

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

4 August 2010

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

10/1536/FUL

Summerhill, High Lane, Maltby

Alterations and extensions to dwelling including sunroom to side and attached garage.

Expiry Date 12 August 2010

SUMMARY

Planning permission is sought for alterations and extensions which include the erection of first floor and single storey extensions to front, including dormer windows, single storey sunroom extension to side, erection of single garage to front, single storey extension to rear with gable extension at first floor to rear.

The application site is a detached bungalow with an extended garden area to the side at Summerhill, High Lane, Maltby, which is located within a street scene of mixed and varied house types.

This application has been submitted following dismissal at appeal of three separate planning applications for various alterations and extension to this application site of Summerhill, LPA ref.08/0464/FUL- (APP/HO738/A/08/2089002), LPA ref. 08/3008/FUL - (APP/HO738/A/09/2093845) and LPA ref. 08/3009/FUL - (APP/HO738/A/09/2093849). A copy of the planning inspectorate's appeal decision letter is attached within Appendix 17.

The applicant/agent has stated that this submission intends to address the planning inspectorate's reasons for dismissal of the above mentioned schemes.

In total, 15 letters of objections from neighbouring residents together with 1 letter from Maltby Parish Council and 1 letter from Councillor David Harrington have been received.

The letters of objections relate to design and character of the resultant building, impact on the amenity of the occupants of neighbouring properties, visual impact, being overdevelopment and contrary to local and national planning policies.

The Acting Head of Technical Services raises no objection to the proposal on access and highway safety grounds and the Landscape Architect also raises no objection, provided that hedge and tree-planting takes place along the highway frontage of the site.

This revised application is now considered to address the planning inspector's reason for dismissal with regards to having overbearing impact and raising loss of privacy concerns to the residents of No.3 Dunsmore Close. As such the application is recommended for approval.

RECOMMENDATION

Planning application 10/1536/FUL be Approved with Conditions subject to:

- 01 The development hereby approved shall be in accordance with the following approved plan(s); unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date on Plan
3	17 June 2010
37	16 June 2010
30	16 June 2010
38	16 June 2010
39	16 June 2010
SBC0001	16 June 2010

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. Notwithstanding the submitted information, and prior to commencement of development details of the external render and paint colour shall be submitted to for consideration and approval by the Local Planning Authority. The agreed colour scheme shall be retained for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason: To define the consent

04. Prior to the commencement of development, a scheme detailing the obscurely glazed first floor emergency window in the elevation nearest to the boundary of No.1 and No.3 Dunsmore Close shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the building hereby permitted is brought into use and retained in accordance with the approved scheme for the life of the development hereby permitted.

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

05. The proposed 2no. roof lights serving bedroom 2 facing towards No.3 Dunsmore Close and 1no. roof light serving bedroom 3, facing towards Wayside, shall be obscurely glazed and fitted with restricted openers to provide a top opening no greater than 45 degrees, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall be installed before the building hereby permitted is brought into use and the type of

glazing and openings agreed shall be employed in those windows during the life of the building.

Reason: In the interests of the amenity of the occupiers of the adjacent properties.

- 06. The proposed rear gable windows serving bedroom 3; shall be glazed with obscure glass and have fixed openings, details of which shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall be installed before the building hereby permitted is brought into use and the type of glazing agreed shall be employed in those windows during the life of the building.**

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

- 07. A detailed scheme for landscaping, tree and hedge planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall include and detailed planting plan and specification of works, indicating types and species, numbers, densities, planting methods, layout contouring and surfacing of all open space areas and shall include a long term management plan and maintenance schedule. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

- 08. No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.**

Reason: To ensure a satisfactory form of development for surface water disposal.

INFORMATIVES

The Proposal has been considered against the policies below and it is considered that the scheme accords with these policies and the proposal is in keeping with the property and the street scene in terms of style, proportion and materials and does not involve any significant loss of privacy and amenity for the residents of the neighbouring properties subject to controlling conditions or raise any highway safety concerns and there are no other material considerations which indicate a decision should be otherwise.

Adopted Stockton on Tees Local Plan (June 1997)

HO12 Householder Extensions

Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel (adopted 24 March 2010)

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change (adopted 24 March 2010)

Supplementary Planning Guidance Number 2: Householder Extension Guide

Supplementary Planning Document Number 3: Parking Provision for New Developments

BACKGROUND

1. The planning history of the site is set out below:
2. **S1593/87**. Application for the single storey extension to rear and bay window to front of dwelling. Approved 25th November 1987.
3. **93/0360/P**. Single storey extension to rear. Approved 16th April 1993
4. **05/0867/FUL**. Sun room extension to side and front and double garage extension with playroom above to front. Single storey extension to front, loft conversion with dormer windows to front. Conversion of existing garage to habitable room and first floor extension to side with dormer windows. Withdrawn 22nd April 2005.
5. **05/1275/REV**. Revised application for sun room extension to side and front and double garage extension with playroom above to front. Single storey extension to front, loft conversion with dormer windows to front. Conversion of existing garage to habitable room and first floor extension to side with dormer windows. Refused under powers delegated to officers on the 30th June 2005 for the following reasons:
 1. **In the opinion of the Local Planning Authority the increase in roof height would have an overbearing impact to the neighbouring properties at Wayside, High Lane and No.1, No.2 and No.3 Dunsmore Close, Maltby contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance note 2.**
 2. **In the opinion of the Local Planning Authority, the proposed dwelling and detached double garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and policies GP1 and HO12 of the adopted Stockton on Tees Local plan.**
6. **05/2969/FUL**. Extensions and alterations to dwelling house including garage and sun room to side/front, conversion of existing garage into habitable room, extension to front and raising height of roof to accommodate dormer windows and rooms in the roof. Refused by Planning Committee on the 23rd March 2006 for the following reasons:
 01. **In the opinion of the Local Planning Authority, the proposed dwelling and garage to the front would form an incongruous element in the streetscene and is contrary to advice given in Supplementary Planning Guidance Note 2 and Policies GP1 and HO12 of the adopted Stockton on Tees Local Plan.**
 02. **The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local streetscene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.**
 03. **The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to**

the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.

- 04. The proposed development is considered to be overdevelopment of the site to the detriment of the amenity of the occupants of the existing dwelling, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.**
7. **08/0464/FUL.** First floor and single storey extensions to front and side including dormer windows and single storey double garage to front. Refused by Planning Committee on the 30th April 2008 for the following reasons:
- 01. In the opinion of the Local Planning Authority, the proposed dwelling and garage to the front would form an incongruous element in the streetscene and is contrary to advice given in Supplementary Planning Guidance Note 2 and Policies GP1 and HO12 of the adopted Stockton on Tees Local Plan.**
 - 02. The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local streetscene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.**
 - 03. The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.**
 - 04. The proposed development is considered to be overdevelopment of the site to the detriment of the amenity of the occupants of the existing dwelling, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.**
8. **08/3008/FUL.** Alterations and Extensions to dwelling including sunroom extension to the side and erection of a garage. Refused by Planning Committee on the 26th November 2008 for the following reason:
- 01. The proposed development would have an adverse impact on local visual amenity as the resultant dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.**

9. **08/3009/FUL.** Alterations and Extensions to dwelling including sunroom extension to the side. Refused by Planning Committee on the 26th November 2008 for the following reason:

01. The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.

02. The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.

10. **Appeal Hearing**

On the 7th April 2009, a hearing was held to determine appeals against the refusal of planning permission for the following three applications:

- Appeal Scheme A -This refers to planning application 08/0464/FUL
- Appeal Scheme B -This refers to planning application 08/3008/FUL
- Appeal Scheme C -This refers to planning application 08/3009/FUL

Full details of the reasons for refusal are set out above and the Inspectors letter dismissing all three appeals is attached at APPENDIX 17.

PROPOSAL

11. This application seeks planning permission for alterations and extensions to dwelling which include the following elements:

Alterations to existing dwelling

12. A first floor extension would provide additional living space at first floor. This element of the development involves raising the height of the roof from 5.6 metres to approximately 6.2 metres as measured from immediate adjacent ground level. A projecting front gable is proposed, featuring a central window at first floor and bay window at ground level. Two dormer windows are proposed in the front elevation of the property.

13. The rear elevation will include a single storey extension to the existing kitchen, measuring 1.0m projection x 3.1m wide (approx.), which will be sited below a first floor gable extension for the proposed bedroom above.

14. The first floor gable extension will be set back from the rear building line of the property by 500mm and measure 6.0m wide with an overall height of 6.2m. This extension will be centrally positioned within the rear elevation, with a dormer style extension attached to its eastern apex, which will house the internal stairwell. The rear elevation of the gable extension, will contain a high level obscurely glazed transom window and 1no. roof light within the western apex of the roof plane.

15. A total of five (5) roof lights would be inserted into the roof planes, on the basis of one (1) in the south east (front) roof plane, two (2) in the rear (north west) roof plane and two (2) within the apex of the proposed projecting rear gable extension. No windows would be installed in the south west elevation facing 'Wayside'.
16. It is proposed that the integral garage is converted to a habitable room, with other structural changes to allow for a rearrangement of the uses of ground floor rooms. A decorative double chimney stack measuring 7.7 metres high would be attached to the exterior of the south western elevation of the property.

Sunroom to front and side

17. It is proposed that the sunroom would be located on the south east corner of the property. The room would project forwards towards High Lane, and sideways towards the side boundary to No.1 Dunsmore Close. It would measure 5.8 metres wide x 3.7 metres long topped by a dual pitch roof with a ridge height of 4.1 metres. The front elevation will be obscured by the attached proposed single garage element; with the rear elevation of the sunroom would contain glazed units with French doors. A blank brick wall would face No.1 Dunsmore Close at a distance of approx.9.5 metres from this neighbours conservatory, with the proposed roof containing glazed panels. Within the side elevation which will face onto Wayside, there is to be an access door to the sunroom.

Single garage to front

18. The proposed garage measures 5.84m wide x 3.3m long with a maximum height to the pitch of the roof of 4.775m (set 600mm below ground level of host dwelling) and is positioned approximately 7.4 metres from the front boundary of the property facing onto the highway.
19. The door of garage, which is of traditional design, is sited on its western elevation and measures 2.3m wide x 2.2m high. It has 2no. roof lights in the roof, each measuring 0.6m x 0.6m. The southern elevation facing the highway is a brick wall with a design feature imitating a window measuring 1.1m x 1.4m. There are no windows or doors in the eastern elevation, apart from 1no. roof light facing No. 1 Dunsmore Close. The garage would be finished in render with a pantile roof.

CONSULTATIONS

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

Councillor D C Harrington

21. After studying the plans and referring back to the several planning applications involving Summerhill since 2005, I am still of the opinion that very little has changed on this application to overcome the concerns that exist locally. The last application was refused by Planning Committee and the Appeal was upheld in favour of the Planning Committee by the Inspector.
22. I believe the proposal will cause significant overbearing in the village of Maltby and I cannot understand how this proposal can overcome the objections I raised to the previous planning applications. I believe this application is against the policies of the local plan GP1, HO12

and SPG2. I am unable to find my archived paperwork for previous planning applications, but I believe these are the same grounds I objected to the previous application.

Acting Head Of Technical Services

General Summary

Urban Design has no objections subject to comments below.

Highways Comments

In accordance with SPD3, 3 incurtilage car parking spaces are provided for a 4-bedroom dwelling therefore we raise no objections.

Landscape & Visual Comments

I have reviewed the submitted documents and would not wish to object to the proposal on landscape or visual grounds, subject to the comments and informative below.

Neighbours most affected by the development will be the properties directly opposite, Fairhaven and no. 1 Fourways. Both of these will have clear views of the extension and alterations. As a result I suggest that tree and hedge planting is carried out along the frontage of the property to reduce the visual impact of the development. This would then provide a similar front boundary treatment as the other properties along High Lane.

Should consent be granted, details of the hard and soft landscaping proposals and boundary treatments will be required. Full details should be provided to the following minimum standard. Suggested wording is provided in the informative section below.

Informative

LANDSCAPING SOFTWARES

Notwithstanding the proposals detailed in the submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:

- a) commencement of the development
- b) or agreed phases
- c) or prior to the occupation of any part of the development

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality-planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

MAINTENANCE- SOFTWARES

Notwithstanding the proposals detailed in the submitted plans, a soft landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas/ retained vegetation, other than small privately owned domestic garden shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.

Maintenance shall be detailed for a minimum of 5 years from date of completion of the total scheme regardless of any phased development

Any vegetation within a period of 5 years from the date of from the date of completion of the total works that is dying, damaged, diseased or in the opinion of the LPA is failing to thrive shall be replaced by the same species of a size at least equal to that of the adjacent successful planting in the next planting season unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

LANDSCAPING HARDWORKS

Notwithstanding the proposals detailed in the submitted plans the development shall not commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

ENCLOSURE & STREET FURNITURE

Notwithstanding the proposals detailed in the submitted plans, all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Such means of enclosure, retention and street furniture as agreed shall be erected before the development hereby approved is occupied.

Reason: In the interests of the visual amenities of the locality.

Maltby Parish Council

23. Objects to application on the grounds that the garage and sunroom would be obtrusive in street scene due to its projection forward of the front elevation of Wayside; would change the present bungalow to a two storey dwelling, overbearing, overdevelopment, with lack of amenity space, revised application does not address amenity issues with neighbouring occupiers contrary to policy GP1 and HO12 and property is in disrepair.

PUBLICITY

24. The application has been publicised by means of individual notification letters to neighbours. Seventeen (15) individual letters of representation have been received from the occupants of the following addresses:

Dunsmore Villa, 1 Dunsmore Close, 3 Dunsmore Close, 7 Dunsmore Close, 10 Dunsmore Close, 11 Dunsmore Close, Beech Cottage, Fairhaven, Wayside, 5 Beech Grove, 1 Oxhill Farm, 1 Pennyman Green, 2A Willows Avenue

Summary of objections:

- Proposal is the same as previous applications and previous refusal points and objections still stand with regards to alterations to dwelling.
- The application does not address issues raised by the Council and Planning Inspectorate.
- The proposals would be out of character with the neighbouring bungalows and street scene of High Lane, Maltby.
- There is already an existing supply of housing of this type within the village.
- Visual impact on street scene from neighbouring properties.
- Will be overbearing and create privacy issues with the installation of dormer windows to the front and windows in the east elevation, towards properties on Dunsmore Close, Maltby.
- The proposal being contrary to Policy HO12 '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'
- The proposal is not a sustainable design, not a shared vision with the local community, an inappropriate development, does not provide affordable housing or provision for housing for families, the elderly and the disabled.
- Dormer windows are not allowed to properties along High Lane
- The proposal contrary to PPS1, PPS3, Core Strategy (CS3, CS8), HO12 and SPG2.
- Proposed garage to front contrary to SPG2.
- Right to light and requires a BRE209 with reference to the sunlight/daylight drawings submitted by the applicant/agent.
- Proposal is overdevelopment and provides no amenity space
- Encroachment issues with works to property adjacent to Wayside, High Lane.

PLANNING POLICY

25. 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 and Stockton on Tees Local Plan (STLP)

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

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.

Saved Policy HO12

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

Planning Policy Statement 1: Delivering Sustainable Development

Design

33.

Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.

34.

Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

35.

High quality and inclusive design should be the aim of all those involved in the development process. High quality and inclusive design should create well-mixed and integrated developments which avoid segregation and have well-planned public spaces that bring people together and provide opportunities for physical activity and recreation. It means ensuring a place will function well and add to the overall character and quality of the area, not just for the short term but over the lifetime of the development. This requires carefully planned, high quality buildings and spaces that support the efficient use of resources. Although visual appearance and the architecture of individual buildings are clearly factors in achieving these objectives, securing high quality and inclusive design goes far beyond aesthetic considerations. Good design should:

- address the connections between people and places by considering the needs of people to access jobs and key services;
- be integrated into the existing urban form and the natural and built environments;
- be an integral part of the processes for ensuring successful, safe and inclusive villages, towns and cities;
- create an environment where everyone can access and benefit from the full range of opportunities available to members of society; and,
- consider the direct and indirect impacts on the natural environment.

SITE AND SURROUNDINGS

27. The application site is a detached bungalow. The immediate neighbouring properties are bungalows, beyond which are a mix of house types. The remaining street scene further along High Lane and to the east generally, consists of a variety of house types including two storey houses and cottage style dwellings.
28. The host property is in an elevated position relative to the highway to the south west: High Lane, and to adjacent neighbouring properties on either side. The highway frontage of the site comprises a hedgerow, which adjoins a 1.0m high (approx.) wooden fence, and agricultural style gates. A blank brick elevation of the detached garage and a 1.6 metre fence forms the boundary to No. 1 Dunsmore Close (east) and a rendered wall 1.6m high (approx.) to the boundary to 'Wayside', High Lane (west). The rear boundary comprises a 1.6m high (approx.) wooden fence.
29. Adjacent to the boundary of No.1 Dunsmore Close, is an area of side garden, which is enclosed by a 1.0m high picket wooden fence.
30. The immediate building line is formed by neighbouring properties on High Lane and it is slightly staggered. No. 1 Oxhill Farm, Wayside and Summerhill have a principal elevation facing High Lane, whereas No 1 Dunsmore Close presents a side gable. All properties are set back from the highway edge. Properties on the opposite side of High Lane present a staggered building line and are, again, set back from the highway edge.

MATERIAL PLANNING CONSIDERATIONS

31. The main planning considerations are appropriateness of the scale, nature and design of the proposed extensions and the impact of the resultant building on the character and

appearance of the streetscene, the likely impact on the residential amenity of the occupants of neighbouring properties and the future residents of the host property, access and highway safety considerations, and the Inspector's reasons for dismissal of the appeals in April 2009.

Planning Policy Considerations

32. Since the previous refusals of the aforementioned planning applications and subsequent appeal decisions, the Council has adopted the Core Strategy Development Plan (24th March 2010), replacing several local plan policies found with the adopted Stockton on Tees Local Plan.
33. In this instance Local Plan Policy GP1 has been replaced with Core Strategy Policy 3 (CS3) – Sustainable Living and Climate Change, which is specifically relevant in determining this type of application.

Consideration of previous appeals

34. **Application 08/0464/FUL – Appeal Scheme A** - First floor and single storey extensions to front and side including dormer windows and single storey double garage to front.

Application 08/3008/FUL – Appeal Scheme B - Alterations and Extensions to dwelling including sunroom extension to the side and erection of a single garage to front.

Application 08/3009/FUL – Appeal Scheme C - Alterations and Extensions to dwelling including sunroom extension to the side.

35. In assessing the above appeal applications the planning inspector, highlighted three main issues that were material consideration to each application, which were '*Living conditions, Character and appearance and Amenity space*'. These main issues and comments by the appeal inspector have been summarised below for clarity purposes and the full appeal decision letter has been attached at Appendix 17.

Living conditions

36. The appeal inspector stated that with reference to all three schemes(A,B&C), the resultant building would have an overbearing outlook from the rear of the dwelling and when the using the garden of No.3 Dunsmore Close, contrary to Stockton On Tees Local Plan policies GP1 and HO12. (*Inspectors decision letter p.2, para.5*)
37. The proposed three roof lights to the rear (appeal schemes A, B & C) which being at eye level, would allow overlooking issues towards the adjacent private garden of this neighbour, contrary to Stockton On Tees Local Plan policies GP1 and HO12 . (*Inspectors decision letter p.2, para.6*)
38. The proposed double garage to the front (appeal scheme A) would have an overbearing impact on the amenities of No.1 Dunsmore Close from their conservatory and garden contrary to Stockton On Tees Local Plan policies GP1 and HO12. (*para.7 p.2*), whilst the proposed sunroom and single garage to the front (schemes B & C) would be acceptable with respects to amenity issues on this neighbour. (*para.7 p.2*)

39. The appeal inspector concluded that in relation to the remaining neighbour properties at Wayside and on the opposite side of the highway of High Lane, that the proposed extensions and alteration within all three schemes (A, B & C) were not harmful with respects to outlook, loss of privacy and being overbearing. (*para.8 & 9 p.2-3*)

Character and appearance

40. Taking into account all three schemes (A,B & C) with specific reference to alterations (front gable, and dormer windows) and increase in roof height, the appeal inspector acknowledged the guidance of the Council's SPG2: Householder Extension Guide and observations of the surrounding area, considered that these alterations were acceptable and would not harm the character and appearance of the area. (*para.10 & 11 p.3*)
41. With regards to the proposed single garage to the front (appeal scheme B), with a projection length of 4.82m forward of the forward most elevation facing High Lane the appeal inspector considered that this element would not be harmful to the street scene and was acceptable. (*para.13 p.3*)
42. However, the appeal inspector did state that the proposed double garage (appeal scheme A) and the proposed sun room (appeal scheme C) would harm the character and appearance of the area contrary to Stockton On Tees Local Plan policies GP1 and HO12. (*para.14 p.3-4*)

Amenity Space

43. With reference to this matter, the appeal inspector acknowledged the size of the dwelling would be increased and that the amount of amenity space proposed would be not be less than previously available and that the proposed schemes would not be unacceptable in this issue. (*Inspectors decision letter para.16 p.4*)
44. In view of the Inspectors assessment of the previous appeal schemes, as summarised above, the applicant has submitted this application with the intention of overcoming these concerns raised within the Inspectorates decisions. The impacts of the current proposal are considered as follows;

Character and Appearance

Alterations to Existing Dwelling to the Front

45. Given the mix of styles of house types along High Lane, the proposed alterations to the front elevation of the dwelling (bay windows, increase in roof height, proposed dormers and front gable extensions), remain as previously proposed within previous appeal schemes (A, B & C), and the Councils previous acceptance on these developments, with the appeal inspector in agreement, it is considered that these proposals would not significantly upset the aesthetic balance of the house or have an adverse impact on the character of the surrounding area or street scene.

Alterations to Existing Dwelling to the Rear

46. Alterations to the rear of the property will not be prominent in views from High Lane or neighbouring properties to the front. However, they will be visible from neighbouring properties along Dunsmore Close, Wayside and 2 Oxhill Farm, Maltby.

47. The proposed alterations do not specifically reflect the character and appearance of the properties surrounding it. However, there is a mix of property types nearby, and no strong vernacular that this development would need to follow. The scale, layout and design of the proposed alterations to the rear are considered to be complementary to the overall design of the resultant building and will incorporate existing features such as the existing flat roof along the eastern boundary with a parapet feature; matching fenestrations which are in keeping with the overall design of the development and matching materials.
48. It is considered that these changes are in keeping with the character of the remainder of dwelling and would not have an adverse impact on the street scene or have a poor outlook onto neighbouring properties to the rear.

Sunroom and Single Garage to front

49. Paragraph 4.1 of Supplementary Guidance Note 2 Householder Extensions - SPG2: states that 'With the exception of modest porches, extensions to the front of a property would not normally be appropriate as they would upset the building line and be highly obtrusive. There may be circumstances where extensions to the front of the house are appropriate, but you will need strong justification for this'.
50. As the proposed sun room will be obscured from view by the proposed single garage to the front, as viewed from the adjacent highway of High Lane, it is not considered that this element of the proposal would be obtrusive nor be of undue harm to the character of the street scene. Furthermore, it is considered that the sunroom as a whole is in keeping with the overall design of the development.
51. With respect to the proposed single garage to the front, this development will now project 3.39m (1.43m less than Appeal scheme B proposal), forward from the front elevation of the proposed sunroom and would be located 7.4 metres (approx.) from the adjacent highway.
52. Whilst the garage in design terms is in keeping with the rest of the development, the Council has previously taken the view that a garage of these proportions, in this location would be unacceptably intrusive in the streetscene, and this formed a reason for refusal for reference no 08/3008/FUL. However, the Inspector took a different view and taking account of the guidance in SPG 2, which seeks to minimise impacts in the streetscene, found the garage in Appeal Scheme B, (projecting 4.82m metres) to be acceptable. The garage now proposed is some 1.43m shorter than that in Scheme B. Given this, and taking account of the Inspectors view, it is considered that the garage as proposed would not be harmful to the street scene and is therefore acceptable.

Conclusion

53. Residents have concerns regarding the appropriateness of the layout, scale, design and character in this location. However, it is considered that, taking account of the Inspector's comments, the changes proposed, overall the proposed development is acceptable in terms of its character and appearance and impact on the streetscene. It is not considered to constitute an incongruous element in the streetscene, accords with the aims of PPS 1 in this regard, Saved Policy HO12, adopted Core Strategy Policy CS3 and advice found within SPG2 and is therefore acceptable.

Residential Amenity (Living Conditions):

Alterations to existing dwelling to the Front

54. The dormer windows would be to the front of the dwelling, but set back within the site. The properties at 'Fairhaven' and No.1 Pennyman Green would be between 25-30 metres away. Taking into consideration those distances and account of the change in levels, it is not considered that the installation of Dormer windows would lead to a loss of privacy for the residents of those neighbouring properties.
55. As in previous schemes, the proposal would seek to raise the height of the nearest part of the resultant building to 'Wayside'. The ridge of the roof would be raised by 600mm to 6.2 metres, but the eaves would remain at 3.2 metres. However, given that the development would be adjacent to a pedestrian access and the side of this neighbour's garage, it is not considered that the proposed resultant building would dominate or overshadow the neighbouring property.
56. No.1 Dunsmore Close is located to the north east of the Summerhill, and given the general dimensions of the proposal, and that the bulk of the building is 6 metres from the common boundary, it is not considered that the resultant building would overshadow that property or have an overbearing impact.

Alterations to existing dwelling to the Rear

57. The proposed single storey kitchen extension projects 1.0m, and partially fills a small 'step back' in the existing rear elevation of the property. The windows in this small section of new build will mirror the existing arrangement of ground floor windows, albeit 1.0m further forwards - towards No. 3 Dunsmore Close, and 2.8 metres towards 'Wayside'. This would afford oblique view towards the rear of garden of 'Wayside' and directly towards No.3 Dunsmore Close. Taking account of the existing situation, and dimensions and location of the proposed extension, it is not considered that this element of the proposal would serve to increase the overlooking impact, above and beyond that which already exists, and is considered to be acceptable.
58. Furthermore, given the arrangement and orientation of the three dwellings concerned and the dimensions of the new build, it is not considered that this part of the proposal would have an overbearing or overshadowing impact on either 'Wayside' and 3 Dunsmore Close.
59. In order to address the Inspector's concerns regarding the impact of the first floor gable extension of the original schemes, insofar as its impact on the amenity of No 3 Dunsmore Close is concerned, the applicant has amended the design, position and scale of that element of the proposals. The gable is now positioned centrally, with the apex height reduced by approximately 200mm, and set back from the original rear elevation by 500mm. It now stands approximately 6.2 metres in height, approximately 4.0m to the south of the boundary between Summerhill and No. 3 Dunsmore Close. It is therefore considered acceptable.
60. In terms of 'Wayside', the eaves of this element of the proposal is 3.0m from the common boundary. Given the orientation, design and dimensions of the gable extension it is not considered that it would have either an overbearing or overshadowing impact on 'Wayside'.
61. There are no windows in the gable of Summerhill facing 'Wayside'. The roof light in the plane of the roof of the gable towards 'Wayside' will afford views of the rear garden of that property. Therefore, it is necessary to attach a condition on any permission granted to ensure that the roof light is obscurely glazed and openings restricted to 45 degrees hinged at the bottom. It is considered that this would allow oblique views of the rear garden and

the extent of overlooking arising would not be such to warrant refusal of planning permission on that ground.

62. A set of windows is proposed in the rear elevation of the gable extension. The applicant has proposed that these would be obscurely glazed. However, to maintain privacy, those windows should be non-opening. It is recommended that a planning condition be attached to any permission granted to prevent overlooking, and any loss of privacy arising there from.
63. Two roof lights are proposed in the rear roof plane to serve bedroom 2. The bottom of those window panes are at a height of 1.7 metres from internal finished floor level. It is not considered that this would preclude views of adjacent properties. It is necessary therefore to attach a condition on any permission granted to ensure that the roof lights are obscurely glazed and openings restricted to 45 degrees, hinged at the bottom. It is considered that this would only allow oblique views of the rear garden of No. 3 Dunsmore Close and the extent of overlooking arising would not be such to warrant refusal of planning permission on that ground, and also overcomes the Inspectors previous reason for dismissal.
64. With respects to the proposed 1no. roof light within the apex of the proposed gable, the applicants have stated that this will be an obscurely glazed emergency window, and is required for building regulations purposes. This would use fixtures that would allow for emergency opening, but not day to day use. The details of the emergency window would, in the event of any permission being granted, be controlled by condition.
65. The proposed layout shows at ground floor windows serving a snug and study in the elevation towards No.1 Dunsmore Close. It is considered that this arrangement replicates the existing opportunities for views, and would not worsen the existing situation with regard to overlooking and loss of privacy.

Sunroom Extension to side and Single Garage to front

66. The sunroom extension will be located to the rear of the proposed garage. It is obscured in views from the proposed single garage which will be located approximately 27 metres from 'Fairhaven', 9.5 metres from a conservatory extension at 1 Dunsmore Close, 10 metres from the boundary with 3 Dunsmore Close, 27 metres from Beech Cottage, 34 metres from 1 Pennyman Green at is 27 metres distant, largely screened from the front garden at the Wayside by the existing/proposed resultant dwelling. Taking account of these distances and boundary distances, the design of the sunroom and the general change in levels, it is not considered that the proposed sunroom would overlook or have an overbearing impact on the amenity of those neighbouring properties. Furthermore, given the orientation and location of neighbouring properties and the design of the proposed sunroom, it is not considered that this element of proposal would unduly overshadow neighbouring properties.
67. The proposed single garage to front would be 21.5 metres from Fairhaven, 29.5 metres from 1 Pennyman Green, 23.5 metres from Beech Cottage and 9.5 metres from the conservatory at No.1 Dunsmore Close. Taking account of these distances, the design of the garage and the general change in levels, it is not considered that the proposed garage would overlook or have an overbearing impact on the amenity of those neighbouring properties. Furthermore, given the orientation and location of neighbouring properties and the design of the garage, it is not considered that this element of proposal would unduly overshadow neighbouring properties.

Conclusion

68. Having taken account of residents concerns, the Inspector's reasons in dismissing the previous appeals, and the changes made to the development as a whole, it is now considered that the development, appropriately conditioned, would not have an unacceptable impact on the amenity of the occupants of surrounding residential properties, in terms of overlooking, overbearing and overshadowing impact and is in accordance with Saved Policy HO12, adopted Core Strategy CS3 and guidance found within SPG2.

Amenity Space:

69. Objection has been made on the grounds that the proposal would constitute overdevelopment of the plot. Supplementary Planning Guidance Note 2: Householder Extension Design Guide advises that approximately two thirds of each plot remains as amenity space, with one third allowed for built development. As the resultant dwelling will be slightly less than previously proposed within application 08/3008/FUL - Appeal Scheme B (which proposed approximately 31% of development), it is considered that the proposal maintains acceptable levels of privacy and amenity space for the occupants of resultant building and is therefore acceptable.
70. Furthermore, the appeal inspector concluded in paragraph 16, page 4 within the appeal decision that as the proposed amenity space would not be less than previously available, the overall development would not be unacceptable in this matter; therefore, this addresses the objection comments received.

Landscape matters

71. The Councils Landscape architects were consulted on the application and raise no objection subject to a tree and hedge planting condition along the front boundary adjacent to High Lane, to soften the impact of the development within the street scene.
72. This is considered reasonable and has been secured by planning condition, which will maintain the visual amenity aspects of the development within the street scene.

Access and Highway Safety

73. The Acting Head of Technical Services has made no adverse comments regarding this application, as it complies with the Council's SPD3: Parking Provisions for new developments and 4no. in-curtilage car parking spaces being able to be provided. Therefore, the proposed development is considered acceptable in highway safety terms.

Residual Matters:

74. Other representations have been received relating to the proposal not meeting PPS3 guidance, encroachment during construction and dormer windows are not permitted on properties on High Lane.

75. The comments/objections received are duly noted. However, it should be noted matters relating to covenants in respect of dormer windows and encroachment issues with during construction, are civil matters; PPS3 requirements with regard to sustainable development, affordable housing and providing housing for families, the elderly and the disabled relates to new residential dwellings and not existing household extensions.
76. The resident at No. 3 Dunsmore Close has raised concern with respects to the submission by the applicant illustrating sunlight/daylight drawings with respects to the proposed development. In response to this the resident has submitted a letter from a chartered building surveyor, stating that if the Council were to use this as a 'rule of thumb' in determining the application, they should ask the developer to submit a full assessment in accordance with BRE209 (Building Research Establishment procedures 209).
77. This comment is duly noted, however, in determining this application, the Council have not used the supporting information and have assessed the proposed development's impact by a site evaluation
78. The applicant's agent has made a late submission of information and drawings which indicate that the proposal would not overshadow neighbouring properties. However this was not used in assessing the impact of the proposed development.
79. For information a 2.0 metre boundary fence is shown on the proposed plans and elevations. However, it is not mentioned in accompanying documentation and does not form part of the proposal as it is permitted development.

CONCLUSION

80. It is considered that the design, scale and appearance of the proposed extensions are acceptable, and the overall height increase of the dwelling house will not have a detrimental impact on the visual amenity of neighbouring properties or the street scene of High Lane.
81. It is considered that the proposal addresses the appeal inspectors concerns with respects to having an adverse impact on the amenities of the occupants of No.3 Dunsmore Close and neighbouring properties. In view of these matters, it is considered that the proposal accords with the relevant local policies of the Stockton on Tees Local Plan, the Core Strategy Development Plan Document and national policy PPS1 and accordingly it is recommended that the application be approved with conditions.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Fahim Farooqui Telephone No 01642 528558

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 (adopted June 1997)

Core Strategy Development Plan Document (adopted 24 March 2010)

Supplementary Planning Guidance Number 2: Householder Extension Guide (adopted March 2006)

Supplementary Planning Document Number 3: Parking Provision for New Developments

Planning Policy Statement 1: Delivering Sustainable Development

Planning applications: S1593/87, 95/0709/P, 04/0106/FUL, 05/0867/FUL, 05/1275/REV, 05/2969/FUL, 08/0464/FUL, 08/3008/FUL and 08/3009/FUL- Appeal Decisions - APP/HO738/A/08/2089002, APP/HO738/A/09/2093845, APP/HO738/A/09/2093849.

WARD AND WARD COUNCILLORS

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