

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**16 JANUARY 2013**

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

**12/2580/FUL**

**Land to the Rear of 71 Forest Lane, Kirklevington, Yarm  
Erection of 3 bed dormer bungalow with integral garage and creation of associated access,  
parking and landscaping**

**Expiry Date 31 December 2012**

#### **SUMMARY**

Approval is sought for the erection of a detached dormer bungalow on the land which currently forms part of the large rear garden serving 71 Forest Lane which is a Grade II listed building. There have been seven objections from neighbouring residents and an objection has been received from the Kirklevington and Castle Levington Parish Council. These are largely relating to the principle of the development in relation to backland development, proximity to boundary hedges and neighbouring properties, impact upon the amenity of neighbouring properties in terms of loss of light and privacy, amenity value of hedgerows, character of the village and listed building to the front of the site, setting a precedent for further development, visual impact of the proposal, archaeology, traffic, drainage and flooding of the application site and the surrounding residential properties.

Consultations including the Head of Technical Services and Environmental Health have no objections to the proposal subject to appropriate conditions which are recommended accordingly. Northumbrian Water and Tees Archaeology also have objections to the proposal.

There have been previous refusals at the site for a dwelling with the most recent being in 1989. That application was refused on the grounds of the impact upon the character of the surrounding area and impact upon the amenity of the host dwelling. This was considered at appeal and subsequently dismissed however this was based on a document titled Development Control Policy Note 2 "Development in Residential Areas" (DCPN 2) which generally resisted backland development on the grounds of disturbance and lack of privacy for the house to the front. This document is not longed adopted guidance and as such is not material when assessing this application. National Planning policy has also changed since the appeal decision; the NPPF now states that there is a presumption in favour of sustainable development.

Paragraph 53 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Whilst concerns are raised, by objectors, regarding backland development, the local Authority does not have a planning policy relating directly to development of back garden areas however guidance within the NPPF (March 2012) states that there is a presumption in favour of sustainable

development, therefore the principle of the proposed development is considered to be acceptable subject to other material planning considerations.

It is considered that the proposal does not detrimentally detract from the setting of the listed building and is therefore in accordance with Save Local Plan Policy EN28 and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990.

It is considered that the proposal will not result in a significant impact upon the amenity of existing or future residents of the host dwelling or have an unacceptable impact on the amenity of adjacent neighbouring properties or have a detrimental impact upon the character and appearance of the surrounding area.

There are no objections from the Head of Technical Services or Tees Archaeology and Residual matters do not give rise to any material planning consideration which would outweigh the planning merits of the planning application

Therefore having regard to all the material planning considerations, the proposed dwelling is considered to be in accordance with the Development Plan policies and is acceptable. The application is therefore recommended for approval.

### **RECOMMENDATION**

**That planning application 12/2580/FUL be approved subject to the following conditions and informatives**

**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>1262/LP</i></b>	<b><i>30 October 2012</i></b>
<b><i>1262/04</i></b>	<b><i>30 October 2012</i></b>
<b><i>1262/02</i></b>	<b><i>30 October 2012</i></b>
<b><i>1262/03A</i></b>	<b><i>5 November 2012</i></b>
<b><i>1262.05A</i></b>	<b><i>5 November 2012</i></b>

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

**02.     *Construction of the external walls and roof shall not commence until details of the materials to be used in the construction of the external surfaces of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.***

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

**03.     *No waste products derived as a result of carrying out the construction hereby approved shall be burned on the site except in a properly constructed appliance of a type and design previously approved by the Local Planning Authority.***

***Reason: To ensure the correct disposal of waste products and in the interest of the amenity of the surrounding area.***

**04. 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.**

**Reason: In the interest of the amenity of neighbouring properties.**

**05. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works.**

**Reason: To ensure the proper restoration of the site.**

**06. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no hard landscaping works (excluding base course for access roads and car park) shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.**

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

**07. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, Prior to the commencement of the erection of any permanent fencing , details of the enclosure shall be submitted to and approved in writing by the Local Planning Authority. Such means of enclosure shall be erected before the development hereby approved is occupied.**

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

**08. Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, prior to the commencement of soft landscaping works full details of Soft Landscaping shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following: commencement of the development or agreed phases or prior to the occupation of any part of the development and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.**

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

***09. The dwelling shall not be occupied until the proposed vehicular access and visibility splays have been constructed in accordance with the plan number 1262 / 02 received 30 October 2012 and the visibility splays shall remain unobstructed at all times with no structure or planting being placed or positioned between the line of visibility splay and the highway.***

***Reason: In the interests of Highway Safety***

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

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

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990

Adopted Stockton on Tees Local Plan (June 1997)  
HO3 Development on unallocated sites  
EN28 Setting of a Listed Building

Adopted Core Strategy (March 2010)  
CS3: Sustainable Living and Climate Change  
CS2: Sustainable Travel and Transport

Supplementary Planning Document Number 3: Parking for New Developments

Refuse storage should be provided within 25m of the highway.

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework

### **BACKGROUND**

1 There have been previous refusals of planning permission at the application site for detached dwellings in 1984, 1987, 1988 and 1989 (planning application reference numbers S1924/84, S232/87, S1575/88, S1533/89) These refusals were on the grounds that the planning policy at the time resisted tandem development as the property would not consist of a road frontage. A further reason for refusal was the impact of vehicles using the proposed access, which was proposed to be adjacent to the host dwelling, upon the amenity of the host dwelling.

2 This application was considered at appeal (reference App/W0720/A/90/156887/P8) and the Planning Inspector found that the erection of a dwelling would not result in a detrimental impact upon the character or appearance of the surrounding area. However it was considered it would cause harm to the living condition of the host dwelling. This was based on the relevant National Planning Policy document "Development Control Policy Note 2 Development in Residential Areas" (DCPN 2) which specifically resisted backland development on the grounds of disturbance and lack of privacy for the house to the front. This document was cancelled with the introduction of Planning Policy Guidance Notes.

## **SITE AND SURROUNDINGS**

3 The application site is an area of land to the rear of 71 Forest Lane which is a Grade II listed farm house. The site currently forms part of a large garden serving the application site. There is an existing access which is approximately 4.5 metres wide, adjacent to the west of the host dwelling which provides access to the parking area to the rear of the main dwelling.

## **PROPOSAL**

4 Approval is sought for the erection of a three bedroom detached dormer bungalow with an integral garage with associated parking and landscaping. Access will be provided by the existing driveway serving 71 Forest Lane with a driveway adjacent to the western boundary of the site. The proposal consists of an L-shaped dormer bungalow with a width of approximately 16 metres. The length of the main part of the dwelling will be approximately 11 metres with the garage projection approximately 2.5 metres further forward than the main front elevation. The proposal also includes a single storey element to project from the rear elevation by approximately 4.8 metres with a width of approximately 5.1 metres.

5 The proposed dwelling floor layout consists of a hall, study, living room, lounge, dining room, kitchen and utility, with integral garage at ground floor and three bedrooms with en-suites at first floor level. The maximum height of the dormer bungalow will measure approximately 6.5 metres with dormer windows in the front and rear elevation with velux windows in the side roof slope.

## **CONSULTATIONS**

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

### **6 Tees Archaeology**

The application includes a report on the results of an archaeological evaluation. I can confirm that I agreed the methodology for this evaluation and monitored the work of the archaeological contractor in the field on behalf of the planning authority.

In summary the area proposed for the new dwelling had been built up in the recent past. The trial trench in this area uncovered remains of a ridge and furrow field system of medieval date beneath this levelling deposit but there were no other finds or features of interest.

An undated feature was noted in the trench positioned on the proposed driveway. This may be a medieval boundary but lay under a significant amount of sub-soil and the construction of a driveway is unlikely to disturb archaeological features at this depth.

The development is unlikely to have a significant impact on heritage assets of archaeological interest which are either absent or will be preserved below the working depth.

I therefore have no objection to the application and have no further comments to make.

### **7 Kirklevington and Castle Leavington Parish Council**

Sight lines and distances between this proposal and existing properties on Hall Moor Close as stated need to be confirmed West Farm House and Barn both Grade II listed buildings access to proposed site and development very close to west end of barn. Protection necessary Ref: 36/526 and 16/528

Pottery found in adjacent gardens Roman to 14th/15th Century indicating prime context i.e. not transported from elsewhere. Not indicated in Archaeological survey.

SUDS permeable paving neither adequate, nor appropriate as heavy clay soils as grey water management it would be insufficient at this site.

This visual impact from public footpath to the south of village not mentioned.

Blind brow immediately before entrance to 71 Forest Lane. Need for entrance to be widened to improve vision when exiting site.

## **8 Head of Technical Services**

### General Summary

Subject to the comments below the Head of Technical Services has no objections.

### 9 Highways Comments

All developments should be designed and constructed in accordance with the Design Guide and Specification (current edition) and SPD3: Parking Provision for Developments 2011.

The proposed dwelling would share the existing access to 71 Forest Lane; the submitted plans show visibility splays of 2.4m x 43m, which is suitable for a 30 mph road, and an access width of 4.3m which will allow 2 cars to pass.

In accordance with SPD3, 2 incurtilage car parking spaces are provided for a 3-bedroom house with an additional 2 spaces available for visitors and cycle storage is available in the garage. Turning has been provided in order that vehicles can exit the site in a forward gear.

Refuse storage should be provided within 25m of the highway.

Subject to the above there are no highway objections.

### 10 Flood Risk management Comments

- NWL should confirm that a new connection may be made to discharge surface water to the public sewer, and any new connections should be in accordance with NWL requirements.
- If surface water cannot be discharged to the public sewer, then the developer should provide details of how surface water is to be managed and disposed off, ensuring that run-off from the development is contained within the site.
- Site levels and drainage to be designed so that surface water from the development site does not discharge onto adjacent properties.

It should be noted that the provision of a suitably designed drainage system for this development may improve the current situation of surface water running onto adjacent properties. Surface water would be discharged to the public sewerage system, assumed to be located within Forest Lane, at a location that is lower than both Westlands and Hall Moor Close, and as such should not increase the risk of sewer flooding to these locations, subject to confirmation of sufficient capacity by NWL.

### 11 Landscape & Visual Comments

There are no landscape and visual objections to this development as the proposed dwelling fits the settlement plan of the village at this location.

All the boundary hedging and trees should be retained to preserve the character of the site and soften any views into the site. New landscape planting should be provided to further soften views of the dwelling as detailed on the site plan ref drg no1262/02, but it is recommended that a distance of 2 metres is retained from the new planting to the house walls.

Condition wording is provided below in the informative section.

LANDSCAPING - HARDWORKS

ENCLOSURE

LANDSCAPING - SOFTWORKS

12 Environmental Health Unit

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.

Open burning

Construction Noise

Unexpected land contamination

**13 Northumbrian Water Limited**

In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

**14 Northern Gas Networks**

No Objections

**15 Private Sector Housing -**

The Private Sector Housing Division has no comments to make on this application.

## **PUBLICITY**

Neighbours were notified and comments received are set out below:-

16 Miss Susan hunter

16 Hall Moor Close Kirklevington

This site has already been classed as back land development from previous applications. From the look of the plans the development will be just at the back of my hedge and far too close. It is a Dormer bungalow - all bungalows surrounding are single story. This will have a detrimental effect on my privacy and I would like to know how much light I would lose from my garden.

Since the pond on the land concerned was filled in I have experienced flooding of my back path and am in the process of raising it 6". All of the water coming off the field needs to go somewhere and it used to drain into the grassed area and then down onto Forest Lane. I am concerned how building on this area will affect surrounding properties with the water drainage.

The hedges at the back of my garden have been maintained by myself since I moved into the property in 1984. They have had no maintenance from the owner of 71 Forest Lane. I would not wish to come home from work and find they have been grubbed up as the hedges on the other side were

17 Eric Shaw

12 Hall Moor Close Kirklevington  
(Summarised)

Object as the land serves as a place for land to drain into and at times of heavy rainfall the land cannot cope. There are many occasions when the land becomes flooded and flows on to surrounding properties.

The traditional hedges have amenity value, and considerable value to wildlife however these have not been maintained for some time.

18 Mrs Linda Neale 5 Westlands Kirklevington

OBJECTION: I strongly object to the proposed erection of the 3 bed dormer bungalow at 71 Forest Lane. I have lived in Kirklevington, in the same property for 30 years, which is in a quiet cul-de-sac and is not overlooked on any side. This was a major factor in coming to live here because of the privacy and the rural aspect of the field nearby, which in 1982 was a small holding farm with cattle and was owned by 71 Forest Lane. After the farmer died the property changed hands.

My objections are as follows:

The proposed erection of the 3 bed dormer bungalow is right outside the rear of my single story bungalow and will take away my privacy which is a big concern to me.

I am also concerned that the development of the long drive up to the property will be next to my back garden and any vehicles going to and from the property would create a lot of noise and car lights would shine into my property being that close and would be an annoyance.

There is already a serious problem with flooding and drainage in Kirklevington. Since November 2000 I have noticed that the ever changing climate has meant that every time there is bad weather it causes flooding around my property up to 5 inches and the sewer drains are over flowing hence the Fire Brigade was called out on 25th November 2012. As my garden is at the bottom of the big field I get drainage from the field as well which is clearly visible as very large areas of stagnant water which does not drain away even in summer months. The proposed property is also at the bottom of the big field next to me and I worry that this development could cause more water to run on to my property. I have already had my garage and utility room flooded 3 times this year.

A previous application for a dwelling at the rear of 71 Forest Lane a number of years ago was declined because of access and services.

I believe the village has already grown as large as it should become and any further development should be resisted in the interests of local amenity, traffic safety and drainage.

19 James Baird , 3 Westlands Kirklevington

As a new resident in Westlands I strongly object to the proposed development on the following grounds:

- i. The close proximity to my rear boundary means that the residents will be able to view my rear garden and into the rear of my property from the dormer windows, encroaching on my privacy.
- ii. The access road and turning area will allow vehicle lights to shine into our bedrooms whenever a vehicle uses the road
- iii. The planting of additional hedgerow will reduce the amount of natural light in my rear garden as the height of the hedgerow is unknown
- iv. Having moved into the area at a time of heavy rainfall, my rear garden is already flooded due to excess water draining from the land at the rear of 71 Forrest Lane, therefore a further development on this land will reduce the amount of land for natural drainage causing further excess flooding and problems with drainage which can be confirmed by the fire brigade which attended the properties within Westlands on 25th November.



- v. Existing drains cannot cope with the amount of water already draining from the land.
- vi. Additional noise from vehicles driving into and from the proposed development will have an impact on my quality of life.

20 Mr John Otterson , 72 Forest Lane Kirklevington  
i object on the following grounds

- a. The increase of traffic, (which is already high due to the use by commercial vehicles) as present access allows vehicle lights to shine directly into my lounge window.
- 2. Concerned that this application may be the first of many, previous application for building development of the full area behind this development is out with the village envelope and has been turned down.

21 Mr And Mrs T Gilbert , 14 Hall Moor Close Kirklevington  
(Summarised)

Object as our privacy will be compromised as the proposal will overlook the garden and conservatory and bedrooms of our property.

The area floods which can invade our garden.

A previous refusal has been given on the land with regard to access for emergency vehicles. what has changed\_

22 Mr S Brown , 4 Westlands Kirklevington

Objects on the following grounds:-

When buying our property in 1984 71 Forest Lane was still a small holding farm we were told there would be nothing built on the land at the rear of our garden. The farm was sold off and the owners made it into a luxury home. The originality of the farm house had to be maintained in compliance with a preservation order and this we believed was the same with the land. Over the years many things have disappeared from our village the latest being the old play school and there are many developments being built on every scrap of land in the village, lets not make our village like Ingleby Barwick.

Our main concern with this development is the long drive which runs at the bottom of our garden and the annoyance of vehicles and car lights shining into our bedroom window also the size of the property among single storey bungalows on either side. The other concern is flooding we are the lowest lying in Westlands and in heavy rain get water 5" deep all around our bungalow and I am quite sure this would worsen with this new development.

A previous application for development at the rear of 71 Forest Lane was rejected some years ago because of access and services etc. Please tell me what has changed! Drainage in the village cannot cope with any more developments or traffic on Forest Lane.

I am quite sure this would not be the last of the developments at 71 Forest Lane and the peace and tranquillity we have enjoyed over the past years would be gone.

Please preserve something in our village and leave 71 Forest Lane as West Farm.

## **PLANNING POLICY**

23 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

24 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

## 25 Planning Listed Buildings and Conservation Areas Act 1990

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 provides that in considering whether to grant permission for development which affects a listed building or its setting, the decision maker should pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses

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

27 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.

## 28 Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

a. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

b. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

## 29 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.

## 30 Saved Local Plan Policy HO3

Within the limits of development, residential development may be permitted provided that:

1. The land is not specifically allocated for another use; and
2. The land is not underneath electricity lines; and
3. It does not result in the loss of a site which is used for recreational purposes; and
4. It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
5. It does not result in an unacceptable loss of amenity to adjacent land users; and
6. Satisfactory arrangements can be made for access and parking.

Saved Policy Local Plan Policy EN 28

Development which is likely to detract from the setting of a listed building will not be permitted.

### **MATERIAL PLANNING CONSIDERATIONS**

31 The main planning considerations with respect to this application are the principle of development in relation to the relevant Development Plan policies, the impact on the character and appearance of the existing listed building including the setting of Listed Building, the impact on the amenity of existing and future occupiers of neighbouring properties and character of the surrounding area, the impact on highway safety, Archaeology, Flooding and any residual matters.

32 Seven objections have been received from neighbouring residents and an objection has been received from the parish Council. These are largely relating to the principle of the development in relation to backland development, proximity to boundary hedges and neighbouring properties, impact upon the amenity of neighbouring properties in terms of loss of light and privacy, amenity value of hedgerows, character of the village and listed building to the front of the site, setting a precedent for further development, visual impact of the proposal, archaeology, traffic, drainage and flooding of the application site and the surrounding residential properties.

33 Concerns are raised by neighbouring residents regarding a previous appeal at the site for a dwelling; the application was refused on the grounds that the proposal would result in 'backland development' to the detriment of the character of the area and impact upon the amenity of neighbouring residents. This was considered at appeal and the inspector found that although the proposal would result in "tandem development" the principle of a dwelling would not affect the character and appearance of the surrounding area however the proposal would cause harm to the living conditions of present or future residents of the host dwelling. Whilst the Planning Inspector's decision is noted, planning policy has altered since 1990 when this decision was made. The inspector makes reference to Development Control Policy note 2 "Development in Residential Area" (DCPN 2) which is no longer adopted guidance. However these concerns will be addressed below.

#### **Principle of development and relevant Development Plan Policies**

34 The application site is located within the limits to development within Kirklevington which is identified in the "Planning the Future of Rural Villages in Stockton-on-Tees Borough" 2012 update report as a Tier 2 village and as such is considered to be a sustainable location for residential uses. Policy CS2 of the adopted Core Strategy requires new developments to be well serviced by an attractive choice of transport modes, including public transport. There is a bus route serving the village, as such in this regard, it is considered that the application site constitutes a sustainable location and the proposal accords with policy CS2.

35 Paragraph 53 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of

residential gardens, for example where development would cause harm to the local area. Whilst concerns are raised, by objectors, regarding backland development, the local Authority does not have a planning policy relating directly to development of back garden areas however guidance within the NPPF (March 2012) states that there is a presumption in favour of sustainable development, therefore the principle of the proposed development is considered to be acceptable subject to other material planning considerations.

### **The impact on the character and appearance of the existing listed building including the setting of Listed Building**

36 Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 provides that in considering whether to grant permission for development which affects a listed building or its setting, the decision maker should pay special regard to the desirability of preserving the building or its setting on any special architectural or historic interest which it possesses.

41 The host dwelling is a Grade II listed farmhouse which fronts on to Forest Lane. This Historic Buildings officer has commented that Number 71 Forest Lane is a grade II listed Georgian farmhouse. The outbuildings to the west of the property now incorporated into the house are also listed along with the historic barns to the rear. The main consideration of the application in heritage terms is the impact of the proposed dwelling on the setting of the listed building, the designated heritage asset. The NPPF states that, in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

42 The original setting of the listed farmhouse was an isolated farmhouse. Gradually this context and setting has been significantly altered with the property surrounded on all sides with modern village development. There have been past approvals for residential development within the rear garden area of the site, which accepted the principle of development with the curtilage of the listed building. The Historic Buildings Officer therefore considers that the principle of development within the curtilage of the listed building has already been established.

43 The property sits in a large plot and it is considered that the bungalow could be accommodated within the plot allowing sufficient breathing space and context for both the listed building and new dwelling. Substantial separation distance is proposed between the farmhouse and bungalow and the listed building would retain a significant rear garden area. It is considered that the general scale and design of the bungalow is acceptable and would not detract from the setting of the listed building. It is therefore not considered that the proposal would detrimentally detract from the setting of the listed building and is therefore in accordance with Save Local Plan Policy EN28 and Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990

### **The impact on the amenity of existing and future occupiers of neighbouring properties**

37 Whilst objectors concerns, regarding the impact upon the amenity of neighbouring properties are noted the submitted plans demonstrate that the closet residential property would be 18.43 metres from the east side elevation of the dormer bungalow. This side elevation includes a garage window and door and a door which provides access to the utility room. These are not

considered to be habitable rooms. The proposal also includes 4 roof light windows in the main dwelling with two roof lights in the single storey dining room to the rear of the proposed dwelling. Given the oblique angle of the roof light windows it is not considered that the proposal will result in a significant loss of privacy for the neighbouring property to the east. Furthermore given the distance from the neighbouring property it is not considered that the proposal will result in an overbearing impact upon the neighbouring properties to the east.

38 The host dwelling will be situated to the north of the proposed dormer bungalow. There will be a separation distance of approximately 55 metres to the rear elevation of the host dwelling from the closest point of the proposed dormer bungalow. As such it is not considered that the proposal will result in a detrimental impact upon the amenity of the host dwelling in terms of overlooking or appearing overbearing. The previous refusal, at the site, was on the grounds that the proposed access to the dwelling would be detrimental to the amenity of the neighbouring property in terms of disturbance from the access. The proposed access to the dwelling will be adjacent to the side elevation of the host dwelling. The southern elevation, of the host dwelling, contains a window which, at the time of the previous appeal was a living room, this is now a play room. The proposal includes hedge planting adjacent to the proposed driveway extension which will provide some screening and help to minimise the impact from the proposed access to the host dwelling. Furthermore a similar relationship has recently been approved at 56 Forest Lane (planning reference 11/0763/FUL). As such it is not considered that the proposal will result in a significant impact upon the amenity of residents of the host dwelling.

The western elevation of the proposed dwelling does not contain any windows. The closest residential property to the west of the site is approximately 18.8 metres from the side elevation of the proposed dwelling. Therefore it is not considered that the proposal will result in a detrimental impact upon the amenity of the neighbouring properties to the west in terms of overlooking or appearing overbearing.

There is agricultural land to the rear of the application site. As such there are no neighbouring properties to the rear.

### **Character of the surrounding area**

39 The proposed dwelling will be situated to the rear of 71 Forest Lane which is a Grade II listed building, the surrounding area is a well established residential area comprising mainly of detached dwelling houses and bungalows set within generously sized plots. The application site, and proposed dwelling, is considered to be commensurate in size and scale with other properties within the vicinity of the site and given that the proposal will largely be screened from view of the street scene by the existing farmhouse at 71 Forest Lane. As such it is not considered that the proposed dwelling will result in an incongruous feature within the street scene. Furthermore a similar development was recently approved at 56 Forest Lane which allowed a dwelling to the rear of the main dwelling on the site (planning reference 11/0763/FUL). Therefore it is not considered that the proposed dormer bungalow will result in a detrimental impact upon the character and appearance of the surrounding area.

40 The Council's Landscape architects have commented that there are no landscape and visual objections to this development as the proposed dwelling fits the settlement plan of the village at this location. However all the boundary hedging and trees should be retained to preserve the character of the site and soften any views into the site. New landscape planting should be provided to further soften views of the dwelling as detailed on the site plan ref drg no1262/02, but it is recommended that a distance of 2 metres is retained from the new planting to the house walls. As such conditions relating to hard and soft landscaping are recommended accordingly.

### **Highway safety**

44 Concerns from objectors regarding visibility and additional traffic are noted however the proposed dwelling would share the existing access to 71 Forest Lane; the submitted plans show visibility splays of 2.4m x 43m, which is suitable for a 30 mph road, and an access width of 4.3m which will allow 2 cars to pass. This matter has been considered by the Head of Technical services and it is considered the proposed access is acceptable, therefore a condition is recommended to ensure the access and visibility spay are provided prior to the dwelling being brought into use. Furthermore in accordance with SPD3, 2 incurtilage car parking spaces are provided for a 3-bedroom dwelling with an additional 2 spaces available for visitors and cycle storage is available in the garage. Turning has been provided in order that vehicles can exit the site in a forward gear. As such the Head of Technical Services raises no objections to the proposal as it is not considered that the proposed dwelling will result in an adverse impact upon highway safety.

## **Archaeology**

45 Tees Archaeology has commented that the application includes a report on the results of an archaeological evaluation, the methodology of which is considered to be acceptable.

46 The area proposed for the new dwelling has been built up in the recent past. The trial trench in this area uncovered remains of a ridge and furrow field system of medieval date beneath this levelling deposit but there were no other finds or features of interest. An undated feature was noted in the trench positioned on the proposed driveway. This may be a medieval boundary but lay under a significant amount of sub-soil and the construction of a driveway is unlikely to disturb archaeological features at this depth.

47 As such it is considered that the development is unlikely to have a significant impact on heritage assets of archaeological interest which are either absent or will be preserved below the working depth. Therefore Tees Archaeology has raised no objections to the proposal.

## **Flooding**

48 A number of objections have raised concerns regarding flooding at the site however the application site is not within a flood zone identified by the Environment Agency. With regard to flood risk the Council's Head of Technical Services has comments that Northumbrian Water should confirm that a new connection may be made to discharge surface water to the public sewer. Northumbrian Water were consulted regarding the proposal, in responding to the consultation Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposed development against the context outlined above Northumbrian Water has no comments to make.

49 The Councils Flood risk management section has commented that the provision of a suitably designed drainage system for this development may improve the current situation of surface water running onto adjacent properties. Surface water would be discharged to the public sewerage system, assumed to be located within Forest Lane, at a location that is lower than both Westlands and Hall Moor Close, and as such should not increase the risk of sewer flooding to these locations, subject to confirmation of sufficient capacity by NWL.

50 In considering a recent appeal at Bishopton Road West for a new dwelling where objectors raised concerns regarding localised flooding (planning reference 09/1072/FUL appeal reference App/H0738/A/09/2115283) an inspector found that, for one additional dwelling, there was no substantive evidence that a proposed dwelling would significantly add to the likelihood or severity

of flooding in the area. However conditions relating to hard surfacing and surface water disposal are recommended accordingly.

**Residual matters**

51. Objectors have made reference to the impact upon the wildlife as a result of loss of hedgerow however the proposed plan shows the existing hedgerow being retained with additional hedges being planted. As previously discussed a soft landscaping scheme is recommended accordingly.

52. With regard to the permitted development rights the property would benefit from given the scale and location of the plot it is not considered necessary to remove permitted development rights from the dwelling. Government advice is that other than in exceptional circumstances. The removal of permitted development rights is unreasonable unless there is clear evidence that they would have serious adverse effects on amenity or the environment, that there were no other forms of control, and it would serve a clear planning purpose. Therefore it is not proposed to remove permitted development rights.

53. The Head of Technical Services has commented that refuse storage should be provided within 25m of the highway. This is included within the informative section of this report.

**CONCLUSION**

54. Therefore having regard to all the material planning considerations considered above, the proposed dwelling is considered to be in accordance with the Development Plan policies and is acceptable. The application is therefore recommended for approval with appropriate conditions.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mrs Helen Heward Telephone No 01642 526063**

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor A B L Sherris</b>
<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor Mark Chatburn</b>
<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor</b>	<b>Councillor Ben Houchen</b>

**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. The detailed considerations within this report take into account the impacts on neighbouring properties, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

**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:**

National Planning Policy Framework

Core Strategy Development Plan Document

Planning application reference numbers S1924/84, S232/87, S1575/88, S1533/89.