

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

25 August 2010

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

10/1730/RET

21 Ashville Avenue, Eaglescliffe, Stockton-on-Tees

Retrospective application for the installation of a carport to the front of the property.

Expiry Date 30 August 2010

SUMMARY

Retrospective planning permission is sought for a car port which has been erected adjacent to the highway to the front of the property. Seven letters of support have been received from neighbouring residents. No objections are raised by the Acting Head of Technical Services as the development does not impact upon the parking arrangements. However, whilst it is acknowledged that boundary treatments adjacent to the shared boundary with number 19 Ashville Avenue provide some screening for the development from the west, it is considered that the structure will result in an incongruous feature which will dominate the street scene when viewed from the west. It is therefore recommended that the development be refused and enforcement action authorised.

RECOMMENDATION

Planning application 10/1730/RET be Refused and that appropriate enforcement action is authorised for the following reason)

01. In the opinion of the Local Planning Authority the development, by virtue of the position, size and design, results in an incongruous feature within the street scene to the detriment of the character and appearance of the surrounding area contrary to policy CS3 of the adopted Core Strategy and guidance within PPS1 and PPS3 .

1. PROPOSAL

Retrospective planning permission is sought for a car port erected to the front of the property. The car port is located adjacent to the highway to the front of the dwelling and measures approximately 4 metres wide with a length of approximately 5.8 metres. The rear garden serving the site is on a higher level than the front of the property as such a retaining wall with steps has been installed to replace the sloping land.

The materials used consist of black painted steel posts with timber trellis and joists with poly carbonate sheet roofing.

The applicant has stated that the works were carried out for medical reasons to improve access to the property.

2. CONSULTATIONS

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

3. Acting Head of Technical Services

General Summary

Urban Design has no objections.

Highways Comments

The erection of the carport does not affect the existing parking provision therefore no objections are raised to this application.

Landscape & Visual Comments

No comments.

4. PUBLICITY

Neighbours were notified and comments received are summarised below -

Diane Staples
10 Teesbank Avenue Eaglescliffe
Supports the application

L Portas
15 Ashville Avenue Eaglescliffe
Supports the application

Mr and Mrs White
13 Ashville Avenue Eaglescliffe
Supports the application

J E Tyson
507 Yarm Road Eaglescliffe
Supports the application

5. A and G Horner
6. 22 Ashville Avenue Eaglescliffe
7. Supports the application

Mrs K Harvey
23 Ashville Avenue Eaglescliffe
Supports the application

Mr David Renn
19 Ashville Avenue Eaglescliffe
My property is on the same building line as number 21, the two properties are separated at the front aspect, where the car port has been erected by a substantial privet hedge rendering it impossible for me to see the car port. I therefore have no objection to the above application.

8. 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 and Stockton on Tees Local Plan (STLP)

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

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

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.

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.

9. SITE AND SURROUNDINGS

The application site is a detached bungalow located within a predominantly residential area. The surrounding properties consist of various designs and include bungalows and dwelling houses however there is a uniform building line within the street scene. Owing to a slope in the level of the drive way there is a retaining wall adjacent to the boundary with number 19 Ashville Avenue, this neighbouring property also has mature hedges adjacent to the shared boundary which measure approximately 2 metres in height.

10. MATERIAL PLANNING CONSIDERATIONS

The main planning considerations when considering this application are the impact upon the amenity of neighbouring properties, highway safety and character of the surrounding area.

Seven letters of support have been received from neighbouring residents largely on the ground that it will not impact upon them or the appearance of the surrounding area.

Amenity of Neighbouring properties

The structure is adjacent to the shared boundary with number 19 Ashville Avenue. There is a retaining wall adjacent to the boundary with this neighbouring property. Furthermore this neighbouring property has hedges with an overall height of approximately 2 metres adjacent to the shared boundary. As such it is considered that the development is largely screened from this neighbouring property and as such does not result in a detrimental impact upon the amenity of this neighbouring property.

The structure is approximately 15 metres from the boundary with number 23 Ashville Avenue. There is also a separation distance of approximately 20 metres to the neighbouring property opposite, number 20 Ashville Avenue. As such it is not considered that it will result in a detrimental impact upon the amenity of these neighbouring properties.

Highway safety

The Acting Head of Technical Services raises no objections to the development as it does not affect the existing parking serving the dwelling. As such it is not considered that the development has an adverse impact upon highway safety.

Character of the Area

Planning Policy Statement 1- Delivering Sustainable Development (PPS1) and Planning Policy Statement 3- Housing (PPS3) outlines the government's stance in terms of requiring high standards of design in residential development. As such PPS3 states that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area, should not be accepted. Policy CS3 of the adopted Core Strategy also states that development should make a positive contribution to the local area.

The development introduces a feature within the street scene which is forward of the uniform building within the street and as such will be highly visible. Furthermore it is considered that the materials used do not match the materials of the main dwelling or are in keeping with those of the surrounding area. It is noted that the planting, which consists of 2 metre high hedges, adjacent to the boundary with number 19 provides a significant amount of screening from the west however this is within the neighbouring property and as such cannot be retained by means of a planning condition. Furthermore owing to the prominent position and design of the structure it is highly visible from the south and east of the site. As such it is considered that the development introduces an incongruous feature within the street scene which dominates views of the street scene, especially from the west of the site, and is detrimental to the character and appearance of the surrounding area. Therefore the development is considered to be contrary to policy CS3 of the adopted Core Strategy and guidance within PPS1 and PPS3.

The situation has also been considered in terms of whether the car port could be located in a more acceptable location within the property. It is considered that with remodelling of the garden the car port could be located to be adjacent to the main dwelling where it would not project past the main building line within the street scene. This alternative position for the development was discussed with the agent however was not considered to be acceptable by the applicant.

11. CONCLUSION

It is considered that the structure would not have a detrimental impact upon the amenity of neighbouring properties or highway safety. However it is considered that the car port introduces an incongruous feature which is out of keeping with the character and appearance of the surrounding street scene. As such it is considered that the development is contrary to policy CS3 of the adopted Core Strategy and guidance within PPS1 and PPS3 and should be refused and that the Director of Law and Democracy be authorised to undertake all necessary legal action to remove the unauthorised development for the reasons stated above.

Corporate Director of Development and Neighbourhood Services

12. Contact Officer Miss Helen Turnbull Telephone No 01642 526063

IMPLICATIONS

Financial Implications:

None

Environmental Implications:

None

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:

Adopted Core Strategy
CS3 Sustainable Living and Climate Change

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development
Planning Policy Statement 3 (PPS3): Housing

13. WARD AND WARD COUNCILLORS

Ward	Eaglescliffe
Ward Councillor	Councillor A L Lewis
Ward	Eaglescliffe
Ward Councillor	Councillor J. A. Fletcher
Ward	Eaglescliffe
Ward Councillor	Councillor Mrs M. Rigg