The building had a significant outlook towards the southern, northern and western boundaries and remained to be in close proximity to the western and southern boundaries of the site adjacent to other residential properties. This was a reduced scheme to that proposed under 05/2805/FUL, being a 2 storey dormer bungalow, the upper floor of which was within a mansard roof.
20. In considering the development proposed under application 05/3472/REV, the appeal Inspector acknowledged that fences erected at the site were very successful at screening the views of the site from all of the surrounding homes and their gardens at ground floor level and that a mix of mature evergreen and deciduous trees and shrubs within the site and adjacent gardens, would to varying degrees, also interrupt views from some of the surrounding properties of the upper parts of the proposed dwelling. However, the Inspector considered that the upper parts of the dwelling would be clearly visible above the fences from the extended garden of No. 6 Blackfriars and all of the rear garden at Fox lease (property to the south). In dismissing the appeal the Inspector considered that the proposed dwelling would display a considerable scale and mass when viewed from the unscreened neighbouring properties about the site and that it would have an overbearing impact that would unacceptably impose itself into the garden environment at the rear of adjacent homes. The Inspector further considered that the dormer windows within the side elevation would significantly affect privacy and the perception of being overlooked.
21. The previous appeal decisions have made reference to the existing quality of the rear garden area, its benefit to the character of the area as viewed from surrounding properties and it is clear from the Inspectors assessment of the schemes that the surroundings of the site place restrictions on what can be suitably achieved on site, indicating that the impact from the location, scale and outlook from the previous schemes was unacceptable. The applicant has submitted this application with the intention of overcoming the previous concerns raised within the Inspectorates decisions. The impacts of the current proposal are considered as follows;

Current Proposal

Scale, layout and design

22. The proposed dwelling is of a reduced scale to that of the host property, which is normally a suitable approach for new dwellings being proposed within rear garden positions. The proposed dwelling has a reduced footprint to the earlier schemes although a detached garage is now present in the rear corner of the site. However, the detaching of the garage will reduce the overall bulk and massing of structures. In view of the scale of the dwelling being proposed, its height and the associated curtilage, it is considered that the dwelling is of an appropriate scale and for the site in general terms. The proposed dwelling's front elevation is located 3m from the proposed dividing boundary fence with Kentisbury. This elevation has 2 windows and a door within it serving a study and a family room / guest bedroom. Whilst the outlook from these rooms would benefit from an increased distance

between the elevation and the fence, this relatively cramped part of the development is considered to be acceptable in view of the dwellings main outlook being to the rear where there is a more extensive garden area.

23. The design of the proposed dwelling is not specifically reflective of properties surrounding it although there is a mix of property types and scale within the vicinity and as such there is no strong vernacular that a new dwelling on this site would need to follow. The scale, layout and design of the proposed dwelling are therefore considered to accord with policy requirements.

Impact on surrounding properties

24. The proposal significantly reduces the bulk of the dwelling from the previous applications whilst has been set more central within the garden, approximately 3.1m from the southern boundary, 16.6m from the western boundary and 6.75m from the northern boundary. In addition, the orientation of and number of windows overlooking gardens has changed with the main outlook now being to the rear where there is a 16+ m garden area. These factors are considered to significantly reduce the impact of the proposal from that of the earlier scheme. Although, the currently proposed dwelling is closer to the northern boundary with No. 1 The Pines, due to the scale of the buildings elevation facing this direction and it now being a side elevation as against a main elevation, it is considered the overall impact on this dwelling would not be significantly detrimental. Following the submission of revised plans there are no windows within the northern elevation of the proposed dwelling. See Appendix reference 2 and 3 for comparison between scale of property currently being considered and those refused under previous applications.
25. The dwellings main outlook is towards the rear (west) which backs onto the rear gardens of properties in Blackfriars. The proposed dwelling is set in excess of 16m from this boundary whilst properties in Blackfriars have rear gardens of approximately 12m or more. The overall intervening distance between properties at this position would therefore be in excess of 28m, over and above minimum separation distance guidance.
26. There is an existing garage within the rear corner of the site as well as boundary fences and existing conifer trees, all of which would break up and reduce views of the dwelling from those existing dwellings to the west. Concern has been raised in respect to the potential future loss of the conifer trees to the western boundary and the resultant impacts on privacy. However, in view of the intervening distances between dwellings it is considered that impacts on amenity and privacy would remain to be acceptable were the trees to be removed.
27. This current proposal has been set more centrally within the garden than the earlier proposals whilst the elevation facing the southern boundary with Fox Lease has been detailed as a side elevation with only a single ground floor window within it. Rooflights are indicated within the roof slope which face towards the rear of this property although will achieve an intervening distance of approximately 27m from its rear elevation which is considered to be sufficient to prevent undue impacts on privacy. The rear elevation of no. 1 The Pines is however staggered behind the front elevation of the proposed bungalow which will restrict potential for overlooking from any windows in this elevation.
28. The proposed bungalow would be set approximately 19.6m from the main rear elevation of the host property (Kentisbury). Kentisbury will retain a large rear garden area whilst a fence is to be provided between the two properties. The proposed dwellings front elevation is located 3m from the dividing boundary fence, which will result in the bulk of the proposed dwelling being within close proximity to the remaining garden area of Kentisbury. However, in view of the distances involved, the scale of both the host property and that being proposed, it is considered that there would not be an undue overbearing impact on the host

property. In order to minimise the perception of being overlooked within the remaining rear garden of Kentisbury, it is considered appropriate to require the rooflights within this roof slope to be obscurely glazed. A condition is recommended accordingly. Although the dividing boundary fence is detailed in this position, its precise design and height are critical to retain privacy and a condition is recommended to control this.

29. The levels plan submitted indicates that the floor slab level of the proposed dwelling would be relative to the lower part of the site towards the northern boundary as against the higher part, thereby limiting the extent of the developments height. The adjacent garden and associated dwelling of no. 1 The Pines which borders the northern boundary is already set at a lower level than the garden area of Kentisbury. In order to verify levels on the site an officer from Technical Services has surveyed the site. The floor slab of adjacent property at 1 The Pines is set approximately 345mm below the garden level between the two properties although this varies along the length of the boundary. As the proposed dwelling is set in excess of 6m from the northern boundary then the floor slab of the dwelling will be raised and the overall difference in levels between the two properties would be approximately 0.67m. Whilst this is a significant raise in levels, there is in excess of 8m between the side elevation of the proposed property and the nearest part of the adjacent property which are staggered from one another. The rear elevation of no. 1 The Pines is set behind the front building line of the proposed dwelling with its main outlook being towards the rear of the garden. In view of this relationship, it is considered that the proposed dwelling and its increase level would not unduly dominate the adjoining property whilst the removal of the Patio door / window within this elevation will prevent any overlooking from the raised internal areas of the proposed dwelling. Whilst levels details are submitted it is considered that a strict control over the floor slab of the proposed dwelling is required in order to prevent it being built excessively out of the ground. A condition has been recommended accordingly.
30. In view of the position, scale and outlook of the proposed dwelling and the position of surrounding properties, it is considered that the proposal would not unduly affect privacy and amenity associated with the surrounding properties, subject to the building being constructed to a level which is reflective of the lower part of the site.
31. Comments received in respect to concerns over the loss of privacy, impact on light, loss of trees to the rear, the significance of the size, height, floor area and location of the dwelling have all been taken into account within this report.

Impact on the character of the area

32. The character of the area is defined in part by the larger residential properties, the openness of this site and those surrounding and the mature trees within the immediate surroundings. Objections have been received from surrounding residents in respect to the affect of the development on the back garden environment as well as the bungalow being visible from the pathway and road associated with The Pines.
33. It is considered that the proposal will have an impact on the openness of the site, however, the properties to the north in The Pines are staggered further back from properties on The Spital and the large open rear garden plots effectively ends with Kentisbury. Taking this into account along with the stand of protected trees to the northern boundary of the site, the scale of the property being proposed and the remaining garden areas it is considered that the impact would not be sufficiently detrimental to recommend refusal of this application.

Highway related matters

34. The application proposes to share the existing access onto The Spital with the host property and utilise the existing driveway, which runs along the side of the property to the garage in the rear garden. The scheme demonstrates parking and manoeuvring is achievable for several vehicles. The Acting Head of Technical Services considers the proposal is acceptable in this regard.
35. An objection has been raised in respect to the additional traffic onto The Spital that this would result in, however, taking into account the comments from the Acting Head of Technical Services, this additional impact is not considered to be sufficiently significant to have a detrimental impact on highway safety.

Landscaping and protected trees

36. The Acting Head of Technical Services considers there is adequate room within the rear garden for the bungalow. There are several trees within the rear and side garden areas of no. 1 The Pines, which are subject of a Tree Preservation Order. The proposed bungalow is approximately 6.8m from the boundary with no. 1 The Pines and although there is intervening space between the proposed dwelling and the protected trees, it is considered necessary to ensure suitable protection for these trees during construction. A condition is recommended accordingly.

Other issues

37. The existing access serving the garage in the rear garden is a concrete drive, which is shown as being retained as part of this scheme. Whilst the appearance of this drive is not beneficial to the overall quality of the site the application details this as being block paved. Whilst drainage details would normally be required for areas of hard standing, as the driveway is an existing feature it is not considered reasonable to control this detail.
38. In view of the location of the proposed dwelling and its impact on surrounding properties, it is considered appropriate to remove permitted development rights to ensure adequate control is retained over any future alterations or additions to the site.
39. The Council's Environmental Health Officer has requested conditions be imposed in respect to construction working hours and unexpected land contamination. In view of the site and its surroundings, both these conditions are considered to be relevant and are recommended accordingly.
40. Matters relating to surface water and foul drainage from the dwelling are matters which would be dealt with under Building Control legislation and as such do not require addressing in this application.
41. Comments have been made by surrounding occupants in respect to the concrete driveway previously constructed and the raising of garden levels. These matters have been previously considered by the Council's Planning Enforcement team. It was concluded that the driveway did not require planning permission.
42. An objector referenced an appeal decision relating to East Hants District Council and a decision from 1999. In view of this decision relating to a different authority, different policies, a different site and being over 10 years old it is not considered to be considered relevant to the application currently being considered and that reliance needs to be placed on the two appeal decisions which relate to this site.

CONCLUSION

43. The site is located within a residential area, within close proximity to Yarm Centre and the associated services, being a sustainable location for new development. Although the proposal will affect the character of the area and the perception of privacy and amenity associated with surrounding properties, it is considered that these would not be undue impacts and that the position, size, orientation and overall impacts are generally acceptable. Adequate spacing is achieved from boundaries and protected trees whilst adequate levels of parking and suitable provision of access is achieved. In view of these matters, it is considered that the proposal generally accords with the relevant policies of both the Stockton on Tees Local Plan and the Core Strategy Development Plan Document. It is recommended that the application be approved with conditions.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Andrew Glossop Telephone No 01642 527796

WARD AND WARD COUNCILLORS

Ward Yarm
Ward Councillor Councillor J Earl, Councillor Mrs J. Beaumont, Councillor A B L Sherris

IMPLICATIONS

Financial Implications:
None

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 and Core Strategy Development Plan. Previous planning applications and appeal decisions.