

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**10<sup>th</sup> APRIL 2013**

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

**13/0364/FUL**

**42 Bonington Crescent, Billingham,**

**Erection of first floor extension to the side (over existing garage) and porch to the front.**

**Expiry Date 11 April 2013**

**SUMMARY**

This application seeks planning permission for the erection of a first floor extension to side, and the erection of a porch extension to the front of No 42 Bonington Crescent.

The application site is a two storey, detached dwelling located within the residential cul-de-sac of Bonington Crescent, Billingham, Stockton on Tees.

Planning permission was previously approved at the application site by the Planning Committee on 1st June 2007 for a revised application relating to a first floor extension to side, conversion of garage into habitable room and porch extension to the front (reference 07/1031/REV).

In accordance with the Council's Scheme of Delegation, the application is to be determined by the Planning Committee as the applicant is an employee of Stockton on Tees Borough Council and one letter of objection has been received from the occupiers of a neighbouring property to the rear of the site (No 14 Haydon Grove). The objection primarily relates to the proposed first floor extension resulting in a loss of privacy between habitable rooms and garden areas.

The proposed development is considered to be of an appropriate scale, design and layout and achieves satisfactory spacing from surrounding properties and is not considered result in any unacceptable impacts on residential amenity. The proposed scheme is also considered to be acceptable in terms of highway safety and the proposal satisfies the principles of the National Planning Policy Framework and Adopted Core Strategy Policies CS3 and Saved Local Plan Policy HO12.

The application is therefore recommended for approval.

**RECOMMENDATION**

**That planning application 13/0364/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>SBC0001</i></b>	<b><i>13 February 2013</i></b>
<b><i>001</i></b>	<b><i>13 February 2013</i></b>
<b><i>002</i></b>	<b><i>13 February 2013</i></b>

**Reason: To define the consent.**

**02. The external finishing materials shall match with those of the existing building**

**Reason: In the interests of visual amenity and to ensure a satisfactory form of development**

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

#### **General Policy Conformity**

**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 outlook, overlooking, overbearing and overshadowing. It is also considered that the proposals do not have an adverse impact on the existing dwelling or create incongruous features within the surrounding area. It is further considered that the proposal will not lead to an adverse loss of 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  
Local Plan Saved Policy HO12-Domestic Development**

**SPG2: Householder Extension Design Guide (2004)**

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

### **BACKGROUND**

1. 05/2641/FUL; Planning permission was granted on 9th November 2005 for the erection of a single storey extension to the rear.
2. 07/0575/FUL; This application was withdrawn in 2007 for a first floor extension to side and rear, conversion of a garage into habitable room and extension to the hall, as it was considered that the proposed first floor extension to the rear would have an unacceptable overbearing impact on the neighbour to the rear at No. 14 Haydon Green, Billingham.
3. 07/1031/REV; A revised planning application was later approved in June 2007 for the above referenced scheme with the omission of the proposed first floor rear extension This permission was not implemented and as such expired in 2010.

### **SITE AND SURROUNDINGS**

4. The application site is a two storey, detached dwelling located within the residential cul-de-sac of Bonington Crescent, Billingham, Stockton on Tees. To the east is No 40 Bonington Crescent, to the west is No 44 with No 46 Bonington Crescent to the front (south west). No's 12, 14 and 16 Haydon Green are to the rear of the site (north).

## **PROPOSAL**

5. This application seeks planning permission for the erection of a first floor extension over an existing (original) attached garage to the side, and the erection of a porch extension to the front of No 42 Bonington Crescent.
6. The proposed first floor extension would tie into the existing first floor front and rear elevations of the dwellinghouse; the proposal would measure approximately 2.7m in width x 7.7m in length x 7.8m in height with the ridge line tying into that of the main dwellinghouse (hipped end design). As a result the proposal would mirror the eastern elevation of the dwellinghouse. The proposal would feature 1 window in both the front and rear first floor elevations. The proposal would facilitate an extension to an existing bedroom with the provision of an en suite and walk in wardrobes.
7. The proposed porch extension to the front would feature a modest projection of approximately 1.2m x 1.5m in width x 3.4m in height with a hipped roof that ties into the existing projecting canopy above the double garage. The proposal would feature a single access door in the front elevation and 1 small window in the side elevation.
8. The proposed works are of a similar scale and design to that of the previous approval at the application site in 2007 but does not now involve the proposed conversion of the garage.

## **CONSULTATIONS**

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

### **Head of Technical Services**

#### Highways Comments

This proposal does not increase the number of bedrooms or affect car parking provision; there are no highway objections.

#### Landscape & Visual Comments

No comments.

## **PUBLICITY**

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

Mrs Judith O'Neill

14 Haydon Green Billingham

The porch to the front of the property I have no objection to. The erection to the first floor extension to the side (over existing garage) would invade my privacy. The property in question is in close proximity and overlooks my garden and conservatory a further extension would completely invade my privacy and further block the light and sunshine.

## **PLANNING POLICY**

11. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant

Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan

12. 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
13. 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

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.

#### Saved Policy HO12 of the adopted Stockton on Tees Local Plan

Where planning permission is required, all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Permission for two-storey rear extensions close to a common boundary will not normally be granted if the extension would shadow or dominate neighbouring property to a substantial degree.

Permission for two-storey side extensions close to a common boundary will not normally be granted unless they are set back from the boundary or set back from the front wall of the dwelling

## **MATERIAL PLANNING CONSIDERATIONS**

14. The main planning consideration in respect to this application relate to the impact on the character and appearance of the existing dwelling and the street scene, the impact on the amenity of surrounding properties and the impact on highway safety.

### **Impact on existing dwellinghouse and street scene**

15. As noted above, planning permission was granted for a first floor extension to the side in 2007; the current proposal is of a matching design and scale and there has not been any significant material changes in local planning policies and supplementary planning guidance in this respect. As such, it is considered that the previous approval remains a material consideration when assessing the current application.
16. The proposed first floor extension would tie in flush to the existing first floor front and rear elevations of the dwelling. In view of the staggered orientation between the host dwelling and the adjacent property of No 44 (west), and that a gap of approximately 2m would remain between the outside wall of the proposal and the side/front elevation of No 44, it is considered that the proposal would not result in a terracing effect.
17. Furthermore, in view of the proposed fenestration, matching roof design, and general scale and design of the proposal (including the proposed porch extension), it is considered that the proposals respect the proportions of the existing dwelling and application site. Therefore it is considered that the proposals would not result in an adverse loss of character and appearance for the existing dwelling or the surrounding street scene.
18. The submitted plans indicate that the proposed finishing materials would match those of the existing dwellinghouse, which is considered to be satisfactory and can be secured by way of a planning condition.

### **Impact on Amenity of Neighbouring Residents**

#### *Impact on No 44 Bonington Crescent, west*

19. The proposed first floor extension would project along the adjacent boundary to No 44 Bonington Crescent (west), of which there are no windows in the side/gable elevation (east) of this property. The host dwelling is set forward of No 44 by approximately 4.5m.
20. SPG2: Householder Extension Design Guide states that extensions can be particularly overbearing in their impact on neighbouring properties and a 3m projection is often considered a reasonable compromise between the need for space by the applicant and an acceptable impact on the neighbouring properties. In cases where the projection is greater than 3m then the 45 degree (for two storey or first floor extensions) is applied, guidance of which can be found in SPG2.
21. It is considered that the proposal accords with the provisions of the 45 degree guidance when applied from the ground and first floor windows in the front elevation of No 44. In addition, the proposal would not project beyond the main first floor elevation of the host dwelling and a gap of approximately 2m would remain between the two properties (a gap of approximately 3m from the ground and first floor windows in the front elevation of No 44).

22. In view of the above referenced relationships of separation distances and the orientation between the properties and the proposal's conformity to the 45 degree guidance, it is considered that the proposal will not result in an unacceptable loss of amenity for occupiers of No 44 in terms of outlook, overbearing and overshadowing.
23. The proposal will not feature any windows in the side elevation (west) and it is considered that no direct views would be achievable between windows in the front and rear elevations of the proposal and the front and rear elevations of No 44. In view of these relationships it is considered that the proposal would not result in an adverse loss of amenity in terms of overlooking between the two properties.

*Properties to front, east (40) and south west (46)*

24. Given that the proposal would not project beyond the existing first floor front and rear elevations of the property and the proposed front elevation would be located at oblique separation distances of approximately 14m and 16m from No's 40 and 46 respectively, it is considered that the proposed first floor extension to the side would not result in an adverse loss of amenity in terms of outlook, overlooking, overbearing and overshadowing for occupiers of neighbouring properties.

*Properties to rear, No's 12, 14 and 16 Haydon Grove*

25. As noted above, 1 letter of objection has been received from the occupiers of No 14 Haydon Green (north) who have commented that the proposed first floor side extension would result in an adverse loss of amenity in terms of overlooking into their conservatory and garden area.
26. The proposed first floor side extension would be sited at an oblique angle resulting in separation distance of approximately 22m from the original rear elevation (first floor) of No's 12 and 14 Haydon Green. The proposal would also be sited approximately 18m from the conservatory extension to the rear of No 14 Haydon Green.
27. It is also noted that the 1 window in the proposed first floor rear elevation would serve a non-habitable room (en-suite). Notwithstanding the use of this room, in view of the above referenced separation distances, it is considered that the proposed extension would not result in an adverse loss of amenity for occupiers of neighbouring properties to the rear of the site in terms outlook, overbearing, overshadowing and overlooking of habitable room windows/areas and the immediate garden area serving these properties.
28. In view of the domestic scale of the proposed extension, it is considered that the proposal would not result in an adverse loss of amenity for surrounding properties in terms of noise disturbance.
29. The proposed porch to the front is considered to be of a modest scale and it is considered that the proposal would not result in an adverse loss of amenity for neighbouring properties to the front.

**Highway Safety**

30. The Head of Technical Services has raised no objections to the application, commenting that the proposals do not increase the number of bedrooms or affect car parking provision
31. It is therefore considered that the proposal would not have an adverse impact on highway safety and car parking provision.

## **Other matters**

32. With respect to property devaluation, this is not a material planning consideration.
33. The objection from No 14 Haydon Grove Drive has made reference to the loss of light; the 'Right to Light', operates separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.
34. The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing has been assessed within the material considerations above.
35. The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.
36. As indicated above planning permission which has since expired was granted in 2007 for a similar proposal and there have been no material change of circumstances in planning policy or physical changes to properties in the area which would point to the need to determine the planning application differently

## **CONCLUSION**

37. It is considered that the proposal accords with Core Strategy CS3 and saved Policy HO12 and SPG2 as it will not have an adverse impact on the existing dwelling and street scene, will not lead to an unacceptable loss of amenity for neighbouring residents and will not lead to an adverse loss of highway safety.
38. It is recommended that the application be Approved with Conditions for the reasons specified above.

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

## **WARD AND WARD COUNCILLORS**

**Ward Billingham North**  
**Ward Councillor Councillor Colin Leckonby**

**Ward Billingham North**  
**Ward Councillor Councillor Apedaile**

**Ward Billingham North**

**Ward Councillor Councillor Ray McCall**

**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 residential properties, occupiers, 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.

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