

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**11<sup>th</sup> JULY 2012**

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

**12/1210/FUL**

**46 Harlsey Road, Stockton-on-Tees,**

**Proposed erection of a detached four car garage to replace an existing detached garage and sheds**

**Expiry Date 12th July 2012**

### **SUMMARY**

This application seeks planning permission for the erection of a detached garage to the rear of 46 Harlsey Road, Stockton. Letters of objection have been received from six neighbouring properties and the Clerk to the Almshouses at Emma Simpson Court. The objections raise concerns regarding the visual impact of the garage, the impact on the amenity of neighbouring occupiers and the proposed use of the garage.

The application is being reported for determination by Planning Committee due to the number of objections received being more than 5 under the delegated decisions procedure.

The original plans sought permission for a garage 10.79m wide, 9.215m long, with a ridge height of 5.5m. Amended plans were received and reduce the width to 8.99m, the length to 8.215m and the ridge height to 4.8m.

It is considered the garage would not have a significant detrimental impact on the amenity of neighbouring properties, highway safety, or the character of the character of the area and street scene.

### **RECOMMENDATION**

**That planning application 12/1210/FUL be approved subject to the following conditions and informatives below;**

**01     *The development hereby approved shall be in accordance with the following approved plan(s);***

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>SBC0003 A</i></b>	<b><i>28 June 2012</i></b>
<b><i>SBC0002 B</i></b>	<b><i>28 June 2012</i></b>
<b><i>SBC0001 A</i></b>	<b><i>28 June 2012</i></b>
<b><i>IF/001 REV A</i></b>	<b><i>18 June 2012</i></b>

***Reason: To define the consent.***

- 02. The detached garage to which the permission relates shall be used for the parking of private motor vehicles and ancillary storage, incidental to the enjoyment of the occupants of the dwellinghouse and no other purpose.**

**Reason : To ensure that the building is not used for a commercial or a self-contained residential use and to ensure that the adjoining residential properties are not adversely affected by the development.**

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

The proposal has been considered against the policies and documents identified below. It is considered that the scheme accords with these documents; as the proposal does not lead to an unacceptable loss of amenity for neighbouring residents in terms of overlooking, overbearing or overshadowing. It is also considered that the proposal does not have an adverse impact on the existing dwelling or create an incongruous feature within the surrounding area. There are no material planning considerations, which indicate that a decision should be otherwise.

The National Planning Policy Framework and the following policy of the Adopted Core Strategy Development Plan Document (March 2010), is considered to be relevant to the determination of this application

Core Strategy Policy 3 (CS3): Sustainable Living

### **SITE AND SURROUNDINGS**

1. The host dwelling is a detached property located on Harlsey Road in the Hartburn area of Stockton on Tees. The plot is an L-shaped plot and the garden area extends round to the rear of 48 Harlsey Road. The property is bounded on one side by 44 Harlsey Road, to the other side is 48 Harlsey Road. Due to the shape and extent of the garden the site is also bounded by 8 Emma Simpson Court and 50 and 52 Harlsey Road. To the rear is the street of Jesmond Grove and 30 Jesmond Grove bounds the application site.

### **PROPOSAL**

2. This application seeks permission for the erection of a detached garage to the rear of 46 Harlsey Road, Stockton on Tees. The proposed garage would have a width of 8.99m, a length of 8.215m, a height to the eaves of 2.65m approximately and a maximum roof height of 4.8m approximately.

There is an existing detached garage and sheds on the site that are to be demolished and replaced with the proposed garage.

### **CONSULTATIONS**

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

### **PUBLICITY**

4. Neighbours were notified and comments received are below :-

**John and Alison Roberts  
42 Harlsey Road, Stockton on Tees**

We would like to object to the above planning application for the reasons stated below

The footprint of the structure proposed is significantly larger than any other domestic garages within the local proximity. Our neighbour's garage (no. 40) which runs parallel to our garden fence (no. 42) is probably one of the largest garages in the street yet it's positioning and size allows it to remain discreet (525 ft sq and 12 ft high). The above proposal will be occupying twice the floor space and be almost twice the height (1100+ ft sq and 23+ ft high)

The sheer size of the proposed structure indicates that it could be used for reasons other than vehicle storage (workshops or commercial venture for example). If that is the case then there are the local environmental factors to consider - noise, fire risk etc. The dimensions of the proposal would support the storage of up to 8 vehicles (if they were parked nose to tail) and not the 4 proposed, the question is why the need for such a large structure

The plans do not indicate the height of the roof structure. Assuming 30% roof pitch as stated within the plans it would result in a roof height in excess of 7m. This would significantly increase the visual building density not only for those residents living immediately either side of no. 46 but also for those residents living in Jesmond Grove, Emma Simpson Court and the rear Gardens of Harlsey Road. It may even affect the level of sunlight we benefit from in our rear garden in certain seasons

It is not inconceivable that at a later date this structure and the accompanying land could be sold off separately and converted into a dwelling as access could be obtained via Emma Simpson Court. Due to the size of the structure one wonders if this may be an alternative route to a conversion at a later date. According to your website I note the distribution list did not include the residents or trustees of Emma Simpson Court whom would be affected by this proposal

There already exists a large number of vehicles outside of the property currently and we are concerned a structure of this size could exacerbate the situation rather than ease it if it is to be used for purposes other than storing vehicles

We would like to point out that we are not objecting to the building of a garage per se but feel the current proposal is neither sympathetic to the enjoyment of neighbours and their outdoor garden space or the proximity of the surrounding structures. Although Harlsey Road sits outside the conservation area of Hartburn Village it is a connecting gateway and the sanctioning of such a large obtrusive structure could set a precedent for future proposals not in keeping with the area. We appreciate that changes will and have occurred in Harlsey Road and the surrounding area in recent years but it is an area renowned for its greenery and whilst it is not always easy to get the balance right, this proposal would appear to move it away from remaining a residential area to be enjoyed by all.

### **Additional comments received after amended garage plans submitted**

I note that amended plans have been submitted in respect of the above planning application. The reduction in the size of the proposed structure would appear to be negligible and we would still object strongly to the plans being put forward based on the points below raised in our original objection.

I would like to re iterate that we would not object to a large double garage similar to the dimensions described in my first point below, but the size of the structure proposed is more akin to what you would expect to find as part of a farm outbuilding in the countryside, certainly not in keeping with a built up residential area.

Also, I would add that there is sufficient space on the premises for all of the vehicles to be parked at no. 46. Thus, the construction of this garage will not ease parking congestion as no

problem currently exists. I understand the owner has stated that the garage would be used for the storage of his classic cars - to my knowledge they only have one.

As with any garage there exists the risk of fire. The consequences of such a building catching fire with 4+ fully fuelled vehicles does not bear thinking about with so many residents in close proximity, some of whom are elderly

**Mrs Olwyn Devlin**  
**50 Harlsey Road Stockton-on-Tees**

I wish to object to the above planning application. The proposed structure is significant larger than the existing. A 'four car garage' seems out of proportion for a property in this residential area. There is a concern it may be intended for commercial use.

Previous planning applications for a bungalow on this site have been refused. There is concern it may be the intention to convert a 'four car garage' into a residential dwelling at a later date.

**Steven and Joanne Conroy (Two separate letters received with same comments)**  
**44 Harlsey Road Stockton-on-Tees**

I wish to object to the above planning application for the following reasons:

The large structure is significantly out of proportion to any normal residential dwelling in the area and there is concern this could be used a workshop on a commercial scale either now or at a later date. The proposed size could adequately store up to 8 compact cars.

The large structure is equal to the footprint of the actual detached house. This is highly unusual and I am concerned that the intention may be to convert the site into a residential dwelling at a later date. Previous applications to build on the site via a brownfield application have been rejected and this may be an alternative route to a conversion of usage at a later date.

The site map and plans shown on the council planning application do not show the garden room on our property or indeed the extension at the rear of House number 46 (the applicants address). Our sun room extends to the Left hand side on a parallel plane of the proposed large garage. Additionally, the opposite property extension (30 Jesmond Grove) has increased the building congestion at the rear and this will add further to the building density oppressing the outdoor garden space.

The current garage is often as a workshop. Based on this fact the proposed garage is unlikely to be used for car storage and would instead, also be used as a workshop.

With encouragement for additional vehicles at the property the existing parking arrangements at the front of the property will worsen from an already congested situation. Vans have previously been parked on our property border for months at a time without moving.

The proposed plans present an increase in fire risk. Oil is a carefully controlled substance and classified as hazardous. This proposed garage presents an increased fire risk. Additionally, if indeed it is used as a workshop, such a large building will require space heating. This also presents additional fire risk to surrounding properties and long established trees.

Destruction of green open space to the rear garden affecting the enjoyment of our garden and sun room.

The proposed dwelling is significantly larger by more than triple in foot print and double in height compared to the existing structure. This will most certainly be visible and significantly imposing from my rear bedroom and garden room.

At particular times of the year the light levels in the rear garden and sun room and kitchen may be affected.

Potentially disruptive noises emanating from the garage, if used as a workshop, will deter local birds and wildlife.

We have a well established tree within falling distance of the proposed structure. This increases my insurance risk in case of bad weather conditions for any damage caused during the lifetime of the tree.

An Increase in building density will lead to reduction in natural land drainage and an overall reduction in wildlife.

Natural materials are not being proposed which would have any chance of blending in with the surroundings i.e. concrete roof tiles are proposed.

I politely suggest that the longer term impacts of allowing this development to proceed are considered carefully. An individual's right to undisturbed enjoyment of his or her property and unopposed space is important to their well-being. These types of developments can act as a catalyst for changes to other properties in the area.

In addition, please note that this street is adjacent to the conservation area of Hartburn Village which has remained unchanged for many years. Whilst the face of Harlsey Road has undergone a few changes in recent years, these proposals are not in the same spirit of those changes. This is a residential area and is not conducive to large scale garages and workshops.

Please also ensure that no covenant is present on the land. In properties of this age, the covenant may not appear in standard searches and further investigation may be required to ensure any terms are not breached.

### **Additional comments received after amended garage plans submitted**

In addition to my previous letter, following the submission of the revised plans for the Garage/Workshop, I have the following additional comments to make:

#### Privacy:

The proposed building is adjacent an area dedicated specifically for the elderly/vulnerable. The additional cars and workshop activities will reduce the privacy currently experienced by the elderly residents of Emma Simpson Court and by ourselves at the rear of our property.

The additional noise levels from a working garage/workshop will increase the noise pollution in a quiet residential area for the elderly/vulnerable residents and ourselves and other neighbours.

#### Design and Appearance:

The revised plans identify a garage suitable for 6 cars, not 4 as stated in the Application Title. The Department of Energy recommended size for parking is 2.4 meters wide. The current proposal is greater than the requirements for 3 cars width. When you consider that it can fit

two cars deep, that's enough for 6 cars. The new proposal is a highly unusual size for a '4 car garage'.

There have been no revised layout plans submitted with the revised dimensions. We need to know where it is intended to be built. Is it based around the centre line or is the datum point toward the left of the initial layout plan.

Parking Issues:

The parking at the front of the No 46 is already congested often by up to 8 cars. I understand it has been stated by the applicants that the intent of this garage is not necessarily to store existing cars. The congestion will therefore increase around the front of no 46.

Loss of light:

Light to the rear of our house will diminish at a higher rate due to the roof structure - consider a flat roof.

It is noteworthy that in principle, I do not object to the building of a garage but it should be in proportion to residential area within which it will sit and not be disguised for use as a workshop and the associated noises/activities that goes with this usage, private or commercial.

Please reconsider a realistic reduction in size to be typical of a 4 car garage with additional conditions limiting the use as a workshop before granting consent for this application. We, the neighbours, and the elderly residents of Emma Simpson Court would appreciate your further consideration

**Mr and Mrs Cook (Two separate letters received with same comments)  
48 Harlsey Road Stockton-on-Tees**

The proposed structure is significantly larger than the existing. A 4 car garage seems out of proportion in this residential area. There is a concern it may be intended for commercial use.

Previous planning applications for a bungalow on this site have been refused. There is concern it may be the intention to convert a 4 car garage into a residential dwelling at a later date.

**Additional comments received after amended garage plans submitted**

We consider that the reduction is minimal in relation to the overall size and appearance of the garage. It is still out of all proportion to surrounding houses and would still be capable of housing six or more vehicles.

There would be a substantial increase in the movement of cars and vans alongside the hedge dividing our properties, thus disturbing the privacy and enjoyment of our garden. We would question why the garage requires such a high pitched roof which would dominate the view from our garden and that of our neighbours in Harlsey Road, Jesmond Grove and Emma Simpson Court, and it would also be obvious from the front pavement. It would overshadow and affect the light in those gardens and some of the dwellings.

I would add that during 50 years experience working in the building trade I have never encountered a "garage" of such huge proportion in a private garden in a residential area.

We would respectfully request that the present application be refused.

**Mr and Mrs Race (Two separate letters received with same comments)  
30 Jesmond Grove Stockton-on-Tees**

I wish to object to the above planning application for the following reasons:

The site map and plans shown are out of date and do not show the property at 30 Jesmond Grove as it currently is. The plans show the old site having a single garage close to the proposed planning application. The site at 30 Jesmond Grove has been significantly extended in recent years and a residential dwelling is within a meter of the proposed site with living room windows overlooking the structure.

The proposed structure is significantly larger than the existing structure and appears to extend a further 2.5m in width. This is directly side on to my living room view and I would in effect be looking out onto several meters of the rear elevation of brick wall and pitch roof. I am concerned as to the height of the pitched roof being in line of sight, if not directly blocking the bedroom windows to the side of 30 Jesmond Grove.

The bedroom at 30 Jesmond Grove will be in very close proximity to the proposed 4 car garage and I am concerned about the increased fire risk this poses. A garage of this size will house multiple vehicles and it is highly likely that fuel and power tools will be stored in such a place and that will add to the fire risk.

The proposed garage appears to be significantly out of proportion to any other residential dwelling in the area and there is concern this will be used on a more commercial basis or the intention may be to convert the site into a residential dwelling at a later date. Previous planning applications for a bungalow on this site have been refused.

**Additional comments received after amended garage plans submitted**

We wish to further object to the above application for the following reasons:

As our property is within feet of the proposed structure we are extremely concerned by the risk of fire.

The size of the garage would mean it could easily store in excess of 4 cars which would increase the fire risk

If the garage is to be used for the restoration of older or "classic" cars the fact that they are in need of restoration would further increase the risk

The pitched roof will be directly behind the bedroom windows of our house and will block light

The size of the garage is not in keeping with what should be expected of a garage in a residential area. The property currently has enough space to park several cars plus up to two vans, which it does regularly. Why is further space required if there is not to be a commercial element?

The design of the garage suggests that it could easily be converted to a residential dwelling at a later date. Could it be that the long-term intention is that it is converted? If this is the intention what implications would there be for access and what impact would that have on the residents of Emma Simpson Court?

The whole project will have a detrimental effect on the neighbourhood for these reasons

**Mrs Wendy Mitchell**  
**37 The Green Norton**

I am Clerk to the Almshouses at Emma Simpson Court, Harlsey Road in Hartburn. We have 10 bungalows occupied by Residents aged between 70 years and 90 years. They have moved there to enjoy the peace and tranquillity of an attractive residential area.

The plan for a 4 car garage at 46 Harlsey Road is causing concern. A 4 car garage for a medium size house would seem to be inappropriate and there is a fear that such buildings could lead to private enterprise or commercial activity now or in the future. The area where the garages are to be built is within yards of the almshouses, with a small hedge in between. Activities with cars/vans etc so near will inevitably cause disturbance. It would be a great pity if such a lovely residential area is spoiled by inappropriate buildings which could lead to misuse.

**James Conroy**  
**36 Hartburn Village Stockton-on-Tees**

I wish to strongly object to the above planning application for a very large garage being built at the above address for the following reasons:

The large structure is significantly out of proportion to any normal residential dwelling in the area and there is concern this could be used as a workshop on a commercial scale either now or at a later date.

The front drive of the property is already used as a mass car park and I have regularly seen 4 or more cars plus 3 vans parked outside. This is more akin to a commercial usage rather than a domestic usage and I am concerned that this congestion will increase if the planning is approved.

The current garage is already used as a workshop. Based on this current usage of the garage it would not likely be used for car storage but would instead be used as a commercial type workshop.

There will be destruction of a large green open space to the rear garden and the proposed new building will produce significant shadow to the neighbours' garden in the afternoons.

Potentially disruptive noises emanating from the garage, if used as a workshop, will be a nuisance to neighbours' in what is now a quiet suburban area.

Considering the above points and bearing in mind that many neighbours' have expressed their concerns verbally about this but may not have actually written to your department directly, I therefore request that this planning application should not be approved as submitted.

**Additional comments received after amended garage plans submitted**

I consider that the very minor adjustment in the dimensions of the garage/shed is totally insignificant in relation to its size and my original concerns remain.

This in my opinion is more like a farm building and I suggest you visit the property and pace out the proposed extension and judge it on its rather large footprint and its effect on the locality. Only then can you see its large proportions.



## **PLANNING POLICY**

5. 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

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

### National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or -specific policies in this Framework indicate development should be restricted.

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

Point 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.

## **MATERIAL PLANNING CONSIDERATIONS**

7. The material planning considerations when assessing this application are the potential impact upon the amenity of neighbouring properties, in terms of appearing overbearing,

loss of outlook and light, the impact on highway safety and the impact of the proposal on the character of the character of the area and street scene.

### **Impact upon the amenity of neighbouring occupiers**

8. The National Planning Policy Framework states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings, the impact on the amenity of neighbouring occupiers is considered below.
9. The proposed garage will be located 600 mm from the rear boundary with 30 Jesmond Grove, objections have been received from this property. Concern has been raised regarding the outlook from a ground floor side living room window and two bedroom windows in the side at first floor and the blocking of light. An officer site visit has been undertaken from 30 Jesmond Grove in order to assess the impact of the proposal. The windows in the side of 30 Jesmond Grove are located adjacent the boundary and the proposed garage will be visible from the windows. The living room window already suffers from a loss of light and outlook from the existing boundary treatment and the existing garage and shed at the application site, there is further fenestration in the rear elevation of 30 Jesmond Grove that serves the living room. Whilst it is acknowledged the proposed garage will have an overshadowing impact due to the increase in size it is not considered this impact would significantly worsen the existing situation to such a degree that would warrant refusal of the application. With regard to the bedroom windows at first floor, these windows are considered to be secondary windows that serve the room as there is a large bay window to the front. As the roof of the proposed garage reaches its maximum height 4.7m from the boundary with 30 Jesmond Grove and it is considered any loss of outlook or light would not be significant enough to warrant refusal of the application.
10. The proposed garage will be approximately 14.0m from the side boundary that adjoins Emma Simpson Court and 50 and 52 Harlsey Road and further still from the properties themselves. The garage will be approximately 10.0m from the boundary with 44 Harlsey Road and approximately 12.0m from the boundary with 48 Harlsey Road. It is considered that due to the location of the proposed garage and the distances to the boundary there will not be any significant detrimental impact on the amenity of surrounding occupiers in terms of overshadowing, overbearing or overlooking.
11. With regard to residents concerns about the size of the proposed garage, It should be noted that permitted development rights would allow a garage over 2 metres from the rear boundary of the site with a maximum eaves height of 2.5 metres and maximum overall height of four metres with a dual pitched roof up to half the area of land around the original house.
12. The letters of objection received also raise concern regarding the proposed use of the garage and the impact this may have on neighbouring properties in terms of noise and disturbance. The residents are concerned the garage will be used for commercial purposes. It is considered the use of the garage for commercial purposes would not be acceptable in this location; the applicant has not stated the garage would be used commercially however an appropriate condition has been recommended to be imposed to limit the use of the garage for domestic purposes only.
13. Overall, it is considered that subject to the condition restricting the use of the garage there will not be a significant detrimental impact on the amenity of neighbouring occupiers and

the development is therefore considered to be in accordance with the principles contained within the National Planning Policy Statement.

### **Impact on highway safety**

14. The proposed garage will provide additional parking at the property and the access arrangements remain unaffected, it is therefore considered there will be no adverse impact on highway safety.

### **Impact of the design of the proposal in relation to the character of the area and street scene**

15. The objections received raise concern over the visual impact of the proposed garage and state the scale of the garage is out of proportion with the character of the area. The garage is located to the rear of the host dwelling and is set back from Harlsey Road by approximately 33m. The host dwelling will also provide some screening from Harlsey Road. The garage is also set in from the side boundary with Emma Simpson Court and the boundary hedge will provide further screening. Point 8 of Core Strategy Policy 3 (CS3) relates to design of new development and it is considered that due to the location of the proposed garage it will not form an incongruous feature within the street scene and it is considered the proposal is in accordance with policy CS3.
16. The letters of objection also raise concern over the potential in future to convert the building into a dwelling. Planning permission would be required to convert the garage into a habitable dwelling and would therefore be considered on its own merits should an application be submitted in the future.

### **Residual matters**

17. The objections also raise concern of the potential fire risk, this is not a material planning consideration but would be considered under building regulations.
18. One of the objectors also raises the issue of the possibility of a covenant being present on the land; this is a civil matter and is not for consideration as part of this application.

## **CONCLUSION**

19. Having regard to the development plan and all other material planning considerations, it is considered that the proposal is acceptable. It is recommended that planning permission be granted subject to conditions for the reasons specified above

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

## **WARD AND WARD COUNCILLORS**

**Ward Hartburn**  
**Ward Councillor Councillor Laing**

**Ward Hartburn**  
**Ward Councillor Councillor K. A. Lupton**

## **IMPLICATIONS**

**Financial Implications:**

As report

**Legal 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**

12/1210/FUL