

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

23 November 2011

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

11/2420/REV

6 Spitalfields, Yarm,

Revised application for two storey extension to the side, single storey extension to rear with chimney and canopy to front (Part retrospective)

Expiry Date 21 November 2011

SUMMARY

This revised application which is in part retrospective seeks planning permission for the erection of a two storey extension to the side, single storey extensions to rear with chimney (demolition of existing detached garage) and a canopy to front of No 6 Spitalfields, which a link-attached two storey dwelling, located along a row of similar style properties, along Spitalfields, Yarm, Stockton on Tees.

The application site already benefits from two planning permissions. The original application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front was approved on 24th September 2008 reference 08/1971/FUL. A revised part-retrospective application was later approved in December 2009 reference 09/1532/REV. A third application reference 11/0421/FUL was withdrawn in April 2011.

The main planning considerations with regard to this application are the extant planning permissions that the site already benefits from, the impact on the existing dwelling and street scene, the impact on the amenity of neighbouring properties, and highway safety and access.

No objections have been received from the Head of Technical Services or the Environmental Health Unit.

Six letters of objection have been received from neighbouring properties and from a Local Ward Councillor. These objections raise concerns that the works will create a terracing effect as opposed to the original 'link' terrace design and would as a result create an incongruous design in the street scene; that the applicant has continued to build on the site without the correct permission; the works could have a detrimental impact on the foundations of the adjacent neighbouring properties and the Party Wall Act should be served; the works contravene a Consent (Court) Order and the works will lead to property devaluation.

In view of the number of objections received more than 5 contrary to the case officer's recommendation, in accordance with the Council's Scheme of Delegation the application is referred to Planning Committee for determination.

It is considered that the scheme accords with Core Strategy Policy CS3, Saved Local Plan Policy HO12 and supplementary planning guidance (SPG2 and SPD3) as the proposal does not lead to an adverse loss of amenity for neighbouring residents. It is also considered that the proposal does not have an adverse impact on the existing dwelling, street scene, or impact on highway or public safety.

RECOMMENDATION

Planning application 11/2420/REV be Approved subject to the following conditions and informative

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.*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
SBC0001	26 September 2011
SPITAL/02 REV P3	22 September 2011
SPITAL/01 REV P13	22 September 2011

Reason: To define the consent.

02. *Materials to be used in the construction of the external surfaces walls and roof shall match the existing dwelling.*

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. *All construction operations including delivery of materials on site shall take place only between the hours of 8.00 a.m. - 6.00 p.m. on weekdays and 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.*

Reason: To protect the amenity of neighbouring properties

INFORMATIVES

General Policy Conformity

The proposed scheme has been considered against the policies and documents identified below. It is considered that the scheme accords with these policies as the proposal does not lead to an unacceptable loss of amenity for neighbouring residents in terms of outlook, overlooking, overbearing and overshadowing. It is also considered that the proposal does not have an adverse impact on the existing dwelling and does not introduce significant incongruous features within the street scene. It is further considered that the proposal does not have an adverse impact on public and highway safety. There are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Core Strategy Policy 3 (CS3): Sustainable Living
Saved Policy HO12 -Domestic Development
Supplementary Planning Guidance Note 2; Householder extension guide (SPG2, 2004)
Supplementary Planning Document 3; Parking provision for new development (SPD3, 2006)

BACKGROUND

Previous planning approvals and applications

1. By way of background, the application site of No 6 Spitalfields already benefits from two planning permissions; the original approved application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front, which was approved on 24th September 2008 (approval reference 08/1971/FUL). A revised (part-retrospective) application was later approved in December 2009 (approval 09/1532/REV). The main revisions of approval 09/1532/REV from the original approval 08/1971/FUL consisted of the erection of a small lean to roof section above the proposed two storey flat extension to the side, the relocation of the proposed chimney (as part of the proposed single storey rear extension), and the increase in length of the proposed two storey side extension towards the rear of the extension (set back approximately 0.110m from the existing rear elevations of the application site and No 4 Spitalfields).
2. Following a Court decision between No's 4 and 6 Spitalfields (regarding the ongoing works), the applicant submitted a third application (reference 11/0421/FUL) which was withdrawn in April 2011; the applicant needed to amend the submitted drawings after he was informed by the case officer of inaccuracies on the submitted plans. The applicant also informed the Local Planning Authority that he wished to make further changes but could not submit the plans within the requested timescale and the application was subsequently withdrawn.

Non-planning related matters

3. With regard to the issue of the court order, Mr Wilkinson of No 4 Spitalfields provided the case officer with the details of the court order during the withdrawn application (11/0421/FUL). Whilst these details were acknowledged, following confirmation from the Council's Principle Solicitor, both Mr Wilkinson and the applicant (Mr Spencer) were advised that the Local Planning Authority could only take material planning considerations into account, and that the court order is a civil matter and not a material planning consideration. Both parties were advised that the granting of planning permission does not allow any authority to breach a court order and therefore the Local Planning Authority would not contravene the order had it been minded to approve the recently withdrawn application (11/0421/FUL) or to approve the current application (11/2420/REV).
4. The case officer informed the applicant's agent at the time of application 11/0421/FUL that this is a matter which must be resolved by the applicant before commencing works (had the withdrawn application 11/0421/FUL been approved or whether the applicant chose to submit a further application), but is not a matter for the Local Planning Authority to be involved in; Local Ward Councillors were also made aware of the ongoing issues at the time of the last application March 2011. Whether the applicant chose to resolve such a matter with a fourth application is not something that the Local Planning Authority could enforce against and notwithstanding the court order, could choose to implement either of the extant planning approvals that the site benefits from (08/1971/FUL or 09/1532/REV). Nonetheless, the applicant has now submitted a new fourth application in order to progress the proposals, which are detailed below.

SITE AND SURROUNDINGS

5. The application site is a link-attached two storey dwelling, located along a row of similar style properties, along Spitalfields, Yarm. A detached flat roof garage was originally present to the rear of the application site (stepping over to No 4's rear garden), which is a common relationship for properties within the vicinity of the site; the majority of the garage has now been demolished with only the outside wall remaining along the adjacent boundary to No 4 (east). This wall in addition to an approximately 1.9m high fence are present along the rear

boundary to east, whilst the detached garage of No 8 Spitalfields (west) forms the immediate adjacent boundary to the west. An approximately 1.8m high fence, trees and other mature landscaping complete the boundary treatment to the north. No's 9, 11 and 13 Blackfriars are present to the rear the site (north), whilst No's 51-57 (odds) Spitalfields are present to the front of the site (south).

PROPOSAL

6. This application seeks planning permission which is for part-retrospective permission for the erection of
 - two single-storey extensions to the rear of the site (demolition of existing detached flat roof garage)
 - the erection of a two storey extension to the side, adjoined to No 4 Spitalfields (demolition of the existing first floor 'link') -this element is part-retrospective
 - the erection of a canopy to the front of the main dwelling, with the erection of 2 support pillars and the relocation of the main entrance door from the side (east) to the front elevation (south) of the dwelling - this element is part retrospective with the canopy roof unfinished.
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7. The main changes to the most recently approved planning application for the site are:
 - Further set back (reduction 0.55m) of ground floor element of two storey side extension to 1m from the principle elevation of dwelling (in line with proposed first floor element)
 - proposed lean to canopy in front of garage stepped in from side wall boundary of No 4 by approximately 0.15m
 - increase in height of single storey extensions to rear; the proposed pitched roof extension has been increased from approximately 3.6m in height by an additional 40 cm to approximately 4m in height and the proposed flat roof single storey extension has been increased in height from approximately 2.6m to 3.1m in height
 - the erection of a small lean to roof section above the proposed flat roof single storey extension to the rear. The proposal will measure approximately 2.8m in length x 0.4m in height x 0.8m in depth with a lean to roof that runs from south to north. The proposal will feature 2 velux roof lights in the rear (north) elevation.
 - Reduced scale of sliding doors in rear elevation (reduced from 4.5m in width to 3.6m in width) and reduced number of velux roof lights from 8 to 6 velux windows of the proposed single storey extension to rear.

Erection of two storey extension to the side

8. **This element has the benefit of extant planning permission, the difference being a reduction in the ground floor projection from 0.55 metres (total set back of 1m from front elevation)**

The proposed flat roof extension will replace the existing first floor 'link' extension, which measured approximately 3.6m in length x 3m in width x 5.6m in height. The replacement two storey side extension measures approximately 7.9m in length x 3.1m in width x 5.1m in height and will be set back approximately 1m from the existing front elevation. The proposal will extend the previous bedroom with an en suite facility at first floor level and will feature 1 window in both the front and rear elevations. The proposed scheme also includes the erection of a small lean to roof section above the proposed two storey flat extension to the side. The proposal will be set back approximately 5.9m from the existing front elevation and will measure approximately 2.4m in length x 0.5m in height with a lean to roof that runs from south to north. The proposal will feature 2 velux roof lights in the rear (north) elevation.

9. The proposed garage will be located at ground floor level (in place of the existing car port area). The proposal will feature a lean to canopy that projects approximately 1m forward in line with the front elevations of No's 4 and 6 Spitalfields (but not attached to the side elevation of No 4). The proposal will feature a garage door in the front elevation.

Single storey extensions to the rear (demolition of existing detached flat roof garage)

Height of single storey extensions to rear increased; the proposed pitched roof extension has been increased from approximately 3.6m in height by an additional 40 cm to approximately 4m in height and the proposed flat roof single storey extension has been increased in height from approximately 2.6m to 3.1m in height

10. The adjoined single storey extensions will have a maximum projection of approximately 5.5m x approximately 9.3m in width and will facilitate the creation of lounge and utility rooms. The proposed lounge will feature a pitched roof, which will have a maximum height of approximately 4m, and features a set of sliding doors/windows which measure approximately 2.2m in height x 3.6m in length in the rear elevation (north). The proposed flat roof utility room extension will have a maximum height of approximately 3.1m and will feature a single access door and window in the rear elevation (north). This element of the proposed extension will be built on a similar footprint to that of the existing garage (that has recently been partially demolished).

Canopy with pillars to front

This element has the benefit of planning permission (09/1532/REV)

11. The canopy has a maximum projection of approximately 1.3m x 6.1m in length x 3m in height and features 2 support posts. The internal alterations have also required the main entrance door to be relocated from the side to the front elevation of the dwelling.
12. The submitted plans also address the anomalies highlighted on the previously withdrawn application (reference 11/0421/FUL), notably the plans now show the position of the detached garage to the rear of No 8 Spitalfields and its relation/separation distance to the proposed single storey extension.
13. The applicant has also recently installed new windows of a brown timber frame design in the front and rear elevations of the original dwelling, however these do not require planning permission and are not considered as part of the current application.

CONSULTATIONS

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

Councillor Ben Houchen

14. I would like to object to the planning application submitted by No 6 Spitalfields, Yarm. It is not in keeping with the rest of the terrace. It is not flush with the other frontages and the appearance is 'at odds' with the immediate area. I understand he intends to build across his carport area which, I fear, will give the row of houses a 'terraced' look rather than a 'linked' look. It does not fit in at all with the rest of the street scene and the, as I'm sure you're already aware, this resident has persisted with his development without seeking permission first.
15. I have also received 2 other objections to this application. I appreciate that residents must submit their objections directly but residents have informed me that they would only do so formally if their identity could be concealed as they fear reprisal from the applicant.
16. I would also like to register my concerns over how this has been handled. Neighbouring residents have brought to the attention of planning officers, an unauthorised development

at the applicant's premises and I am dissatisfied with the enforcement to prevent continuing development without permission.

Head of Technical Services

Highways Comments

17. This proposal does not increase the number of bedrooms and retains 2 incurtilage car parking spaces for a 3-bedroom house therefore we raise no highway objections.

Landscape & Visual Comments

18. No comments.

Environmental Health Unit

19. I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

20. Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

PUBLICITY

21. Neighbours were notified and comments received are set out below -

Mr P Adams

15 The Larun Beat Yarm

The visual impact and over development of the site is not suitable for the area.

Mrs J Swalwell

10 Spitalfields Yarm

I object to this on the grounds of design and appearance. The work done so far as viewed from the front is not in keeping with the rest of the estate. Brown windows and doors were used instead of white. The extension towards No 4 Spitalfields will create a small row of terrace houses causing property devalue. I notice a chimney is planned to the rear if this is to be functional it should not be allowed to use fuels that would omit smoke.

Ms Janet Wilkinson

8 Spitalfields Yarm

I object to the proposed application for the following reasons:-

the joining of No 4 Spitalfields will create a row of terraced houses versus the original view of detached properties which I feel will de-value my property. I purchased my property as a link detached and don't want to live in a row of terraced houses.

The overall appearance of the proposal differs significantly from all neighbouring houses

The retrospective works carried out so far have been done without any consideration to my property, e.g.

- foundations dug without prior consent or the use of the party wall act
- during the construction of a new fence being erected at No 6, my fence posts were cut through
- scaffolding was erected on my garage roof and front drive without my permission and causing damage to carport
- on 1 occasion I discovered a HGV on my drive delivering concrete to No 6

Mr Wilkinson

4 Spitalfields Yarm

Dear Sirs.

I object to this planning application for several reasons:-

- (1) This application contravenes an agreed Consent Order (9LS50759) which you have a copy (if you require another copy please e-mail me)
- (2) The development is not suitable for the area.
- (3) The application would have a terracing effect on my property, thus devaluing my property
- (4) The plans show foundations being excavated next to my Gable Wall without consent and although my neighbour knows I'm in dispute with this, he continues to do what he wants. He also knows that the Party Wall Act should apply which goes beyond ordinary common law, but again he ignores this.
- (5) The applicant is without doubt in "Denial" and he continues to bully Stockton Planning and his neighbours into submission. This "Merry Go Round" has to stop and Stockton Planning should finally say "NO" to this application!!

Alan Crossley

53 Spitalfields Yarm

The frontage is now at odds (and looks odd) with the general design of houses on this road. Number 4 and 6 will appear as terraced and not link detached as built.

PLANNING POLICY

22. 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 saved policies of the Stockton on Tees Local Plan (STLP)

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

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

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.

24. Saved Local Plan 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 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

25. Supplementary Planning Guidance Note 2; Householder extension guide (SPG2, 2004)

26. Supplementary Planning Document 3; Parking provision for new development (SPD3, 2006)

27. Ministerial Statement from Greg Clark

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development.

Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
- (iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
- (v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

MATERIAL PLANNING CONSIDERATIONS

28. The main planning considerations in regard to this application are the extant planning permissions that the application site already benefits from, the impact on the existing dwelling and street scene, and the impact on the amenity of neighbouring properties in terms of overlooking, overbearing and overshadowing. Other considerations include the impact on highway safety and access, and any residual matters.

29. 6 letters of objection have been received from the neighbouring properties and the Local Ward Councillor. These objections can be summarised as follows;

- the works will create a terrace effect as opposed to the original 'link' terrace design, and as a result would create an incongruous design in the street scene that is at odds with adjacent dwellings and to the detriment of visual amenity of the area
- the applicant has continued to build on the site without the correct permission and no enforcement action has been carried out to stop such works
- the works could have a detrimental impact on the foundations of the adjacent neighbouring properties and the Party Wall Act should be served/the applicant is in breach of the Party Wall Act
- The works contravene a Consent (Court) Order in respect to No's 4 and 6 Spitalfields
- The works will lead to property devaluation
- The installed brown timber windows are out of keeping with the dwelling and street scene
- The chimney to rear should not be allowed to emit smoke

Impact on the street scene and the existing dwelling

30. As noted above, the current application site already benefits from two planning permissions for a two storey extension to the side, single storey extensions to rear with chimney and canopy to front. As such the revisions to the most recently approved scheme in 2009 (approval reference 09/1532/REV) will be assessed as follows;
31. The Council's Supplementary Planning Guidance on Householder Extensions (SPG No. 2) states that extensions should blend in with the existing property in terms of siting, design, scale and materials and that they should be designed to compliment the main house, i.e. being smaller or set back. The guidance states that *"normally a gap of at least 1 metre is required between the outside wall of the extension and the boundary of your plot to avoid creating a terracing effect. Alternatively it may have to be set back from the front of the house by as much as 2 metres for the same reason"*.
32. Although the proposal does not meet the recommended guidance set back of up to 2m, given that the specific house type which is linked detached (as opposed to Semi detached for which the guidance was devised) both the ground and first floor elements of the proposed extension will be set back 1m from the existing front elevation of the dwelling, (which is further back at ground floor level than the previously approved scheme, that the flat roof height of the proposed side extension will be lower than the main ridge height by approximately 2.4m (approximately 1.9m when taking account of the proposed small lean to roof section), and that the proposed canopy roof above the integral garage will further serve to break up the perceived massing of the proposal, it is considered the proposed two storey side extension to the side will create a subservient design, which complements the host property.
33. Taking this into account, that the principle of the design of the proposal has already been established with the two previously approved applications, it is considered that the proposed side extension will have a minimal impact on the existing building due to the matching design, mass and scale of the proposed scheme, which respects the proportions of the existing dwelling. Furthermore, due the presence of similar examples of a link extension with a garage and canopy below within the vicinity of the site (approximately 90m away from the application site, to the south west) at No's 2 and 4 The Larun Beat, it is considered that the proposal will not introduce an incongruous feature within the street scene, which is significant enough to warrant a refusal of this application.
34. Due to the presence of a canopies to front of No 12 Spitalfields (west) and No 2 The Larun Beat (planning approval 05/152/FUL, dated 05.08.2005), it is further considered that the proposed canopy, including the 1.3m high wall to house 2 service units, will not introduce a

significant incongruous feature within the street scene as to warrant to refusal of the application.

35. With regard to the proposal's impact on the existing dwelling, the flat roof design of the proposed two storey extension to the side is a common feature within the surrounding area; it is therefore considered to be acceptable in this instance and is in keeping with the surrounding area.
36. With respect to the small lean to roof section of the proposal above, whilst the design of the proposal is an unusual feature and addition to the proposed scheme this already benefits from planning permission reference 09/1532/REV
37. The finishing materials of the proposed scheme can be secured by planning condition with finishing materials to match the existing dwelling.
38. With regard to the two proposed single storey extensions to the rear of the application site, it is considered that the impact of the proposals will be minimal due to the scale and design of the scheme, which respects the proportions of the existing dwelling and the application site. In addition, given that the proposals will be located to the rear and will not be visible from the front of the application site, the proposed extensions will not impact on the street scene.
39. With regard to the proposed chimney to the rear of the site, given that the proposal is located to the rear of the site and is of a modest scale and design, it is considered that the proposal will not have a significant adverse impact on the existing dwelling or introduce an incongruous feature in the surrounding area.

Impact on amenity of neighbouring properties

Two storey extension to side

40. Given that the erected two storey side extension does not project any further than the existing front and rear elevations of the main dwelling and the adjacent properties, it is considered that the extension will not adversely affect the existing levels of amenity for the adjacent neighbouring properties of No's 4 and 8 Spitalfields in terms of outlook, overlooking, overbearing and overshadowing.
41. Owing to the separation distance of approximately 25m from the front of the proposal and No's 51 and 53 Spitalfields, it is considered that the proposal will not result in an adverse loss of amenity for neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing.
42. Due to a separation distance of approximately 34m between the two storey side extension and neighbouring properties to the rear (north) of the site, it is considered that the proposal will not have an adverse impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing.

Two single storey extensions to rear

43. The two proposed single storey extensions (adjoined) to the rear will have a maximum projection of 5.5m and are therefore subject to the 60 degree guidance as set out SPG2: Householder Extension Design Guide.
44. After applying this guidance to the existing conservatory located to the rear of No 4, it is considered that the proposed extensions accord with this guidance. Given that the

proposed flat roof extension will not project any further than the original detached flat roof garage (that has recently been partially demolished) along the adjacent boundary to No 4 and is of a similar footprint to the garage, and will only be 0.7m higher than the existing garage (1.2m higher including the small raised section), it is considered that the proposal will not significantly worsen the existing situation or lead to an unacceptable loss of amenity in terms of overbearing or overshadowing for the neighbouring property.

45. The proposed single storey lounge extension with a pitched roof will be increased by approximately 40 cm in height from the previously approved scheme (09/1532/REV). Given that the proposal does not project any further than the flat roof detached garage to the rear of No 8 Spitalfields, located along the shared adjacent boundary to No 6, it is considered that the proposal will not significantly worsen the existing situation or lead to an unacceptable loss of amenity in terms of overbearing and overshadowing for the neighbouring property.
46. No windows will be located in the side elevations of the single storey rear extensions and therefore there will be no direct views towards the rear elevations of No's 4 and 8 Spitalfields. It is therefore considered that the proposal will not lead to an adverse loss of amenity in terms of overlooking for the adjacent properties.
47. Due to the separation distance of approximately 26m from windows and doors located in the proposed extensions and No's 9, 11 and 13 Blackfriars (north), and the presence of mature planting and an approximately 1.8m high fence along the adjacent boundary, it is considered the proposals will not have a significant detrimental impact on the amenity of neighbouring properties in terms of overlooking, overbearing and overshadowing.
48. The Environmental Health Unit has been consulted on this application and has raised no objections to the proposed scheme, including the proposed chimney to the rear. They have however recommended that hours of construction are limited, which is considered to be acceptable and can be secured by condition as per the condition attached to approval 09/1532/REV. It is therefore considered that the proposed chimney will not lead of amenity for neighbouring properties in terms of outlook and that any other environmental related impacts can be controlled under separate legislation.

Proposed canopy to front

This already has the benefit of planning permission and is part completed

Highway issues

49. The Head of Technical Services has raised no objection to the proposed scheme on highway grounds as the application does not propose an increase in the number of bedrooms and therefore no increase in car parking provision will be required as part of this application. It is therefore considered that the proposal will not have an adverse impact on highway or public safety.

Residual Matters

50. With regard to other matters raised in the letters of objection including works being carried out without planning permission and that no enforcement action has been initiated, following a site visit in April 2011 by the case officer and the Council's Building Control Officer and following a recent site visit by the case officer in early October 2011, it was noted that the works that had been carried out to date (structure of extension to side, canopy structure to front and demolition of garage to rear) appeared to be in accordance

with the 2009 approved plans (reference 09/1532/REV), despite the court order and the legal matters between No's 4 and 6 Spitalfields.

51. Following the notification from a resident that works were being carried out outside of the approved hours of construction (as per condition No 03 on approval 09/1532/REV), this matter was immediately brought to the attention of the applicant who was strongly advised that any further breaches of condition (of planning approval 09/1532/REV) could result in the issue of a breach of condition notice. Other than this matter, which appears to have been resolved, the Local Planning Authority is not aware of any unauthorised works being carried out (outside of the planning permissions that No 6 Spitalfields already benefits from). In view of the above and that it appears that no unauthorised development has taken place (outside of the extant planning approvals), it would not be expedient to take enforcement action.
52. With regard to objections relating to any impact on existing foundations of adjacent properties, these are not planning considerations and would be assessed under the requirements of the Building Regulations application.
53. The applicant has served the correct notice (Certificate B) on the relevant neighbour (No 4 Spitalfields) and also indicated on the submitted drawings that the foundations of the proposed single storey rear extension will not encroach upon the foundations or footings of the detached garage to the rear of No 8 Spitalfields. Therefore any matters related to the Party Wall Act and damage to property are civil matters.
54. With regard to the Local Ward Councillor's comments and the requirement for a name and address on each representation, this is a formal requirement in accordance with the Council's Scheme of Delegation, which states that one of the requirements for an application to be referred to Planning Committee would be "*those cases where there are more than 5 letters/emails(with name and address) by way of response which are contrary to the recommendation of the case officer*". In view of this, had other residents wished to submit objections without names and addresses, those objections/representations would not carry any weight.

CONCLUSION

55. It is considered that the scheme accords with Core Strategy CS3 criteria 8, saved Local Plan Policy HO12 and supplementary planning guidance (SPG2 and SPD3) as the proposal does not lead to an unacceptable loss of amenity for neighbouring residents. It is also considered that the proposal does not have an unacceptable adverse impact on the existing dwelling, street scene, or impact on highway or public safety.

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

WARD AND WARD COUNCILLORS

Ward Yarm
Ward Councillor Councillor A B L Sherris

Ward Yarm
Ward Councillor Councillor Mark Chatburn

Ward Yarm

Ward Councillor Councillor Ben Houchen

IMPLICATIONS

Financial Implications: As report

Environmental Implications: As report

Human Rights Implications:

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

Community Safety Implications:

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

Background Papers

08/1971/FUL: Planning application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front; application approved on 24th September 2008.

09/1532/REV: Revised (part-retrospective) application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front; application approved December 16th 2009.

11/0421/FUL: Second revised application withdrawn in April 2011.