

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

10 JULY 2013

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

13/1277/REV

135 And 137 Mansfield Avenue, Thornaby, Stockton-on-Tees

Revised application for erection of two storey extension between no.135 and no.137 to create terrace, two storey extension to rear of no. 137 and single storey extension to rear of No.135, erection of bay window to first floor level front of no.135 and creation of hardstanding for 5 No spaces.

Expiry Date 30 July 2013

SUMMARY

There is a detailed history at the site consisting of various refusals, most recently for an infill extension which incorporated a hipped style roof design with a valley gutter in order for the proposal to provide some separation between the properties (planning reference 12/1676/REV). This was considered at appeal and the appeal was dismissed (appeal reference APP/H0738/D/2185418). Whilst the design of the proposal was considered to be "complicated and unusual" and therefore found to be incongruous within the street scene the inspector did not find fault with the principle of linking the two properties, especially given the arrangement of short terraced blocks on the opposite side of Mansfield Avenue.

Approval is now sought to provide a two storey infill between 135 and 137 Mansfield Avenue with a pitched roof to match the existing roof lines of the property, effectively creating a terraced block of four dwellings, with extensions to the rear of the properties. The proposed alterations will provide additional living accommodation at ground floor with bedrooms and en-suites at first floor level. In total there will be seven bedrooms serving 135/137 Mansfield Avenue. Five car parking spaces are providing on hard standing to the front of the site with 1.5 metre high brick pillars enclosing part of the front boundary.

Seven letters of objection have been received from the occupiers of surrounding neighbouring properties largely on the grounds that the proposal will be detrimental to the amenity of neighbouring properties, character of the surrounding area, there is insufficient car parking and it will set an undesirable precedent. Other concerns are raised which are not material planning considerations. The Head of Technical Services has commented on the application and in light of a previous appeal decision has no objections to the proposed development.

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 findings of the previous appeal at the site the proposals are considered to be acceptable. Therefore the proposal is considered to accord with policies CS3 of the adopted Core Strategy and HO12 of the Local Plan and satisfies the principles of the NPPF. As such the application is recommended for approval subject to conditions.

RECOMMENDATION

That planning application 13/1277/REV 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>
SBC0001	29 May 2013
SBC0003	29 May 2013
001	29 May 2013
003	29 May 2013
00269 REV B	29 May 2013
0046 REV A	29 May 2013

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

03. Prior to the development hereby approved being brought into use, car parking shall be provided in accordance with plan SBC003 dated 29 March 2013. The surface of which shall be constructed from permeable materials or make provision to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The approved car parking shall be retained for the life of the development, unless otherwise agreed in writing by the Local planning Authority.

Reason; To provide sufficient car parking to serve the dwelling and to prevent increase risk of flooding from surface water run-off.

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

Informative: The applicant should contact Direct Services regarding the widening of the dropped vehicle crossing in order to accommodate the additional car parking space.

BACKGROUND

Number 137 Mansfield Avenue

1. A previous application for a rear extension to 137 Mansfield Avenue was refused 24 November 2009 (reference number 09/2469/FUL) and a revised application which included a pitched roof which chamfered away from the shared boundary was also refused (reference number 10/0390/FUL) on the grounds that the proposed development, by virtue of the size and design, would introduce an undesirable addition to the property to the detriment to the character of the property and the surrounding area. This design would upset the aesthetic balance of the property an introduce and obtrusive feature within which is out of keeping with the surrounding area and that by virtue of its size, design and location

would have an overbearing and overshadowing impact to the detriment of the amenity of the occupants of the neighbouring property at Number 139 Mansfield Avenue, Thornaby, Stockton-on-Tees. The proposal was therefore considered to be contrary to policy.

2. Following a meeting with the applicant and the Ward Councillor amended designs were discussed however the applicant considered that the proposed amendments to the scheme were not acceptable.

3. With the previous application the applicant submitted a letter sent to Social services in support of the application on the ground that the proposed extension is to be used by disabled relatives who suffer from high blood pressure, diabetes, liver and high frequency of urinary cycle.

4. A further application was submitted in 2010 (reference number 10/1875/REV) which was refused on the ground that the proposed single storey extension, by virtue of its size, design and location would have an overbearing and overshadowing impact to the detriment of the amenity of the occupants of the neighbouring property at Number 139 Mansfield Avenue, Thornaby, Stockton-on-Tees. The proposal was therefore considered contrary to policy HO12 of the adopted Stockton on Tees Local Plan and advice given in Supplementary Planning Guidance 2: Householder Extension Guide. This decision was upheld at appeal (appeal reference APP/H0738/D/10/2138809).

135 & 137 Mansfield Avenue

5. In April 2012 an application was received for a two storey extension to front of 135 and 137 Mansfield Avenue to join the two properties with a two storey extension to rear at 137 Mansfield Avenue and single storey extension to rear and new bay window to front at first floor at 135 Mansfield Avenue. The application included the erection of 1.5 metre high boundary wall to front of 135 and 137 Mansfield Avenue (Planning reference 12/0960/FUL) which was refused on the grounds that;

6. "In the opinion of the Local Planning Authority it is considered that the design of the extension which will infill the gap between the two properties, by virtue of the design, massing and scale of the proposal would result in an incongruous feature which would be detrimental to the character and appearance of the surrounding area without justification and is therefore contrary to the advice contained within the NPPF and saved policy HO12 of the adopted Local Plan and CS3 of the Core Strategy".

7. In September 2012 a revised proposal for the erection of a two storey extension to join 135 and 137 Mansfield Avenue together with a single storey element to the rear of the proposed two storey element was refused on the grounds that that the design of the extension would infill the gap between the two properties and would result in an incongruous feature which would be detrimental to the character and appearance of the surrounding area without justification and therefore was considered to be contrary to the advice contained within the NPPF and saved policy HO12 of the adopted Local Plan and CS3 of the Core Strategy (planning reference 12/1676/REV). This decision was upheld at appeal in January 2013 (Appeal reference APP/H0738/D/2185418). However in dismissing the inspector stated that "I do not find fault with the principle of linking No's 135 and 137 it is necessary to consider the details of how the linkage is proposed". Whilst the principle of linking the properties was considered to be acceptable the appeal was dismissed on the basis of the design of the proposed roof having a complicated and unusual appearance.

SITE AND SURROUNDINGS

8. The application site consists of number 135 and number 137 Mansfield Avenue which are both semi-detached properties which are attached to other properties (number 133 and 139 respectively) with a path adjacent to the shared boundary which provides access to the rear gardens serving the properties which form the application site.
9. There is an existing conservatory to the rear of number 137 Mansfield Avenue which would be demolished as part of the proposal. The rear gardens serving the application site are enclosed by a 1.8 metre high closed boarded fence.
10. The surrounding properties consist of a mix of properties including semi-detached and terraced properties with gardens to the front which are enclosed by various boundary treatments.

PROPOSAL

11. This revised application consists of the erection of a two storey extension with a width of approximately 3.4 metres and a length of approximately 7.3 metres to join 135 and 137 Mansfield Avenue together. The proposed extension would provide a study, common hallway to the properties, a bathroom and utility room at ground floor level with an additional bedroom and bathroom at first floor to serve number 137 Mansfield Avenue. The roof design of the revised proposal includes a pitched roof with a height of approximately 7.6 metres to match the existing roof height of 135 and 137 Mansfield Avenue.
12. The proposal also includes a single storey element to the rear of the proposed two storey element which will project approximately 3 metres from the main rear elevation with a width of approximately 6.4 metres to provide a kitchen extension to serve number 135 Mansfield Avenue.
13. The application includes a two storey element to the rear of number 137 Mansfield Avenue to project approximately 3 metres with a further 0.9 metres at single storey level. This element of the proposal will provide an extension to the living space at ground floor and an additional bedroom and bathroom at first floor level.
14. The proposal includes an area of hard standing to the front to accommodate 5 car parking spaces and will include brick pillars at either side of the application site measuring approximately 1.5 metres in height with a pedestrian access gate adjacent to the side of 135 Mansfield Avenue.

CONSULTATIONS

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

Head of Technical Services

The Head of Technical Services has no objection to this application.

Highways Comments

There are no highway objections however the applicant should contact Direct Services regarding the widening of the dropped vehicle crossing.

Landscape & Visual Comments

Whilst previous comments objected to the infilling of the gap between the houses with new build as this would be detrimental to the street scene it is understood this objection was dismissed at a recent planning appeal.

PUBLICITY

16. Neighbours were notified and any comments received are below (if applicable):-

R Wilson and L Wilson

14 The Avenue Thornaby

Mr R Wilson and Mrs L Wilson both of 14 The Avenue TS17 7JF hereby have no choice but to once again object to the revised planning application number 13/1277/REV submitted by Mr Tariq Mahmood, the reasons invasion of privacy, loss of light, buildings would be too close to our rear of our property overshadowing our garden blocking views, the whole size of the concept is way too large, as for the infilling or the space between the two houses this would have a devastating effect on the view from our rear bedroom window, this person is only making minor changes to the roofline but still has this ludicrous idea to make terrace homes from the much loved semi-detached houses with no concern for the home holders of the adjoining properties.

Miss Clare Caunce

136 Mansfield Avenue Thornaby

Object on the following grounds

- Car parking issues
- Devaluation of property
- development not suitable for area
- over development of site
- scale/size of development
- set precedent
- terracing effect
- visual impact

Mrs C Kay

12 The Avenue Thornaby

Object on the following grounds;

Comment Reasons:

- close proximity
- development not suitable for area
- Loss of Light
- loss of privacy
- terracing effect
- visual impact

Mrs Joanne Jefferson

134 Mansfield Avenue Thornaby

Object on the following grounds;

- development not suitable for area
- Loss of Light
- loss of open space
- scale/size of development
- visual impact

Tasnim Niaz

26 Brecon Crescent Ingleby Barwick

As the owner of 139 Mansfield Ave, Thornaby, Again I strongly object to the proposed above development.

The whole of the proposed extension is out of proportion and scale with existing housing in the area and if granted would spoil the existing look and appeal of the neighbourhood and will set the precedent. Firstly, joining two separate semi-detached houses together is absolutely insane and if the development is granted it will devalue my adjoining property 139 and also 133 Mansfield Avenue would be classed as terraced houses which will inevitably have a detrimental effect both visually and in devaluation terms.

The 1.5 metre boundary wall to the front will have an effect on my property. The wall will result in substantial loss of natural light, loss of open space and restriction on the outside view from my property. There are no other properties on Mansfield Avenue with a boundary wall of such a height.

Secondly the proposed extension at the rear would congest the rear of both adjoining properties, resulting in again substantial loss of natural light and fresh air to rear of my property and garden. The net effect of the proposed extension would be to diminish the quality of life and enjoyment of my property and garden. The scale and overlook nature of the extension would generate a lack of breathing space between the properties and as such lessen the current privacy enjoyed. All of which would ultimately have a negative effect on desirability and value of my property.

Consistently in the past the owner of 137 has asked me for permission to extend his property at the rear. On each occasion I have strongly stated my objection on the basis set above. I do not understand why the applicant needs this extension, as they are only a small family comprising husband and wife and two sons. The house is more than adequate for a normal family. One of his previous his application there was mention of disabled facilities yet there was never ever any disabled person who lived at the property. I am also very concerned that once the property is altered it will be used for commercial use rather than a residential property. I also do not understand why Mr Mahmoud is so determined to get what he wants and has no consideration what so ever for the surrounding neighbourhoods and devaluation of our properties.

Finally, the track record of development by the proposer is one of carelessness and lack of consideration to the neighbours, resulting in damage and unauthorised trespass to my property in particular. The most recent result of which was I had to get a new rear fence constructed at own expense and on my side of the border between our properties. Accordingly I will not countenance the temporary or permanent removal or damage to the mentioned fence. I will not authorise the trespass on my land in order to build the development.

Ms Linda Unthank

20 Barker Road Thornaby

Collective objection on behalf of:

LL. Unthank	20 Barker Road
Mr & Mrs S. McLean	18 Barker Road
Mrs V. Howell	16 Barker Road. Thornaby.

The same opposition detailed on previous applications is still valid.

- Loss of privacy
- Intrusion to adjoining properties.
- Scale of proposal not in keeping with surrounding properties.

- Detrimental visual impact.
- Devaluation to neighbouring properties.
- Precedent setting.
- Terracing effect, detrimental to street scene.
- Head of Technical Services continues to object to the infill proposal between no's' 135/137 Mansfield Avenue.
- This application if granted would create one over sized property (one council tax account), yet it would be a multi occupancy dwelling, inevitably impacting on resources, refuse, drainage etc.?

Mrs Pamela Wardell

16 The Avenue

object on the following grounds

- close proximity
 - Devaluation of property
 - development not suitable for area
 - Loss of Light
 - loss of privacy
 - over development of site
 - scale/size of development
 - set precedent
 - terracing effect
 - visual impact

PLANNING POLICY

17. 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

18. 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

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

National Planning Policy Framework

20. 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

7. 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

21. The main issues for consideration when assessing this revised application are the potential impact upon the character of the surrounding area, amenity of neighbouring properties and implications for highway safety.

22. Six letters of objection have been received largely on the grounds that the proposed extension will result in a detrimental impact upon the amenity of neighbouring properties in terms of overshadowing, loss of light, loss of privacy and appearing overbearing as a result of the proximity to the surrounding neighbouring properties. The objectors also state that the proposal will be out of keeping with the character of the surrounding area by virtue of scale and proportion and will result in a terracing effect upon the street scene. Concerns are also raised regarding car parking available to serve the property.

23. Concerns are raised regarding the boundary wall to the front; neighbours object on the grounds that it is out of keeping with the character of the surrounding area and will affect the light to neighbouring properties. However the revised scheme only includes a small section of wall measuring 1 metre in height with brick pillars adjacent to either side of the application site.

24. Concerns are raised regarding the desirability and devaluation of properties; however this is not a material planning consideration and as such cannot be considered when assessing this application. Concerns are also raised with regard to drainage however this is a matter for any subsequent building control application and as such is not a material planning consideration.

Amenity of neighbouring properties

Boundary wall

25. The proposed boundary wall will measure approximately 1 metre in height, with 1.5 metre high pillars and will enclose 1.5 metres to the front of 137 Mansfield Avenue. The proposal also includes a 1 metre high wall with gate for approximately 2.5 metres adjacent to the front of 135 Mansfield Avenue. The remaining front boundary will be open to allow vehicle access to the hardstanding area to the front of the properties. Concerns have been raised by an objector with regard to the impact upon neighbouring properties from the wall. There is a separation distance of approximately 15 metres from the location of the proposed wall, to the front elevation of the neighbouring property opposite. As such it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring properties opposite. Furthermore there are similar boundary treatments within the vicinity of the site; as such it is not considered that the proposed wall will result in a detrimental impact upon the amenity of neighbouring properties.

Proposed Extensions

26. The revised two storey infill extension to the side of the properties will not project past the main rear elevation and as such will largely be screened from adjoining properties by the existing dwelling house. Furthermore as the proposed extension to the side will not project past the main front elevation, as such it is not considered that the element to the side of the dwellings will have a detrimental impact upon the amenity of surrounding neighbouring properties in terms of appearing overbearing. Furthermore as the main rear elevation of the properties contain habitable room windows it is not considered that the proposal will significantly worsen the existing situation in terms of overlooking.

27. The extension to the rear of number 137 Mansfield Avenue will replace an existing conservatory which projects approximately 4.2 metres adjacent to the boundary with number 139 Mansfield Avenue, given that the proposed single storey element will consist of a projection of 3.9 metres to replace the existing conservatory this is considered to be acceptable. Furthermore guidance within SPG2: Householder Extension Design Guide states that generally a 3 metre projection at first floor level is an acceptable compromise between the need for space and impact on neighbours. As such the element to the rear of number 137 Mansfield Avenue is not considered to result in a detrimental impact upon the amenity of surrounding neighbouring properties in terms of overlooking or appearing overbearing.

28. The proposed development also includes a single storey extension to the rear of number 135 Mansfield Avenue which will project approximately 3 metres from the main rear elevation. This element of the proposal will be located approximately 3.2 metres from the shared boundary with number 135 Mansfield Avenue and some screening will be provided by the 1.8 metre high closed boarded fence which encloses the rear garden serving the site. As such it is not considered that the proposal will result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking or appearing overbearing.

Character of the area

29. The site has previously received a refusal for a similar development which in filled the gap between the two properties. The previously refused scheme incorporated a hipped roof design with a valley gutter to maintain a separate appearance between the properties (planning reference 12/1676/REV). This application was refused on the grounds that the proposal would create a terraced property and would result in an alien roof shape within the street scene which is characterised by hipped roofs with a gap in between. Additionally the front elevation included a covered patio at ground floor level which was considered to be out of keeping with the traditional character and design of the host properties or properties within the surrounding area. As such the previous application was considered to be contrary to section 7 of the NPPF which requires good design and saved local plan policy HO12 and CS3 of the Core Strategy which requires new development proposals to make a positive contribution to the local area.

30. This decision was considered at appeal (Appeal reference App/H0738/D/2185418) and the inspector found that creating a terraced property in principle would not appear out of keeping with the character of the surrounding area. Given that the houses on the opposite site of Mansfield Avenue are arranged in short terraces, including properties immediately opposite the site, whilst the appeal was dismissed, the inspector found that the forming of a short terrace by linking 135 and 137 Mansfield Avenue would not necessarily harm the street scene.

31. In dismissing the appeal the inspector stated that "*even though I do not find fault with the principle of linking No's 135 and 137 it is necessary to consider the details of how the linkage is proposed*". The previous scheme included a complicated and unusual appearance which the inspector noted was in contrast with the simple and continuous roof line of the terrace opposite. This revised scheme has amended the design to include a roof ridge to match the height of number 135 and 137 Mansfield Avenue. Therefore it is considered that the proposal will appear as a short terrace with hipped roof detail, similar to the blocks of terraced properties on the opposite side of Mansfield Avenue. The scale and proportions of the linkage are now considered to be acceptable as such the revised proposal is considered to be in keeping with the character and appearance of the surrounding area.

32. The design of the extensions to the rear of the properties are considered to be acceptable as they respect the character of the existing dwellings in terms of style, scale and materials. Although the proposal includes an extension which will project 3.9 metres to the rear of 137 Mansfield Avenue this will replace an existing conservatory with a projection of 4.2 metres. Furthermore there are walls to the front of properties within the vicinity of the site as such it is not considered that a boundary wall would result in an incongruous feature within the street scene. Therefore it is considered that the elements to the rear of the properties and the walls to the front are considered to be acceptable in terms of design.

33. In light of the above it is considered that the design of the revised scheme is considered to be acceptable. Therefore the proposal accords with policy HO12 of the Local plan and CS3 of the adopted Core Strategy.

Highway safety

34. Concerns are raised regarding car parking in accordance with the SPD3: Parking Provision for Developments 2011, a 7 bedroom house should provide 4 incurtilage car parking spaces; the submitted plans show 5 incurtilage car parking spaces therefore the standard has been met. As such the Head of Technical Services raises no highway objections; however the applicant should contact Direct Services regarding the widening of the dropped vehicle crossing. An informative is attached accordingly. Therefore it is not considered that the proposal will result in an adverse impact upon highway safety.

CONCLUSION

35. The proposed extensions are considered to be acceptable in terms of impact upon amenity of neighbouring properties, highway safety and In light of the planning inspector's conclusions at the previous appeal the linkage of the two properties is considered to be acceptable and the design is considered to be in keeping with the other blocks of terraces within the surrounding area. As such the proposed development accords with policy CS3 of the adopted Core Strategy and HO12 of the Local Plan.

36. It is recommended that the application be Approved with Conditions for the reasons set out above.

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

WARD AND WARD COUNCILLORS

**Ward Mandale and Victoria
Ward Councillor Councillor S F Walmsley**

**Ward Mandale and Victoria
Ward Councillor Councillor T Large**

**Ward Mandale and Victoria
Ward Councillor Councillor Tracey Stott**

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. Within this report consideration has been given to implications in respect of community safety including the impact of traffic and transport.