

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

8 MAY 2013

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

13/0575/VARY

Summerhill, High Lane, Maltby

Application to vary condition No. 2 (Approved Plans) of planning approval 10/1536/FUL - Alterations and extensions to dwelling including sunroom to side and attached garage to allow removal of chimney detail, replacement of sunroom roof with tiled pitched roof and replacement of external wall with pitched roof

Expiry Date 2 May 2013

SUMMARY

In 2010 planning permission was granted for alterations and extensions to the dwelling including sunroom to side and attached garage (planning reference 10/1536/FUL). This followed three refusals of planning permission for extensions to the dwelling and the subsequent appeals to the Planning Inspectorate were dismissed.

Approval is sought for a variation to the approved plans previously approved under planning application 10/1536/FUL. The revisions to the approval consist of the replacement of the glazed roof sunroom roof with a tiled roof to match the approved garage roof, with 2 No. roof lights, the replacement of a wall at first floor level with an extension of the approved roof slope and detail of the chimney to be removed from the western elevation to be constructed internally.

Eight letters of objections have been received from and on behalf of neighbouring residents and an objections has been received from the Parish Council largely on the grounds that given the history to the site the approved plans should have been adhered to, that the change of materials will add to the overall bulk, will appear overbearing and be of a poor design, out of keeping with the character of the area. Objectors also raise concerns that the development results in over development of the plot, is too high and close to boundaries and results in a loss of privacy for the surrounding neighbouring properties.

The application has been considered with regard to the impact upon neighbouring properties, character of the surrounding area and highway safety. Taking into account the nature of the proposed variations and the relationship with neighbouring properties the proposals are considered to be acceptable. Therefore the application is recommended for approval subject to conditions.

RECOMMENDATION

That planning application 13/0575/VARY be approved subject to the following conditions and informatives

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>(03)001</i>	<i>18 March 2013</i>

Reason: To define the consent.

02. The development hereby approved shall be completed from 65 mm LBC Tudor Facings brick and Marley Modern Grey 42 0 mm x 330 mm roof tile and render in a colour of V10 Stone By Parex Monorex.

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

03. The proposed 2 no. roof lights serving bedroom 2 facing towards the rear garden serving No.3 Dunsmore Close and 1 no. roof light serving bedroom 3, facing towards Wayside, shall be obscurely glazed with level 4 obscured glass and provide an opening no greater than 45 degrees as shown on plan number 110/01 (03)006 Rev C dated Mar 2013. The details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before development commences. The windows shall be installed before the building hereby permitted is brought into use and retained for the life of the development.

Reason: In the interests of the amenity of the occupiers of the adjacent properties.

04. The proposed rear gable windows serving bedroom 3; shall be glazed with level 4 obscure glass and have fixed openings as shown on plan number 110/01 (03) 006 rev C dated March 2013. The details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before development commences and installed before the building hereby permitted is brought into use and shall be retained for the life of the building.

Reason: In the interests of the amenity of the occupiers of the adjacent property.

05. The proposed 1 no. roof light serving bedroom 3 facing towards properties fronting onto Dunsmore Close shall be obscurely glazed with level 4 obscure glazing and fixed non-opening as shown on plan number 110/01 (03) 006 Rev C. The details of the obscure glazing shall be submitted to and approved in writing by the Local Planning Authority before development commences and shall be installed before the bedroom is brought into use and retained for the life of the building.

Reason: In the interests of the amenity of the occupiers of the adjacent properties.

06. A detailed scheme for landscaping, tree and hedge planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is commenced. Such a scheme shall include and detailed planting plan and specification of works, indicating types and species, numbers, densities, planting methods, layout contouring and surfacing of all open space areas and shall include a long term management plan and maintenance schedule. The works shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development whichever is the sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

07. No development shall commence on site until full details of hard surfacing materials for the provision of car parking have been submitted to and approved in writing by the Local Planning Authority. Such materials shall either be permeable or provision shall be made to direct run off to a permeable or porous area or surface within the curtilage of the dwelling and these works shall be carried out as approved.

Reason: To ensure a satisfactory form of development for surface water disposal.

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.

Adopted Stockton on Tees Local Plan (June 1997)
HO12 Householder Extensions

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

Supplementary Planning Guidance Number 2: Householder Extension Design Guide
Supplementary Planning Document Number 3: Parking for New Developments

The Local Planning Authority have implemented the requirements of the NPPF.

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

BACKGROUND

1. The planning history of the site is set out below:
2. S1593/87. Application for the single storey extension to rear and bay window to front of dwelling. Approved 25th November 1987.
3. 93/0360/P. Single storey extension to rear. Approved 16th April 1993
4. 05/0867/FUL. Sun room extension to side and front and double garage extension with playroom above to front. Single storey extension to front, loft conversion with dormer windows to front. Conversion of existing garage to habitable room and first floor extension to side with dormer windows. Withdrawn 22nd April 2005.
5. 05/1275/REV. Revised application for sun room extension to side and front and double garage extension with playroom above to front. Single storey extension to front, loft

conversion with dormer windows to front. Conversion of existing garage to habitable room and first floor extension to side with dormer windows. Refused under powers delegated to officers on the 30th June 2005 for the following reasons:

1. In the opinion of the Local Planning Authority the increase in roof height would have an overbearing impact to the neighbouring properties at Wayside, High Lane and No.1, No. 2 and No.3 Dunsmore Close, Maltby contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance note 2.
2. In the opinion of the Local Planning Authority, the proposed dwelling and detached double garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and policies GP1 and HO12 of the adopted Stockton on Tees Local plan.
6. 05/2969/FUL. Extensions and alterations to dwelling house including garage and sun room to side/front, conversion of existing garage into habitable room, extension to front and raising height of roof to accommodate dormer windows and rooms in the roof. Refused by Planning Committee on the 23rd March 2006 for the following reasons:
 01. In the opinion of the Local Planning Authority, the proposed dwelling and garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and Policies GP1 and HO12 of the adopted Stockton on Tees Local Plan.
 02. The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.
 03. The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2
 04. The proposed development is considered to be overdevelopment of the site to the detriment of the amenity of the occupants of the existing dwelling, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.
7. 08/0464/FUL. First floor and single storey extensions to front and side including dormer windows and single storey double garage to front. Refused by Planning Committee on the 30th April 2008 for the following reasons:
 01. In the opinion of the Local Planning Authority, the proposed dwelling and garage to the front would form an incongruous element in the street scene and is contrary to advice given in Supplementary Planning Guidance Note 2 and Policies GP1 and HO12 of the adopted Stockton on Tees Local Plan.
 02. The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.

- 03. The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.
 - 04. The proposed development is considered to be overdevelopment of the site to the detriment of the amenity of the occupants of the existing dwelling, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.
8. 08/3008/FUL. Alterations and Extensions to dwelling including sunroom extension to the side and erection of a garage. Refused by Planning Committee on the 26th November 2008 for the following reason:
- 01. The proposed development would have an adverse impact on local visual amenity as the resultant dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.
9. 08/3009/FUL. Alterations and Extensions to dwelling including sunroom extension to the side. Refused by Planning Committee on the 26th November 2008 for the following reason:
- 01. The proposed development would have an adverse impact on local visual amenity as the resulting dwelling would be out of character in a local street scene dominated by bungalows, contrary to policies GP1 and HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance Note 2.
 - 02. The proposed development would, by virtue of height and mass, have an unacceptable overbearing impact on, and to the detriment of the amenity of occupants of neighbouring properties, contrary to policies GP1 and HO12 of the adopted Local Plan and Supplementary Planning Guidance Note 2.
10. Appeal Hearing
11. On the 7th April 2010, a hearing was held to determine appeals against the refusal of planning permission for the following three applications:
- 12. Appeal Scheme A -This refers to planning application 08/0464/FUL
 - 13. Appeal Scheme B -This refers to planning application 08/3008/FUL
 - 14. Appeal Scheme C -This refers to planning application 08/3009/FUL
15. Full details of the reasons for refusal are set out above. These refusals were upheld at appeal.
16. 10/1536/FUL Alterations and extensions to dwelling including sunroom to side and attached garage was approved by the Planning Committee on 4 August 2010. This current application relates to a variation of condition 2 relating to the approved plans.

SITE AND SURROUNDINGS

- 17. The application site is a detached bungalow and works have been commenced on the previously approved details under planning application reference 10/1536/FUL. The immediate neighbouring properties are bungalows, beyond which are a mix of house types.

The remaining street scene further along High Lane and to the east generally, consists of a variety of house types including two storey houses and cottage style dwellings.

18. The host property is elevated in relation to the highway to the south west, High Lane, and to adjacent neighbouring properties to either side. The boundary treatments adjacent to the highway consist of a hedgerow and wooden fence measuring approximately 1 metre in height. A blank brick elevation of the detached garage and a 1.6 metre fence forms the boundary to No. 1 Dunsmore Close (east) and a rendered wall 1.6m high (approx.) to the boundary to 'Wayside', High Lane (west). The rear boundary, to the north, is adjacent to the rear garden serving number 3 Dunsmore Close comprises a closed boarded fence with a screening of planting on the side of the neighbouring property.
19. The immediate building line is formed by neighbouring properties on High Lane and it is slightly staggered. No. 1 Oxhill Farm, Wayside and Summerhill have a principal elevation facing High Lane, whereas No 1 Dunsmore Close presents a side gable. All properties are set back from the highway edge. Properties on the opposite side of High Lane present a staggered building line and are, again, set back from the highway edge.

PROPOSAL

20. Approval is sought for a variation to condition 2 of application 10/1536/FUL relating to the approved plans. The proposed amendments to the approved plans consist of the replacement of the glazed sunroom roof with a tiled roof to match the approved garage roof, with 2 No. roof lights, the replacement of a wall at first floor level with an extension of the approved roof slope and detail of the chimney to be removed from the western elevation to be constructed internally.
21. The submitted plans show two roof lights serving bedroom 2 to be level 4 obscure glazing and restricted to 45 degree opening. One roof light window serving bedroom 3, facing towards Wayside will also be level 4 obscure glazing and restricted to 45 degree opening, the roof light serving bedroom 3 facing towards Dunsmore Close is shown on the submitted plan to be fixed with the handle removed with level 4 obscure glazing.
22. The agent has submitted a detailed letter in support of the proposal which is included as an appendix 9.

CONSULTATIONS

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

24. Head of Technical Services

Highways Comments

25. There are no highway objections.

Landscape & Visual Comments

26. No comments.

27. Ward Councillor

Mr Kevin Faulks

32 Wheatear Lane Ingleby Barwick

28. I am aware of the history of this site and the public meeting which took place in Maltby at the start of the proposals when 25 residents attended and voiced their concerns.

29. During planning applications there have been consistent issues over height, massing, overbearing and overlooking and loss of amenity to neighbouring properties. These concerns were reflected in the Committee's earlier decisions to refuse the applications and were contained in the Planning Inspector's reasons for dismissing the applicant's appeals. The Inspector specifically found a reason for dismissing the appeals to be unacceptable overlooking of neighbouring property.
30. In 2010 the applicant submitted a modified application which attempted to address the issue of overbearing but did not address the issues of overlooking. The Committee approved the plan subject to strict conditions with regard to roof lights and windows.
31. The variation application is asking for these conditions to be less effective and easier to break. The roof light on the NE gable and the gable end windows have conditions that they are to be obscurely glazed and fixed. The applicant is asking for them to be obscurely glazed and fixed shut (screwed down, neighbours have been told) and in the case of the roof light, to have the handle removed.
32. Given the current financial restrictions placed upon the Council it would seem more appropriate to ensure that the Committee's original conditions of having obscurely glazed and unopenable windows are enforced now rather than having frequent visits from the Council's enforcement team in the future.
33. Neighbours are also afraid that the flat roof will be used as a balcony especially if the Committee approves the change of sunroom roof from glass to solid and most of the width of the rear of the house has only a path and no garden and I support their request for a condition to prevent this.
34. I understand that neighbours on High Lane and Dunsmore Close are requesting that Permitted Development rights are removed from the development to ensure additional windows are not inserted causing further loss of amenity and I support their request for this.

PUBLICITY

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

36. Mr and Mrs McBride

Fairhaven High Lane

We wish to object to the above application as we feel that the applicant should adhere to the plans and conditions which were approved and the subject to much debate by the Planning Committee. After many refusals at Committee and 3 Appeals being dismissed for this site, it was a split decision at Committee, resorting to a Chairman's casting vote, to pass plans 10/1536/FUL. Members and Objectors were assured that the plans and conditions would be adhered to.

With regard to the variation application we are objecting to the change of material on the sun lounge roof on two points as follows:

- i) That the change of the material on the sun lounge roof from glass to tiles will give the appearance of greater bulk, be more overbearing and therefore not comply with planning regulations requiring applications to be in keeping with surrounding properties (HO12 and SPG2).
- ii) That PS1 relates to good design. In our view it not good design to have a sun lounge with 3 solid brick walls, a tiled roof and windows only on one side which is North facing. It would get hardly any sun and

therefore would not be of good design and sustainable as a sun lounge contrary to PS1.

The applicant appears to be stating that the tiled roof rather than the glazed approved roof is for privacy and to improve the appearance for neighbours. We disagree with this view as privacy could be achieved by using obscure glazing to the roof, this would continue to let in the sun, give the appearance of less bulk, be less overbearing on neighbours and the street scene, more in keeping with the approved plans and the good design of a sun lounge.

Further more it is imperative that conditions relating to landscaping are met.

On the 19th March the road in front of Summerhill and Fairhaven was flooded, caused by water running from the Summerhill site. Stockton Borough Council had to attend to the gullies to address this problem. We understand that a plan 110/01(03)004B has been submitted regarding soft landscaping which shows hedging to the front as well as planting. This is the minimum soft landscaping which should be carried out. As most of the previous garden has been built upon or will be used for hard landscaping we feel that additional drainage and soakaways should be installed to stop a re-occurrence of the flooding which was caused on the 19th March 2013.

Finally we would ask that Permitted Development Rights are removed from this property, should this application be passed. We feel that this is necessary to ensure that additional windows are not installed without planning permission. We understand that should the garage wish to be converted to habitable accommodation or have a second floor installed then further planning permission would be required.

37. Mrs Sandra Pryde

1 Pennyman Green Maltby

(Summarised)

Objects

PS1 relates to good design, I do not believe this is good design in my view a sun room with three solid brick walls, with the only window being north facing is not good design.

The applicant should adhere to the approved plans with a glazed roof. Obscured glass would give more privacy and would be in keeping with the surrounding area.

38. D Mackereth

Dunsmore Villa High Lane

(Summarised)

Strongly object as conditions that were attached to the previous approval were to protect the residential properties surrounding the site from an overbearing intrusive development, particularly in relation to number 1 & 3 Dunsmore Close.

Raising the roof and substituting the materials with tiles will only be detrimental to surrounding neighbouring properties.

The revised works has already been substantially commenced which may be considered to be a way of influencing the decision.

The previous conditions should be upheld and the variation application should be refused.

39. Mrs M Sharpe

7 Dunsmore Close Maltby

(Summarised)

Object to the proposal as the proposal is so high and so close to neighbouring bungalows that the proposal will result in overlooking. The previous committee put conditions on the approval to protect neighbours amenity and the developer should be required to comply with these.

The new roof in the NW elevation should not be allowed to have any windows in it, infact no windows on this large house should be allowed. It has no rear garden and is amongst bungalows, conditions should be used to ensure this.

Changes to the roof of the sun room would mean it is no longer a sun room. It would add to the overbearing impact of this house.

40. Sue Smithyman

5 Dunsmore Close Maltby
(Summarised)

Object to the proposal as I am very unhappy with the alterations to this property. The property is very close and the new windows impose on the privacy of my garden and conservatory.

The development should never have been allowed and I would object to any variations to the proposals, therefore does not appear to have been any consideration of my, or my neighbours, privacy.

41. Hilton Wordsworth

2 Oxhill Farm Maltby
Customer objects to the Planning Application
Comment Reasons:

- development not suitable for area
- Loss of Light
- loss of privacy
- over development of site
- scale/size of development

Comment: I am writing again to submit my objection the above amendments to the original application. I find it hard to believe that this application was originally agreed to, the overbearing design of the property and materials used has had no consideration for the surrounding areas and the invasion of privacy into adjoining properties. Even though the windows are glazed and fixed the whole structure is out of character with similar properties and devalues the surrounding area. The height of the roof is too high blocking light and privacy to our garden. Is it possible to fit roof lights and have them fixed? Aren't they required to be able to open in case of Fire .I object strongly to any amendments to this plan. I am writing again to submit my objection the above amendments to the original application .I find it hard to believe that this application was originally agreed to, the overbearing design of the property and materials used has had no consideration for the surrounding areas and the invasion of privacy into adjoining properties. Even though the windows are glazed and fixed the whole structure is out of character with similar properties and devalues the surrounding area. The height of the roof is too high blocking light and privacy to our garden. Is it possible to fit roof lights and have them fixed? Aren't they required to be able to open in case of fire. I object strongly to any amendments to this plan.

42. Mr Brian Lewis

5 Beech Grove Maltby

Altering the roof structure of the "sun room" from glazed to tiled changes the usable options for that room to become a possible additional bedroom. This position is also the case if the floor level in the "sun room" is at the same level as the main house. It is certain that if this use was shown on the plan which was passed (only by a casting vote) it is likely that it would not have received permission on the basis that the site would be overdeveloped and have insufficient parking space. Note the available outside space is probably already slightly below normal requirements. This alteration should not be allowed to proceed.

43. Prism Planning

(For And On Behalf Of Mrs J Gregory) 1st Floor
(Summarised)

Object

North East Elevation: Alterations will increase the visual impact and will appear overbearing and potentially would provide a roof slope for an additional window in the future (to serve bedroom 4) and potentially a window in the gable wall to serve bedroom 4. Both these potential windows will result in a loss of privacy. It is suggested a condition is imposed to remove permitted development rights under Class A _ B of the T&CP (GPDO) 1995 as amended, to prevent this.

The roof light to bedroom 3 should be obscurely glazed and fixed to protect privacy. This should be subject to a condition.

The parapet provided around the flat roofed area adjacent to bedroom 3 and above the snug could be utilised as a balcony through the alteration of the roof light to bedroom 3 being extended vertically and provided as an opening window. Therefore a condition is recommended.

North West Elevation The extension to the pitched roof plane offers an opportunity to insert a roof light to allow overlooking thereby eroding the privacy of the objector. Removing permitted development rights under Class B & C of the T&CP (GPDO) 1995 as amended would address this matter.

Gable windows serving bedroom 3 should be obscurely glazed and fixed and this should be secured by condition as with the previous application.

The roof lights at the far west end of the NW elevation would be controlled by conditions as imposed on the previous approval. These have already been constructed therefore the LPA will have to carry out inspections to ensure the objectives of the condition are achieved.

The roof lights serving bedroom 2 were previously conditions to be obscurely glazed with restricted openings. This condition should be re-imposed.

Garage/Sun room

Concerns regarding the description of amended plans (Since the objection has been received a further amended description has been sent to neighbours to accurately describe what is on site).

The amended floor levels appear to suggest the sun room will be converted into a double garage.

Altering the roof covering to the sun room and raising the height to match the garage will increase the visual impact.

44. Mr Colin Algie on behalf of Maltby Parish Council

6 Pennyman Green Maltby

Maltby Parish Council has considered the above application to vary the original conditions of application 10/1536/FUL and wishes to voice its objections to the current proposals as they effectively reintroduce the features of the first application which was turned down.

(1) Paragraph 12 of the appeal noted that the garage and the sunroom were "obtrusive in the street scene because it would project substantially forward of the front elevation of Wayside"

(2) The Parish Council is sensitive to the needs of all residents in accordance with local planning policies GP1 and HO12 seeking to "protect the amenities of the occupiers of nearby properties"

(3) The increase in footprint represented by the two storey garage and additional tiled pitched "sunroom" would be overbearing at this location in the village.

We therefore confirm our opposition to this application. We are confident Stockton Council's Planning Committee we remain consistent in continuing to support our comments

45. Mrs YVONNE MCBRIDE

Fairhaven High Lane Maltby

We hope the neither Councillors, or others will be misled into thinking that the garage on the revised plans is lower than that which was approved.

The height of the ridge of the garage, in relation to the ridge of the house, and the street level is no lower than that detailed on the approved plans. The only difference is that the garage floor hasn't been excavated as far as was detailed on the approved plans.

Our understanding in the past of planning was that a variation to approved plans, was for minor amendments prior to work being commenced.

As all the variations relating to this application have already been allowed to be carried out, should this application not be for retrospective planning permission?

PLANNING POLICY

46. 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

47. 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

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

National Planning Policy Framework

49. 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.

50. 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.

51. 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

52. The main issues for consideration when assessing this application to carry out the development as built and not in accordance with the approved plans are the potential impact upon the amenity for neighbouring properties, character of the surrounding area and implications for highway safety.
53. 8 objections have been received from and on behalf of neighbouring residents which are supported by a further objection from the Ward Councillor and an objection has been received from the Parish Council on the grounds that given the history to the site the approved plans should have been adhered to. The objectors state that the change of materials will add to the overall bulk, will appear overbearing and be of a poor design, out of keeping with the character of the area contrary to local and national planning policy. Furthermore alterations to the sun room roof will mean that the room will only have one north facing window and will get minimal sun. Therefore concerns are raised that this part of the building will be converted into a double garage or an additional bedroom.
54. Objections have been received on the grounds that the development results in overdevelopment of the plot, is too high and close to boundaries and results in a loss of

privacy for the surrounding neighbouring properties. The objectors have requested a number of conditions relating to permitted development rights, the proposed windows and landscaping.

55. The agent has submitted a detailed letter in support of the application as included as appendix 9.
56. The above concerns are addressed below.
57. Objections have been submitted on the grounds that the proposal will result in devaluation of the area. However this is not a material planning consideration and cannot be assessed when considering this application.
58. Concerns regarding fire safety, with regard to bedroom windows being fixed, are noted however these are not material planning considerations and are subject to control under the Building Regulations. The fire safety aspect of the proposal has been raised with the Council's building control officers and it is evident that although the proposed bedroom windows are fixed and consist of restricted openings, internal arrangements can be made to ensure the building complies with building regulations. Drainage is also raised as a concern however this is also a matter for consideration under the Building Regulations and is therefore not a material planning consideration.

Amenity of neighbouring properties

Proposed Alterations to the roof slope to the rear

59. The proposed alterations to the roof slope at the rear will be visible from windows in the rear elevations and rear gardens serving properties fronting on to Dunsmore Close which are located to the east of the application site. The alteration to the rear will continue the approved roof slope (in place of a previously approved wall within the rear elevation), as such it considered to be in keeping with the scale of the host dwelling. Furthermore when viewed from properties fronting on to Dunsmore Close the amended roof slope will be viewed against a first floor dormer roof detail and first floor gable projection which is centrally located within main the rear elevation. As such it is not considered that this element of the proposal will result in a significant impact upon the amenity of the neighbouring properties to the east.
60. This element of the variation will be screened from view of neighbouring properties to the west and south by the main dwelling.
61. The submitted plans show the approved roof light window serving bedroom three facing towards Dunsmore Close will be obscurely glazed with level 4 obscurely glazed and will be non-opening. A condition is recommended to ensure this is constructed in accordance with these details. As such it is not considered that the proposal will result in a loss of privacy for the neighbouring properties to the east.

Sunroom roof

62. The proposed replacement of the glazed roof with a tiled roof will be adjacent to the eastern boundary of the site and will match the previously approved garage roof in terms of design and materials. The proposed roof will slope away from the shared boundary to the east and be in line with the previously approved garage roof. Given the distance from the neighbouring property to the east, number 1 Dunsmore Close, and that the proposed roof will be in line with the previously approved garage it is not considered that the alterations to the sun room roof will result in a detrimental impact upon the amenity of this neighbouring

property in terms of appearing overbearing. Furthermore, although the proposed tiled roof includes roof lights given the height in relation to the floor level and the oblique angle it is not considered that it will result in a loss of privacy for the adjacent property.

63. The sun room roof will be in line with the garage roof to the south and adjacent to the main dwelling house to the west. As such the garage and the main dwelling house will provide some screening for this revision to the approved plans. Therefore it is not considered that the alterations to the sun room roof will result in a detrimental impact upon the amenity of neighbouring properties to the south or west of the application site.
64. Objectors have raised concerns with regard to the height of the garage roof. For clarification the submitted plans do not show an increase in the overall height of the garage roof. Although the floor level within the garage is now higher than shown on the previously approved scheme, the external height of the garage is as previously approved.

Chimney

65. The revision to the previously approved plan relating to the chimney, to the west elevation, removes the external detail which will be constructed internally. The projection of the chimney from the ridge of the roof will not be altered. As such it is not considered that the alterations to the side elevation will result in a detrimental impact upon surrounding neighbouring properties.
66. Conditions have been requested regarding the removal of permitted development rights. However, permitted development rights can only be lawfully removed or withheld by an Article 4 Direction or the withdrawal of permitted developments when a dwelling is first granted planning permission to be erected. This application relates solely to a variation to the approved extension to the dwelling, as such it is not legally possible to remove permitted development rights from the dwelling as it already exists and it is considered that there are no exceptional circumstances which would justify the placing of an Article 4 Direction on Summerhill.
67. Concerns are raised that the flat roof area to the rear could be used as a balcony, and allow overlooking of adjacent neighbouring properties, however this use would require planning permission and therefore any unauthorised use would be investigated and appropriate action taken.

Character of the surrounding area

68. This variation application relates to alterations to the roof slope at the rear of the dwelling, the replacement of the approved glazed roof with a tiled roof and the removal of the external chimney on the western elevation which will be constructed internally as part of the variation application.
69. Objections make reference to poor design in relation to PPS1 however this planning policy statement has been replaced with the National Planning Policy Framework (NPPF) which also requires new development to be of high quality of design. Policy CS3 (8) of the adopted Core Strategy also requires new development proposals to make a positive contribution to the local area.
70. The element to the rear of the site will continue the approved roof slope, it is considered to be in keeping with the character and appearance of the host dwelling in terms of scale and proportion. Furthermore the alteration to the first floor roof line will be situated towards the rear of the site, therefore it is not considered that this element of the proposal will result in an incongruous feature or appear out of keeping with the character of the surrounding area.

71. The proposed tiled roof to serve the sun room will be in place of a previously approved glazed roof. This roof will adjoin the approved garage roof which consists of tiles and is adjacent to the highway to the front of the site. The sun room is located adjacent to the east side elevation of the main dwelling as such it is considered a significant amount of screening will be provided for the proposed sun room by the main dwelling and the attached garage towards the front of the site. Whilst objections are noted with regard to additional bulk and massing as a result of the provision of a tiled roof, it is considered that a significant amount of screening will be provided for this element of the variation. However the proposed tiled roof will match that previously approved to serve the garage in terms of scale, design and materials. Therefore it is considered that the proposed tiled roof will be in keeping with the character of the surrounding area and is considered acceptable.
72. The alterations to the chimney will remove the external element of the chimney to the eastern side elevation as this will be constructed internally. The chimney will remain within the roof. As such it is not considered that this will result in a detrimental impact upon the character or appearance of the surrounding street scene.
73. The finishing materials used in constructing the extension are considered acceptable in relation to the host dwelling and the surrounding area.
74. The previous approval (planning reference 10/1536/FUL) was subject to a condition to ensure that a scheme for soft and hard landscaping are submitted and agreed by the local Planning Authority. As the development is currently under construction, these conditions have not been implemented and discharged. Therefore these conditions are recommended accordingly.

Highway safety

75. The Head of Technical Services has raised no objections regarding this application, as it complies with the Council's SPD3: Parking Provisions for new developments. The proposed access and car parking has not altered as part of the variation and the current application does not increase the number of bedrooms at the site. Therefore, the proposed variation is considered acceptable in highway safety terms.

Previous planning applications for the site

76. The proposed alterations do not relate to any aspects of previous applications for planning permission on the site which were unacceptable to the Local Planning Authority.

Residual matters

77. Concerns are raised that if the variation is approved the sun room will have a tiled roof and could potentially be used as an additional bedroom. The previously approved extension at the property included a sun room with a glazed roof, however internal alterations such as relocating, bathrooms, kitchens or bedrooms are not subject to control under planning legislation. Furthermore concerns are raised that the sun room will be used as an additional garage however the proposal does not include any additional access to form a double garage.

CONCLUSION

78. Having regard to all material planning considerations in light of what has previously been approved at the application site, it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring properties, be out of keeping with the

character of the surrounding area or result in an adverse impact upon highway safety. As such the proposal is considered to be in accordance with policy CS3 (8) of the adopted Core Strategy, saved policy HO12 of the Local Plan and guidance within the NPPF.

It is recommended that the application be Approved with Conditions for the reasons specified above.

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

WARD AND WARD COUNCILLORS

**Ward Ingleby Barwick East
Ward Councillor Councillor Jean Kirby**

**Ward Ingleby Barwick East
Ward Councillor Councillor K C Faulks**

**Ward Ingleby Barwick East
Ward Councillor Councillor Gillian Corr**

IMPLICATIONS

Financial Implications: N/a

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.

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