

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**23rd October 2013**

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

**13/2289/FUL**

**The Stables, Kirk Hill, Redmarshall**

**Application for erection of two storey side extension.**

**Expiry Date: 8<sup>th</sup> November 2013**

### **SUMMARY**

Planning permission is sought for the erection of an extension to the side of a domestic dwelling. Permission for a similar extension has already been approved on appeal, albeit of a reduced scale to that now being proposed. The changes proposed between this application and that approved on appeal are a 3m increase in length, the alteration of window / door positions and the internal room layout. The height of the proposed extension matches that of the approved scheme.

Objections have been raised to the scheme from several local residents. Main objections relate to there having been previous refusals at the site for similar developments and that the scheme represents an over development of the site.

There is a significant planning history to the site although the most recent decisions are the ones which have greatest influence on the consideration of this current proposal. In 2012, the Local Planning Authority refused an application which sought to change the use of agricultural land to the side of the property to residential curtilage and for a domestic extension to be built within that land. The council's decision was appealed and the Inspectorate gave permission for the change of use of the land and for the extension. Although earlier refusals exist for development at the site, the extant permission granted on appeal has established the principle for the change of use and property's extension, even though the scheme is contrary to Policy EN13 of the Local Plan due to it being out-with the development limits.

The works proposed by this application are considered to be of a scale and appearance which would be in keeping with the host property and are considered to not represent the over development of the site taking into account the extent of the increased curtilage. The extension is set away from nearby properties thereby limiting any detrimental impacts on the privacy or amenity of the occupiers of surrounding properties. In view of these matters it is considered that the proposal accords with saved Local Plan Policy H012 and Core Strategy Policy CS3(8).

### **RECOMMENDATION**

That planning application 13/2289/FUL be approved subject to the following conditions and informatives;

**01. Time Period for Commencement**

*The development hereby permitted shall begin no 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;*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>PP02 B</i>	<i>10 September 2013</i>

*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

***Informative 2: Removal of Spoil***

Any notable amount of spoil derived from the construction of the development should not be deposited elsewhere on the site without first checking whether planning permission would be required for such an operation (ground raising) and if necessary, obtaining the relevant approval.

**BACKGROUND**

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;

***97/2096.***

Application for the erection of a dwelling house.  
Refused 23rd January 1998.

***00/0629/P.***

Outline application for the erection of a dormer bungalow.  
Approved 25th July 2007.

***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.

**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)

**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.

**04/1194/COU.**

Application to reposition the access on planning approval 03/2705/REV, 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.

**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.

**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.

#### **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.

#### **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)

#### **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)

#### **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

01. 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

02. 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

03. 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).

### **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. (See Inspectors Decision at Appendix Reference 2).

### **13/1793/FUL**

Proposed erection of detached double garage to the front of the house

Approved by committee on 11th September 2013

## **SITE AND SURROUNDINGS**

1. The application site is located on the 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.
2. The application site is located on the north eastern edge of the village, comprising of an existing residential property and its associated curtilage. The site is bounded 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.

3. The existing dwelling on the site 'The Stables' is positioned above the level of the highway adjacent to the northern site boundary.

## **PROPOSAL**

4. Planning permission is sought to extend the existing property. The extension is similar to that of an extension already approved on appeal. Details of the approved scheme and that proposed by this application are in the appendices. The extension generally measures 6m in width, 12m in length and 6.5m in height. The differences between this scheme and that approved on appeal are;
  - Footprint of extension increased by approximately 3m in length;
  - Amendment to window and door positions;
  - Change to room layout;
  - No increase in height

## **CONSULTATIONS**

Consultations were notified and any comments received are summarised below:-

### **Spatial Plans**

The spatial planning team previously commented upon application 12/1938/FUL at the same location which was for:

A two storey side extension to side of the existing dwelling;

Change of use of land to the east of the dwelling from agricultural land to residential curtilage

Construction of a pond on the agricultural land to the rear

The spatial planning comments to this previous application outlined the main considerations and they remain for this current application. However, they must be viewed alongside the appeal decision associated with application 12/1938/FUL which approved the two storey extension and change of use of land to the east of the dwelling to residential curtilage.

### **Head of Technical Services**

#### **General Summary**

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

#### **Highways Comments**

In accordance with SPD 3: Parking Provision for developments 2011, 3 in-curtilage car parking spaces are provided for the 4 bedroom house. There are no highway objections.

#### **Landscape & Visual Comments**

This proposal has no landscape or visual implications.

#### **Flood Risk Management**

The proposed development must not increase the risk of surface water run-off from the site or cause any increased flood risk to neighbouring sites. The Local Authority supports the use of sustainable drainage systems and welcomes the pending legislation. If the application proposes to dispose of surface water via the main sewer, this will need agreement from Northumbrian Water.

## PUBLICITY

Neighbours were notified and comments received are summarised below:-

### Andrew Walters, 7 Drovers Lane, Redmarshall

Object to the application. Considers that the applicant is seeking additional development in the site to sub divide it into additional units in the future. The proposed extension would be close to mature Ash trees which can cause problems for the foundations including undermining them as well as damaging the roots. Too many people build around trees.

### Shirley Marrison, 7 Drovers Lane Redmarshall

Objects. This will make the house far too big for the site. The applicant has too many intentions behind his plan. What ideas does he have for another plan in order to get what he really wants?

### Karen Marrison, 2 Rydall Way, Redmarshall

I wish to Object against this application. The reasons I would like to object are on the size of extension, the site of extension. Why has the existing main house now been given a number (1) if no intention of building any more properties on this site?

Once again I find myself having to object to an application from Mr D Holmes, After looking at the plans for the proposed extension on his property, This extension is a lot larger then any previous applications, and it is able to be converted into two separate properties if the corridor between the extension and the main house is disconnected, there are several ways this could be made into two properties, and to add to this worry, Mr Holmes has now called the main house number 1, The stables, Kirk Hill (why the number 1) if you have no intention of getting a number 2 or more on this site. Why has it been given a number?

I do again worry if this is an application that is just as previous ones, to gain his ultimate aim.

The plans placed forward for the garage when built this could also be altered to be a residential property, why not apply for a normal garage structure not one the size of a bungalow.

### E And K Lambert, Barford Cottage Drovers Lane

Many residents have chosen not to comment on this application because any confidence in the planning system has been destroyed by recent decisions by the planning inspectorate. How can one Planning Inspector come to a different view of development and the village limits to another Inspector.

The latest drawings show the front elevation facing Kirk Hill where-as previous applications gave the impression that the main elevation faced onto the land outside of the curtilage. The planning department must be fully aware of how different the development has become compared to that for which the original permission was granted. It is patently obvious that the foul and surface water drainage fields were not installed during the construction period of the main dwelling.

With the massively increased curtilage beyond the established limits of development it should now be possible to accommodate these drainage fields within this land and thereby create a unified development within this expanded area, totally separated from the agricultural land. Any development which increases water usage should involve the appropriate agency to ensure the package treatment plant has the capacity to meet the increased needs of such a dwelling. As such works should be monitored.

The initial planning permission was granted on the basis that the site with the stable building on it had a traffic usage that should not be exceeded by the bungalow that replaced it. The site access is not ideal. Reference is made to the comments of previous planning inspectors in relation to parking numbers, with the applicant previously indicating 2 cars used the site and now advising that 4 cars use the site. The genuine road safety issues of this site should not be set aside to satisfy the desires of the applicant and it is imperative that the technical departments highways officers revisit the issue and re-affirm their judgement.

The soil which is possibly contaminated from the excavations on the agricultural land together with other debris has been deliberately deposited as a mound almost 2m high adjacent to the fences of Greencroft and Barford Cottage to the detriment of the amenity and environment, particularly when the soil could be spread to be less visible.

The extension will be visible from the road and will be more visible were the solid wooden gates recently erected replaced with the 5 bar gate which we believe was a requirement for the initial approval. The argument that the extension is screened from view would set a dangerous precedent for the authority.

The southern face of the proposed extension now aligns with that of the existing dwelling and would present a more solid massing when viewed from that aspect.

The LPA cannot repeatedly be expected to concede built development on the area which the Planning Inspector has now deemed to be residential curtilage. Bearing in mind the original permission was for a modest dormer bungalow including an integral garage, this has now been expanded beyond all recognition and having insisted that provision should only be made for two cars, the demand is now for 4.

A and N Batie, Rose Cottage, 5 Drovers Lane, Redmarshall

We object to the application.

The size of the dwelling the applicant is seeking to build seems to get larger and larger. We think this is an overdevelopment of the site and it is also narrowing the access to the field. This would restrict the size of farm equipment entering the field to the rear which we feel could be used by the applicant in the future in the future as another excuse for further applications for development on the agricultural land.

Comment was made in the approval of the appeal, that the applicant could easily get access from another source. We think that this statement is very vague and would wish to know, if there is an agreement in writing regarding this, and with whom this agreement has been made, and also where will this access be.

We notice that in some documents, 'The Stables' is referred to as 1 The Stables, which in our opinion, infers his intention of more applications to come.

Another point we would raise, are the drains in situ now suitable for a larger development?

## **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

### ***Saved Policy EN13 of the adopted Stockton on Tees Local Plan***

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
  - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
  - (iv) It is for sport or recreation; or
  - (v) It is a small scale facility for tourism.

### ***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.

***Core Strategy Policy 10 (CS10) - Environmental Protection and Enhancement***

3. The separation between settlements, together with the quality of the urban environment, will be maintained through the protection and enhancement of the openness and amenity value of:

- i) Strategic gaps between the conurbation and the surrounding towns and villages, and between Eaglescliffe and Middleton St George.
- ii) Green wedges within the conurbation, including:
  - River Tees Valley from Surtees Bridge, Stockton to Yarm;
  - Leven Valley between Yarm and Ingleby Barwick;
  - Bassleton Beck Valley between Ingleby Barwick and Thornaby;
  - Stainsby Beck Valley, Thornaby;
  - Billingham Beck Valley;
  - Between North Billingham and Cowpen Lane Industrial Estate.
- iii) Urban open space and play space.

**MATERIAL PLANNING CONSIDERATIONS**

***Principle of Development***

5. Planning permission is sought for the erection of an extension to a residential property. Whilst the council has repeatedly refused permission for development at this site due to it being out-with the development limits for the village, permission has recently been granted on appeal for the property to extend its curtilage beyond the settlement limits and for an extension to the property within that land. The extension approved on appeal is almost identical to that being sought by this application apart from the current proposal seeking to increase its length by 3m.
6. Local residents are concerned over the inconsistent approach taken by the Planning Inspector having previously dismissed an appeal to extend the curtilage outside of the settlement limits and to extend the property into this area, and having most recently allowed an appeal for the same. Objectors indicate their lack of confidence in the planning system. Whilst these points are noted, it remains that the Inspectorates decision has been made and this is a material planning consideration for this new application.
7. The Inspectors decision has not extended the development limits for the village and any domestic extension into this area is therefore contrary to saved local Plan Policy EN13 which seeks to restrict new development out-with settlement limits. However, in view of there being an extant permission to extend the property, the principle of extending the dwelling has now been established.

***Impacts of changes to the approved scheme***

8. Saved Local Plan Policy HO12 requires 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.

9. The extension approved on appeal has not yet been built, however, it was considered to be sufficiently in keeping with the scale and appearance of the host property to allow the appeal to succeed. The current proposal retains the same style and general appearance as the approved scheme, although increases it by 3m in length and alters both the internal layout and some of the window / door openings. Whilst the 3m extension is not insignificant, the view of the property from the front would remain very similar to that of the approved scheme with the front elevation of the extension being set slightly behind that of the host property. The side elevation is where the additional length would be most noticeable and this is generally viewed at a distance. The increased size of the extension would also remain to be less than the length of the properties existing side elevation with roof heights, detailing and materials being in keeping with the existing property. In view of these matters it is considered that the proposed extension is of an appropriate scale, design and appearance relative to the host property.
10. A garage was recently approved by the Planning Committee which would sit within the front garden of the property and combined, the extension and garage will represent a notable change to the appearance of the site to that which is currently there. Objectors consider the proposed extension would represent an over development of the site. Whilst the proposal would be larger than the previously approved scheme, there would remain to be a front garden of approx. 20m length, a side garden of approx. 8m and a rear garden of approx. 8m. The extension would be less than half of the footprint of the existing property within a curtilage which has approximately doubled following the recent appeal decision. In view of the extent of the increased curtilage and the scale of the proposed extension relative to the existing dwelling and the distance between the curtilage boundaries and the building, it is considered that the property and the extension would not result in the over development of the site.
11. The Head of Technical Services has advised that there are no landscape or visual implications associated with the proposed development, again, taking into account the existing scheme approved on appeal.

### ***Other Matters***

12. Local objection has been raised regarding the amount of traffic that will be generated from that initially anticipated when a small bungalow was approved for the site which replaced a stable block and which was considered to have a limited traffic impact at the time of granting permission. Whilst this is noted, this scheme does not increase the number of bedrooms within the property from that which has been approved on appeal, in view of which, the Head of Technical Services has raised no highways objections to the proposal taking into account that adequate parking has been provided.
13. Objection has been raised in respect to the proximity of the extension to trees and the potential impact to foundations / roots. The impacts of trees on foundations is a matter for building control legislation to deal with and does not need to be taken into account in determining this application. The nearby trees, whilst beneficial to the character and appearance of the surroundings, are not protected and are set into the site. In view of this, it is considered that their protection is not necessary.
14. Conditions were attached to the previous Planning Inspectors decision relating to the change of use of land and the extension of the dwelling. Conditions imposed related to;
  - 3 year commencement
  - In accordance with approved plans
  - Materials
  - Limitation of construction working hours

15. The plan submitted with this current application details the materials for the extension as being a slate effect roof tile, facing brick to match the existing, black rainwater goods and white PVCu doors and windows. All of these materials would match the existing dwelling and as such, there is no requirement to impose a materials condition. It is considered that all other conditions remain to be relevant.
16. One objector has indicated that no information has been made in respect to the foul and storm water drainage provisions and that the proposed extension is in close proximity to the existing waste treatment plant. Whilst noted, surface and foul water drainage is a matter which is addressed through Building Control Legislation and approval of such details would be required for a development of this nature by separate legislation. In view of this, no conditions are proposed in respect to controlling these matters.
17. Concern has been raised that the extension will restrict the ability for maintenance equipment being brought into the field to the rear of the site. Whilst noted, this proposal does not increase the width of the extension beyond that of the approved scheme and does not therefore affect this beyond the extant permission.
18. An objector has recommended that no contaminated soil remains on site. Whilst this is noted, there is no known contaminated soil on site. It is assumed that this refers to the soil that would be surplus following the excavation works for the extension. It is not common practice to impose conditions relating to the removal of spoil / building waste off site and as such no condition is recommended to control this matter. An informative is recommended however to advise the applicant that any spoil or other materials should not be deposited elsewhere on the site and that such an operation (ground raising) could in itself require planning permission.
19. Local concern is that the site has come under repeated pressure for more and more development which is very different to the development initially envisaged as being suitable for the site. This is indeed the case and had the residential curtilage not been extended by the recent appeal decision then the current proposal would be unlikely to be supported by officers. However, the recent appeal decision has had a significant influence on the material planning considerations and needs to be given due regard.

### **CONCLUSION**

20. The proposal constitutes development out-with the development limits for the village which is contrary to Local Plan Policy EN13, however the principle for extending the property into this area, which is now an extended residential curtilage, has been established on appeal. Following the allowances made within the recent appeal decision for the site, it is considered that the site is positioned sufficiently far away from neighbouring properties to prevent an undue impact on them and that the design and appearance of the extension is in keeping with the host property, being in accordance with the guidance of saved Local Plan Policy HO12 and Core Strategy Policy CS3(8). It is therefore recommended that the application be approved with conditions for the reasons specified above.

**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.

The Town and Country Planning Act 1990.

National Planning Policy Framework

Stockton on Tees Local Plan Adopted Version June 1997

Core Strategy Development Plan Document March 2010

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