

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE  
11<sup>th</sup> SEPTEMBER 2013**

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

**13/1793/FUL  
The Stables, Kirk Hill, Redmarshall  
Proposed erection of detached double garage**

**Expiry Date: 13 September 2013**

### **SUMMARY**

Planning permission is sought for the erection of a detached double garage within the curtilage of an existing residential property. Planning permission has previously been refused for a larger garage to the front of the property in a similar position which was previously out-with the curtilage of the dwelling, on agricultural land. Since that refusal, approval has been granted on appeal for the change of use of the land on which the garage is proposed to residential curtilage and for the extension of the dwelling.

Objections have been raised to the scheme from Redmarshall and Carlton Parish Councils as well as several local residents. The main objections that have been raised are that the proposed garage is in front of the building line of the property, that there is a piecemeal increase of built development on the site and that it will significantly overdevelop the site.

The extension is now within a lawful residential curtilage and as such, the principle of the erection of a garage is accepted. The scale of the garage is reduced to that of an earlier application which was refused due to it being out of keeping with the existing development on the site and on being outside the approved village limits. In view of the overall site layout, the amount of development on the site and the amount of residential curtilage, it is considered that the proposed garage would not result in the over development of the site, thereby according with saved Local Plan Policy HO12. Whilst the garage is set in front of the properties building line, this is not a strong characteristic of the area. The garage is set away from nearby properties and as such it is considered that it would have limited or no detrimental impacts on the privacy or amenity of the occupiers of surrounding properties.

### **RECOMMENDATION**

***That planning application 13/1793/FUL be approved subject to the following conditions and informatives;***

- 01. Time Period For Commencement  
The development hereby permitted shall begin not later than three years from the date of this decision.***

***Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (As Amended).***

**02 Approved Plans**  
**The development hereby approved shall be in accordance with the following approved plans;**  
**Plan Reference Number    Date on Plan**  
**SBC0001                      19 July 2013**

**Reason: To define the consent.**

**03. Limitation of Construction Working Hours**  
**Construction works shall not take place outside the hours of 08:00 to 18:00 on Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.**

**Reason: In order to limit the impacts of the construction phase of the development on the amenity of surrounding residents.**

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

#### **Informative 1: National Planning Policy Framework**

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

### **BACKGROUND**

1. The site and the adjoining land within the applicant's ownership have been the subject of several applications and appeals. The planning history which is considered relevant to this proposal is as follows;
2. **97/2096.**  
Application for the erection of a dwelling house.  
Refused 23rd January 1998.
3. **00/0629/P.**  
Outline application for the erection of a dormer bungalow.  
Approved 25th July 2007.
4. **02/2528/P.**  
Outline application for the erection of a two storey dwelling and garage.  
Refused 31st January 2003 as the proposed dwelling represents development in the open countryside contrary to Policy EN13 of the adopted Stockton on Tees Local Plan.
5. **03/0413/P.**  
Reserved matters application for the erection of a detached dormer bungalow and installation of a septic tank.  
Refused 23rd May 2003 due to the site being of insufficient size to suitably accommodate the dwelling leading to a cramped appearance out of character in this village location, leaving little amenity space for future occupiers and having an overbearing effect on the adjacent property. It was also considered to be deficient in car parking and it had not been adequately demonstrated that vehicles could park on the site and enter and leave the site in forward gear, which could lead to manoeuvring on and off the highway presenting a danger to pedestrians and other road users and interrupt the free flow of traffic.

The refusal was appealed and subsequently dismissed by the Planning Inspectorate. (PINS ref: 03/1119584)

6. **3/2705/REV.**

Resubmission of reserved matters application for the erection of a detached dormer bungalow and the installation of a private treatment plant.  
Approved with conditions 8th April 2004.

7. **04/1194/COU.**

Application to reposition the access on planning approval 03/27050REV, to change the use of agricultural land to domestic garden and the erection of a stable block on the remaining agricultural land.

Refused on the 24.06.2004 as the proposal would have extended development beyond the defined village limits into open countryside leading to an unjustified loss of agricultural land to the detriment of local amenities and contrary to strategic and local plan policy.

The refusal was appealed and subsequently dismissed by the Planning Inspectorate. Within the appeal decision the Inspector considered that (in respect to Change of Use of agricultural land to garden), Governments objectives in PPS7 are that the countryside should be protected for the benefit of all, that urban sprawl should be prevented and that new building development outside areas allocated for development in development plans should be strictly controlled, to protect the countryside for its own sake. The proposal would effectively extend the defined development limit to the village towards the adjacent village of Carlton. It would introduce additional domestic curtilage and paraphernalia on a piece of land which is clearly agricultural in character. The effect would be to close the visual gap between Carlton and Redmarshall, contributing to the erosion of the open countryside in the immediate area.

8. **06/3790/FUL.**

Application for the erection of a stable block for use as horse breeding business.  
Refused on the 16th February 2007 as;

- Business plan insufficient to justify development in the countryside / outside of established villages
- Vehicles likely to use the access would be unable to achieve adequate visibility at a point in the highway where there are several highway obstructions
- Detrimental impact on the character of the surrounding, prominent position, its location on the edge of the village and the proposed use of materials.

The refusal was appealed and subsequently dismissed by the Planning Inspectorate (PINS ref: 2038786) dismissed due to lack of evidence to support business case and impact of building on open character of the area.

9. **Enforcement Notices** (x2) were issued on the 9th February 2007. One related to operational development having been undertaken on the land and the other on the change of use of the land immediately to the side of the dwelling from agriculture to residential. The Enforcement Notices were appealed (PINS ref: 07/2038786) and the Inspectorates decisions were issued on the 2nd November 2007. The Planning Inspector quashed the part of the enforcement notice relating to the 'residential use of agricultural land' considering that the absence of occupation of the dwelling house prevented the land having being brought into residential use as a matter of fact, therefore the referenced breach of planning control had not occurred at that time.

10. **07/2684/OUT**

Outline application for 21 affordable homes.

Refused on the 13th December 2007 for the following reasons:

- No justified need for affordable housing;
- Greenfield site and outside of the limits of development for Redmarshall.

- Unsustainable Location for additional residential development.
- The proposed development would fail to achieve adequate visibility at its access which would compromise traffic movements and visibility in close proximity to a crossroads.
- The density, indicated layout and scale of development would, by virtue of its prominent location on the edge of Redmarshall village, have an unacceptable detrimental impact on the character of the existing settlement and surrounding countryside contrary.
- The scheme provides insufficient usable open amenity space for the future occupiers of the site, contrary to the requirements of Policy HO11 of the adopted Stockton on Tees Local Plan.
- The proposed development fails to provide sufficient parking spaces which may lead to on street parking to the detriment of pedestrian and highway safety.

**11. 08/0298/OUT**

Revised outline application for affordable housing scheme of 10 residential units.

Refused as no justified need for affordable housing, Greenfield development outside limits, Unsustainable location, Impact on character of village

The refusal was appealed and subsequently dismissed by the Planning Inspectorate.  
(Pins Ref: 2075752)

**12. 08/0394/REV**

Erection of stable block for use as horse breeding business  
Officer recommended approval, committee refused for the following reason.

In the opinion of the Local Planning Authority, the submitted details and business plan are considered to be insufficient to justify the development based on the requirements of PPS7 to strictly control new development in the countryside or areas outside of established towns and villages in that they do not clearly show that there is a need for the operation or that the operation could function as a business which would contribute to the rural economy.

The refusal was appealed and subsequently dismissed by the Planning Inspectorate.  
(Pins Ref: 2073995)

**13. 08/2414/FUL**

Application for Change of use from agricultural land to residential to allow two storey extension to side of dwelling and erection of detached triple garage.

Refused by the Local Planning Authority for the following reasons:

Outside Defined Limits of Development, separation between villages

In the opinion of the Local Planning Authority, the proposed development represents development outside of the Limits of Development as defined within the 1997 Stockton on Tees Local Plan, and in view of its use, does not satisfy the criteria of Policy EN13 of the Stockton on Tees Local Plan relating to new development within such areas. The proposal is also considered to be contrary to PPS 7 - Sustainable development in Rural Areas which has a key objective to strictly control new development in such areas.

Out of keeping with existing development on site

In the opinion of the Local Planning Authority the proposed development would result in a significant increase in the built form on the site and the massing of the existing dwelling which would result in a dwelling of significantly more dominance and which would have a detrimental impact on the existing character of the existing building and its relationship with the remainder of the site and the edge of the village in general. Furthermore, the proposed development would result in a significant

built form within close proximity to the highway which is uncharacteristic of the immediate surroundings. As such, it is considered that the proposed development would be contrary to Policies GP1 and H012 of the Stockton on Tees Local Plan.

#### Agricultural land

In the opinion of the Local Planning Authority, the proposed development would result in the change of use of agricultural land and its domestication which would have a negative impact on the character and appearance of the surrounding area being contrary to Policy GP1 of the Stockton on Tees Local Plan and the guidance of PPS7-Sustainable Development in Rural Areas which seeks to protect the countryside for its own sake.

The refusal was appealed and subsequently dismissed by the Planning Inspectorate. Appeal (PINS Ref: 2086853).

#### **14. 12/1938/FUL**

Two storey extension to side of existing dwelling, change of use of land to the east of the dwelling from agricultural land to residential curtilage and the creation of an extensive biodiversity scheme, including the construction of a pond on the agricultural land to the rear.

Refused by Stockton Borough Council on the 18th December 2012.

The refusal was appealed and subsequently allowed by the Planning Inspectorate on the 2<sup>nd</sup> July 2013.

#### **15. 13/1786/VARY**

Application submitted to vary previous approval to allow increase in size of previously approved extension.

Pending Consideration.

### **SITE AND SURROUNDINGS**

16. The application site is located on the north eastern edge of Redmarshall Village, one of several small villages located within the north western corner of the Borough, surrounded by the open countryside and linked to the major settlements by way of the rural road network.
17. The dwelling is a dormer bungalow set within a relatively large curtilage (as recently extended), having a driveway to the front and side along with lawned areas to the front, side and rear. The site is bound by residential properties to the west and south, a highway to the north and agricultural fields to the east and south. Landscaping exists around the edge of the site in the form of trees and hedgerows. Surrounding residential properties are a mix of bungalows, dormer bungalows and a house being present along the southern boundary of the adjacent paddock. (see appendix Ref. 1)

### **PROPOSAL**

18. Planning permission is sought for the erection of a detached garage measuring 6.6m x 8.2m in plan, having eaves and ridge heights of 2.25m and 5.4m respectively. The garage is shown having two single vehicle doors, a personnel door and a pyramid roof with a roof light in the front and rear roof slopes. The application also details an extended gravel drive to serve the garage.

## **CONSULTATIONS**

Consultations were undertaken and comments received are summarised below:-

### **Redmarshall Parish Council**

Although it would appear that the "Building Line" along Kirk Hill has not been defined the position of this double garage would appear to be well forward of what appears to be the natural building line along this road, both The Stables and Greencroft are set well back from the road. Although the recent perverse Appeal decision defined the land to the east of The Stables to be designated residential, it did not confer a right for carte blanche development of the land so defined and cognisance should therefore be taken that the appeal decision was only in the context of the extension and not further development such as the garages.

Again the Borough Council planners appear to be unable to prevent the piece meal enlargement of this development and the Parish Council are concerned that this is only one part of a progression to a larger and larger development of the site. Redmarshall Parish Council would request that SBC reject this application.

### **Carlton Parish Council**

Objects to the application considering that the erection of a double garage will result in a significant overdevelopment of this rural site.

## **PUBLICITY**

Neighbours were notified and comments received are summarised below:-

### **Shirley Marrison, 7 Drovers Lane, Redmarshall**

I'm writing to Object to Mr David Holmes plans yet again, this has gone on for years and the fact I'm having to object again is dreadful all my previous comments still stand.

### **Mr R and Mrs M Kirton, Greencroft 1 Drovers Lane, Redmarshall**

Register the strongest possible objection to the scheme. Permission was recently granted for the inclusion of agricultural land, outside the village limits to become residential curtilage. The application succeeded on the basis that this plot of land has over the last 10 years been slowly transformed to give the appearance of residential land and is now accepted to be just that following the ruling of the Planning Inspector.

This current proposal is the overdevelopment of a site that the council once described as a small wind fall site suitable for the erection of a medium size dormer bungalow with integral garage which is what permission was originally given for. SBC refused an identical scheme to this under application 08/2414/FUL. Refusal Reason 3 to that decision is cited. (see background section of this report for its detail).

As this current application replicates exactly what was previously applied for it should be rejected on the same grounds. While the Planning Inspectorate approved the change in land to residential, he only agreed an extension of moderate size to the dwelling and without any reference to a three car garage. Whilst this may be seen as a new application, it mirrors a previous application which was refused. Additional reasons given for rejection of the garage and dwelling were quite explicit and since then nothing has changed.

The proposed garage is outside of the building line

At 6mts high, almost as tall as the dwelling, the garage would be clearly visible along the roadside, regardless of the overgrown hedge which will be cut back at some point.

The application states one roof light when two are shown

The additional traffic associated with a larger dwelling, taking into account initial considerations for development at the site indicating that traffic should not be more than that of the existing stable block.

We are now considering a 5 bed house reaching across almost the entire frontage of the site, residents vehicles and agricultural vehicles to service livestock and field to the rear as well as management of the septic tank,

There now exists no site lines to the east for vehicles leaving the site. This was a major issue during the early stages of the original approval.

There is means of drainage from the roof

There is still no drop down kerb to the front of the site with gravel strewn across the public footpath.

I would draw to the attention of the planners all the previous statements and conditions made by the planning department over the years which appear to carry no weight what so ever. The past history of this site including, once again the blatant abuse by the applicant and the weakness of the planning system defies belief.

It is trusted that SBC will reject this application.

E and K Lambert, Barford Cottage Drovers Lane, Redmarshall

This proposal has many similarities to a previous application (08/2414/FUL) and many of the reasons for refusal remain the same. There is no doubt that the initial approval for the site provided the front entrance to the dwelling facing Kirk Hill which aligned with Greencroft to establish a building line. This proposed garage is wholly in front of this line, adjacent to the roadside hedge, and is of a height which would be visible to all passers by. Also, the rear of the garage is far beyond the built development line.

The size of the proposed garage means it would add over 40% to the properties original footprint and is totally out of proportion to the dwelling itself.

There are no details of how surface water drainage would be dealt with, a subject which we believe remains to be an issue for the existing bungalow.

Karen Marrison, 2 Rydal Way, Redmarshall

Again I am objecting on the same grounds as I previously objected against any development on this property.

A Walters, 7 Drovers Lane Redmarshall

I'm writing to object to the plans from Mr David Holmes yet again everything I've said before applies, the fact we are having to write again and again surely suggests Mr Holmes will try anything to extend the village boundary for his gain.

**PLANNING POLICY**

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

Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an

application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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.

***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

***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.

**MATERIAL PLANNING CONSIDERATIONS**

19. The Main Planning Considerations relating to the determination of this application relate to the principle of the development in relation to National and Local Planning Policies and the recent planning appeal decision, the impact of the development on the character of the



area, the impact of the development on the amenities of adjacent occupiers and Highway Safety

**National and Local Planning Policies and the recent planning appeal decision**

20. Planning permission is sought for the erection of a detached double garage at 'The Stables', Redmarshall, a former bungalow positioned on the edge of the village. There is a considerable planning history associated with the site which includes the previous application for the change of use of agricultural land to residential curtilage and the extension of the dwelling which included the erection of a detached triple garage (See details of application 08/2414/FUL at appendix ref. 4). That application was refused due to it being outside of the defined limits for development, it being on agricultural land and due to it being out of keeping with the existing development on the site.
21. Importantly, since that application was refused, a further application was submitted for the change of use of land to the side of the property to residential curtilage and for the extension of the dwelling). See appendix reference 6. The application was refused by the Council but was allowed on appeal. As such, the land where the garage is currently being proposed is no longer agricultural land but instead, residential curtilage. The fact that the extension can be built, (approved but not yet constructed), also needs to be taken in to account when considering the overall massing of built development on the site.
22. The scheme refused under planning application 08/2414/FIL is detailed at appendix. Reference 4 and shows a garage and extension to the dwelling. The garage was a different scale and appearance to that which is currently proposed. The garage associated with the refused application was 9.6m x 6.6m in plan and had a dual pitch gable roof. The current proposal has a reduced footprint and a notably reduced roof mass due to the change in shape (see appendix. Reference 5 for a comparison between the two garages).
23. The refusal under 08/2414/FUL was in part based on the development (Extension and Garage) being out of keeping with existing property, (as it would result in a significant increase in the built form on the site and the massing of the existing dwelling, having significantly more dominance than the existing scenario) and that it would result in a significant built form within close proximity to the highway which is uncharacteristic of the immediate surroundings.

**The impact of the development on the character of the area**

24. Considerations now need to take into account the change in circumstances due to the recent appeal decision which has allowed for an extension to the host property and for the change of use to residential curtilage of the land on which the proposed garage stands. In view of this, the principle of building a garage within the curtilage of a dwelling and the detail of the proposal needs to be considered against the principles of saved Local Plan Policy HO12 (Household Extensions) which requires all extensions to dwellings to be in keeping with the property and the street scene in terms of style, proportion and materials and to not result in the significant loss of privacy or amenity for adjoining residents. Core Strategy Development Plan Policy CS3(8) requires development to respond positively to local character.
25. The reduction in the scale and mass of the garage from the previous refusal is considered to be sufficient to allow it to be in keeping with the host property taking into account both its current scale and that which would be were the approved extension to be constructed. Whilst the proposed garage will sit in front of the properties forward building line and that of the adjacent neighbour and would also be visible from the adjacent highway, it is considered that this is insufficient reason on its own to justify refusal of the application as the existing building line is not a strong characteristic of the wider area and other properties

along this section of road are also clearly visible from the highway. This proposal will in part continue that characteristic of the village.

26. It is considered that the overall development of the property, its approved extension and this proposed garage would not result in the over development of the site taking into account the extent of the remaining curtilage which includes a reasonable area of land to the front, side and rear, being similar that that of the adjacent / nearest properties along Drovers Lane. Plot development ratios of nearby properties can be appreciated from appendix. Ref. 1.

#### **The impact of the development on the amenities of adjacent occupiers**

27. The garage is set away from the boundary with the adjoining property and taking into account the existing driveway and parking area already being closer to the boundary between properties, it is considered that the use of the garage would not unduly affect the privacy or amenity for the occupiers of the adjacent property.
28. An objection has advised that only one roof light is mentioned within the application but two are shown on the plan. The application has been considered based on the inclusion of two roof lights within the roof and it is considered that they would not increase any impact of the scheme on the surroundings, being set away from nearby neighbouring properties and being flush with the roof slope.

#### **Highway Safety**

29. Comments have been made indicating that the original scheme was considered acceptable based on traffic being limited to that likely to have been operating to serve the former stable block on the site and that the new building will have increased this. Whilst this is noted, it is the recent appeal decision that has increased the size of the dwelling and this application does not increase the size of the dwelling or the number of bedrooms within it. As such, it is considered that this proposal would not increase the number of occupants / vehicles using the site and therefore has no highway safety related considerations.
30. An objector has raised the issue that overgrown planting within the sight lines to the access onto the highway prevents them from being achieved, that there is no drop kerb to the site and that gravel is strewn across the highway from the driveway. It is considered that these matters are not relevant to this current proposal. Notwithstanding this, these matters will be considered separately to this application.

#### **Residual Matters**

31. One objector has indicated that no information has been made as to how surface water drainage from the garage would be dealt with. Due to the size of the garage it would require Building Control Approval which would control how the surface water from the roof of the building would be dealt with. The determination of this application does not therefore need to control matters of drainage.
32. In order to ensure the appearance of the proposed garage is in keeping with the host property a condition is recommended requiring the details of the external finishing materials to be first agreed with the Local Planning Authority (Brick and Roof Tile).

#### **CONCLUSION**

33. The proposed garage is considered to be of a scale and appearance which is generally in keeping with the host property. The proposed garage is in front of the building line associated with both the host property and the adjacent property and whilst this formed part of the reason for refusal of an earlier application, the building line of this immediate surroundings is not a strong characteristic of the area and given the changes in National

Planning Policy and the recent planning appeal decision this is not considered to be a matter in its own right which would now justify the refusal of the application.

34. In view of all of the above, it is recommended that the application be approved with conditions for the reasons as detailed.

**Corporate Director of Development and Neighbourhood Services**  
**Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

**WARD AND WARD COUNCILLORS**

Ward	Western Parishes
Ward Councillor	Councillor Andrew Stephenson

**IMPLICATIONS**

**Financial Implications:**

There are no known financial implications in determining this planning application.

**Legal Implications:**

There are no known legal implications in determining this planning application.

**Environmental Implications:**

Taking into account the existing approved scheme, the development would have only a limited impact on the wider area.

**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 extension is set away from the nearby residents and the other elements of the scheme are in keeping with the surroundings. Subject to control it is considered that the scheme would not unduly affect anyone's right to life, liberty, security, private and family life, peaceful enjoyment of property and freedom to expression. The views of people making representations have been taken into account in reaching the recommendation.

**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. There would remain to be a residential use on the site and the pond being proposed would also remain in private ownership. Were the application to be approved, there would be no notable community safety implications.

**Background Papers:**

Planning application history and Planning Policy.  
Stockton on Tees Core Strategy Development Plan  
Stockton on Tees Local Plan