

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

6 October 2010

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

10/2110/RET

542 Thornaby Road, Thornaby, Stockton-on-Tees

Revised retrospective application for conversion of existing dormer bungalow into two storey dwelling and erection of single detached garage.

Expiry Date 13th October 2010

SUMMARY

The application site is 542 Thornaby Road, it is located on a main road and within a row of other detached dwellings. The applicant is seeking retrospective planning consent for revised works for the conversion of the property into a two-storey dwelling and the erection of a single garage to the rear.

Permission has previously been granted and the majority of the works have been carried out, however the applicant now seeks to make amendments to the scheme. The amendments include the use of the loft space as 2 bedrooms, the installation of 1 window in each side gable, the installation of velux roof lights in the rear and the removal of 1 first floor window in the rear elevation. These works have been carried out, with the exception of the velux roof lights.

The planning application has been publicised by means of individual letters and 8 objections have been received from 7 different properties and 1 letter of representation has also been received. The main reasons for the objections relate to loss of privacy from the additional windows and concern over the potential use of an existing flat roof extension as a balcony area. Concern has also been raised regarding the carrying out of works without first gaining planning permission.

The main planning considerations relate to the impact upon the street scene and character of the area, any impact upon the amenity of neighbouring occupiers and highway safety.

It is considered that overall the proposed development will not have a detrimental impact on the amenities of the area and is in accordance with saved policy HO12 of the Stockton on Tees Local Plan and Policy CS3 of the Stockton on Tees Core Strategy. The application is accordingly recommended for approval with conditions.

RECOMMENDATION

Planning application 10/2110/RET 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
SBC0003	2 September 2010
BUTLER/10	18 August 2010
SBC001	11 August 2010
SBC002	11 August 2010
BUTLER/01C	24 September 2010

Reason: To define the consent.

- 02. The Juliet Balcony railings shall be installed in accordance with drawing no. BUTLER/01C DATED 24th September 2010 and retained for the life of the development hereby approved.**

Reason: In the interest of the amenities of neighbouring occupiers

- 03. The obscurely glazed windows within the northern and southern elevations shall be retained for the life of the building.**

Reason: In the interest of the amenities of neighbouring occupiers

- 04. Notwithstanding any details submitted as part of this application, the existing flat roof of the rear extension shall not be used for recreation or any purposes other than the maintenance of the property.**

Reason: In the interest of the amenities of neighbouring occupiers

INFORMATIVES

It is not considered that the proposal will have any significant impact upon residential amenity, the character of the area or highway safety. The proposal has been considered against the policies below and it is considered that the scheme accords with these policies and there are no other material considerations which indicate a decision should be otherwise.

Stockton on Tees Adopted Local Plan (1997):
HO12 - Extensions and Other Domestic Development

Stockton on Tees Borough Council Local Development Framework:
CS3: Sustainable living and climate change

BACKGROUND

1. Previous approval was given for the conversion of existing dormer bungalow into a two-storey dwelling and the erection of a single detached garage (Application 08/0801/FUL). This application seeks to make amendments to the previously approved scheme.

PROPOSAL

2. This application is a revised application and seeks permission for the conversion of a dormer bungalow into a two-storey dwelling and the erection of a single detached garage.

The property has now been converted into a two-storey dwelling and the garage has been constructed. The applicant wishes to amend the previous approval in the following ways;

- a) Use of the loft space as 2 bedrooms
- b) Insertion of 1 no. window in each side gable elevation to facilitate the use of the loft. The glass has Level 5 obscurity and these windows have already been installed.
- c) The installation of velux roof lights in the rear
- d) The removal of 1 window at first floor in the rear elevation.

CONSULTATIONS

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

3. Councillor M Eddy
Please accept my objection to the above retrospective planning application for 542 Thornaby Road.
4. Head Of Technical Services
General Summary
Urban Design has no objections.

Highways Comments

It is noted that the proposed garage does not meet the minimum standard of 6m x 3m however the maximum 4 car parking spaces can be accommodated on the drive therefore we raise no objections.

Landscape & Visual Comments

There are no objections to this application.

PUBLICITY

5. Neighbours of the application site were notified of the application by letter and were reconsulted when the position of the velux roof lights was amended.
6. 8 objections have been received from 7 different properties in respect of the application, some contributors have written twice due to reconsultation. 1 letter of representation was received in relation to the reconsultation letter.
7. The properties that have objected are as follows;

540, 544, 548 and 550 Thornaby Road
48 & 50 The Green
Ballantrae, The Drive
8. The main issue raised in the objections is the impact on the privacy of neighbouring occupiers caused by the additional windows in the side gable elevations and the velux roof lights.
9. Some letters raised concern over the installation of the Juliet Balcony as the railings have not yet been installed and there could be potential for the existing flat roof extension to be used as a balcony area.
10. Comments were also made with regard to the application being retrospective and the applicant carrying out works without first seeking permission.

PLANNING POLICY

11. 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)
12. The following planning policies are considered to be relevant to the consideration of this application:-

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

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.

SITE AND SURROUNDINGS

13. The application site is 542 Thornaby Road, Thornaby. The property is located between 2 two-storey dwellings; to the rear the property has a long rear garden that projects towards properties on The Drive. The properties along this part of Thornaby Road are individual detached two-storey and single storey dwellings that are various sizes and styles.

MATERIAL PLANNING CONSIDERATIONS

14. The principle of development has already been accepted due to the approval of the previous application, however as this application is a revised application for the development; the material planning considerations are; the impact on the street scene and character of the area, the impact on the amenity of neighbouring occupiers and the impact on highway safety.

Impact on the street scene and character of the area

15. The application site is located within a row of detached dwellings. The properties within this part of Thornaby Road are all individual properties and there is no predominant building style. The properties at either side of the application site are both two-storey dwellings.
16. The application site is set back approximately 12m from the main road and is approximately 3m back from the front of the neighbouring property 544 Thornaby Road. As a result it is not considered the dwelling forms an obtrusive feature within the street scene.
17. Given the varying sizes and styles of other properties along Thornaby Road, it is not considered the proposal has a significant impact upon the character of the area and the changes to the previous approval do not significantly alter the appearance of the development.

Impact on the amenity of neighbouring occupiers

18. The objections received from surrounding residents express concern over the impact on the privacy of neighbouring occupiers. The applicant is now seeking approval for 1 additional window in each side gable and concern has been raised regarding the impact of these windows, however these windows have been installed with level 5 obscure glazing and have top openings and it is considered there is no significant detrimental impact on the amenity of neighbouring occupiers in terms of overlooking.
19. Concern has also been raised regarding the installation of velux roof lights in the rear of the roof. The roof lights only allow an oblique view and will predominantly look onto the applicants rear garden.
20. The neighbour at 540 Thornaby Road has raised the issue of an existing first floor side elevation bathroom window and the degree to which this window can be opened. The design of the window was not accurately reflected on the submitted plans and the plans have therefore been amended. Under normal circumstances Planning Approval is not required for replacement windows in the first floor providing the window is obscurely glazed and non-opening unless the parts of the window, which can be opened, are more than 1.7 metres above the floor of the room in which the window is installed. As this window can be opened, planning approval is required. It is considered that the replacement window (which is the same size opening as previous) causes no worse an impact than the previously installed window and it is therefore considered acceptable.
21. Concerns have also been raised regarding the Juliet balcony as the railings have not yet been installed and neighbours are concerned the flat roof extension may be used as a balcony. Conditions outlined earlier in this report are to be used to ensure the railing is installed and retained and the use of the flat roof area is restricted.
22. The proposed alterations to the dwelling do not increase the footprint of the property and does not project further to neighbouring residents. There has been an increase in the ridge height of 2.2m; however, the property is located between 2 two-storey dwellings and it is not considered there will be a significant overbearing or overshadowing impact from the proposal.
23. The detached garage has been constructed and is located adjacent to the boundary with 544 Thornaby Road. There is one side window within the side of 544 Thornaby Road, however this already faces onto the existing dwelling at the application site and it is not considered there is any additional shading impact from the garage. In addition, the proposal is in line with the 60-degree rule, as set out in SPG2: Householder Extension Guide.
24. For the reasons stated above it is not considered that the application will result in a significant loss of amenity for neighbouring residents.

Impact on Highway Safety

25. The Head of Technical Services has stated that the maximum 4 car parking spaces can be accommodated on the drive therefore no objection is raised on highway safety grounds.

Other Matters

26. Concerns have also been raised about the application being retrospective, however the onus is on the applicant to apply for the relevant planning approvals. This application seeks to regularise the changes made and is determined in accordance with the relevant planning policies. Whilst these concerns are noted the fact that the application is retrospective has

no bearing on the processing of the application and is not a reason for refusal of the application.

CONCLUSION

**Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Ruth Hindmarch Telephone No 01642 526080**

WARD AND WARD COUNCILLORS

**Ward Village
Ward Councillor Councillor M Eddy**

**Ward Village
Ward Councillor Councillor I J Dalgarno**

IMPLICATIONS

Financial Implications: as per report

Environmental Implications: as per 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)

Stockton on Tees Core Strategy Development Plan Document (Adopted 24 March 2010)