

**DELEGATED**

**AGENDA NO**

**PLANNING COMMITTEE**

**30 JULY 2014**

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

**14/1254/VARY**

**15 - 17 Thirsk Road, Yarm, Cleveland**

**Section 73 application to vary condition no.2 (Approved Plans) of planning approval**

**11/2444/FUL - Erection of Dormer Bungalow and associated access**

**Expiry Date : 1 August 2014**

#### **SUMMARY**

The application seeks permission for the variation of the plans approved under 11/2444/FUL for the erection of a dormer bungalow and associated access on land to the rear of 15-17 Thirsk Road.

Letters of objection have been received from the neighbouring properties either side and further neighbouring properties within the area. The number of people objecting is six and the application is therefore being reported for determination by Planning Committee due to the number of objections received being more than 5 under the scheme of delegation.

The objections raise concerns regarding the impact on the amenity of neighbouring occupiers, overdevelopment of the site and highway issues.

The principle of development has been agreed through approval of the original application and this consent is extant. It is considered the proposed changes to the size, design and layout of the dwelling will not have a significant detrimental impact on the street scene or character of the area, the amenity of neighbouring occupiers or highway safety and the application is therefore recommended for approval.

#### **RECOMMENDATION**

**That planning application 14/1254/VARY be approved subject to the following conditions and informatives below;**

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

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>1547/5B</i></b>	<b><i>20 June 2014</i></b>
<b><i>1547/7A</i></b>	<b><i>20 June 2014</i></b>

**Reason: To define the consent.**

**Conditions to be discharged prior to commencement**

**02. Car parking surface**

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

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

**03. Levels**

**Notwithstanding details shown on the plans hereby approved, prior to any works commencing on site, a scheme of ground levels and finished floor levels for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.**

**Reason: To define the consent**

**04. Means of Enclosure**

**All means of enclosure shall be submitted to and approved in writing by the Local Planning Authority before the development commences. All enclosures including boundary walls and fences as approved shall be completed before the dwelling is occupied.**

**Reason: In the interests of the visual amenities of the locality.**

**05. Soft Landscaping**

**No development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the Local Planning Authority in writing in the first planting season following the occupation of the dwelling.**

**Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.**

**06. Tree and Hedge protection**

**No development shall commence until a scheme for the protection of trees and hedges (Section 7, BS 5837:2005 and Volume 4: NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) Operatives Handbook 19th November 2007 ) including an Arboricultural Method Statement and Tree and hedge Protection Plan have been submitted to and approved in writing by the Local Planning Authority. The requirements of Stockton-on-Tees Borough Council in relation to the British Standard are summarised in the technical note ref INFLS 1 (Tree Protection) a copy of which can be forwarded on request.**

***Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.***

***The following works are not allowed under any circumstances:***

***No work shall commence until the approved Tree and Hedge Protection Barriers are erected, such as herras fencing***

***No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree and hedge.***

***No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree of within the Root Protection Zone and 5 metres of the hedge***

***No materials shall be stored or machinery or vehicles parked within the Root Protection Zone and 2 metres of a hedge***

***No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone and within 5 metres of the hedge.***

***No unauthorised trenches shall be dug within the Root Protection Zone and 2 metres of the hedge***

***No alterations or variations to the approved works or tree and hedge protection schemes shall be carried out without the prior written approval of the Local Planning Authority.***

***Reason: To ensure that the existing trees on site that the Local Planning Authority consider to be an important visual amenity in the locality will be appropriately maintained and protected.***

**07. Refuse details**

***Prior to commencement of development details of bin storage shall be submitted to for consideration and approval by the Local Planning Authority. The approved scheme shall thereafter be implemented in full, available concurrent with the first occupation of the dwelling hereby approved and retained for the life of the development.***

***Reason: In order that the Local Planning Authority may exercise further control in the interests of the visual amenity of the area and amenity of adjoining and future occupiers.***

**Conditions to be Implemented**

**08. Materials**

***Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building(s).***

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

**09. Existing landscape protection**

***No tree, shrub or hedge shall be cut down, uprooted or destroyed, topped or lopped other than in accordance with the approved plans, without the written authorisation***

***of the Local Planning Authority. Any tree, shrub or hedge or any tree/shrub or hedge planted as a replacement that dies or is removed, uprooted or destroyed or becomes seriously damaged or defective must be replaced by another of the same size and species unless directed in writing by the Local Planning Authority.***

***Reason: To protect the existing trees/shrubs and hedges on site that the Local Planning Authority consider to be an important visual amenity in the locality and should be appropriately maintained.***

**10. Construction hours**

***No construction/building works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.***

***Reason: To avoid excessive noise and disturbance to the occupants of nearby premises.***

**11. Land contamination**

***In the event that contamination is found at any time when carrying out the approved development that was not previously identified, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority prior to resumption of the works***

***Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.***

**12. Obscure glazing**

***The bathroom window within the northern elevation of the dwelling hereby approved; shall be glazed with obscure glass (minimum level 4). The approved glazing shall be installed before the building hereby permitted is brought into use and retained in perpetuity.***

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

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

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

**BACKGROUND**

1. The application site has been subject to various planning applications over the years, which comprise the following:
  1. 01/0611/P - Outline application for single dwelling house in 2001 - Refused 25th June 2001
  2. 06/3383/FUL - Erection of 1 no. detached dwellinghouse and associated means of access - Refused 9th January 2007

These developments were proposed within the rear garden of No.17 Thirsk Road, Yarm and were refused on grounds of the proposal being a cramped form of development, having an adverse impact on the amenities of neighbouring property at No.19 and highway safety issues.

Since those applications were determined, both properties at No.15 and No.17 were combined as one unit in 2008 to form a bed and breakfast business, which did not require planning permission due to the scale of the business. This use ceased and the dwelling was then used as one residential unit.

Following this a further application was submitted (11/244/FUL) for the erection of a dormer bungalow and associated access to the rear of No's 15 and 17 and this was approved on the 20th February 2012.

## **SITE AND SURROUNDINGS**

2. The site is located within the rear garden of existing dwellings situated along Thirsk Road in Yarm. The site is bounded by residential curtilages to each side at No.13 (north) and No.19 (south). Whilst to the rear of the applicants land there are tennis courts associated with Yarm Sports and Social Club on Leven Road.

The street scene along Thirsk Road, consists of a varied mix of house types ranging from detached two storey houses, detached bungalows (dormer) and semi-detached dwellings with large rear gardens.

The site has two separate access points from the adjacent highway. There are a number of trees both within the site and in adjacent garden areas including a line of mature trees and hedgerow along the northern and southern boundary. The rear perimeter of the site, contains a high hedgerow with a small opening of high mesh fencing, which overlooks the tennis courts of Yarm Sports and Social club.

## **PROPOSAL**

3. This application seeks consent to vary the approved plans of the extant permission that is currently in place for the dwelling to the rear of 15-17 Thirsk Road in Yarm (Application number 11/2444/FUL).

There are a number of changes proposed including:

- an increase in the building footprint as an attached garage has been added and a rear extension and the property is wider than originally approved.
- changes to the means of enclosure including the replacement of proposed wall with fence and removal of some fencing adjacent the proposed dwelling
- The internal layout has been reconfigured and now includes an additional bedroom
- Proposed porch removed and a canopy will now run across a large part of the front of the dwelling
- The style of the dormer windows have been amended
- The ridge height is approximately 300mm higher

The proposed site plan also does not include the same level of landscaping details however, this information is to be requested and controlled via condition.

## **CONSULTATIONS**

4. The following Consultations were notified and any comments received are set out below:-

## Head Of Technical Services

### General Summary

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

### Highways Comments

It is understood that 15/17 Thirsk Road is a single dwelling and comments are provided on this basis.

The proposed dwelling will use the existing northern vehicle access and the host dwelling will use the existing southern vehicle access. In accordance with SPD3: Parking Provision for Developments 2011, 3 incurtilage car parking spaces and turning are provided for the proposed dwelling and 4 incurtilage car parking spaces are provided for the host dwelling. A refuse storage point has been provided.

Subject to the above no highway objections are raised.

Informative: It should be noted that unbound materials such as gravel may only be used if a 1.5m hard surfaced buffer strip is provided adjacent to the highway for the full width of the access in order to prevent materials being carried onto the highway.

### Landscape & Visual Comments

From a landscape and visual viewpoint we have no objections to the application.

There is adequate room to site the new dwelling in the rear garden of number 15/17 Thirsk Road which allows for new planting on the site boundaries to soften the aspect of the proposed dwelling. This new planting will also replace any existing planting within the site that is to be removed to accommodate the development - this includes a mature tree which as it is not visible from the road does not merit a tree preservation order.

Existing accesses are used so the existing planting on the road frontage and on the northern site boundary will not be unduly affected by the development.

The layout of the proposed dwelling sits comfortably with number 19 Thirsk Road which is also offset from the road and therefore the development is in keeping with the character of the area.

Landscape details are requested as detailed in the condition wording below in the informative section at the end of this memo.

### Informative

#### UDLV01 LANDSCAPING HARDWORKS

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans no development shall commence until full details of proposed hard landscaping has been submitted to and approved in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority according to the approved details within a period of 12 months from the date on which the development commenced or prior to the occupation of any part of the development. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

Reason: To enable the LPA to control details of the proposed development, to ensure a high quality hard landscaping scheme is provided in the interests of visual amenity which contributes positively to local character of the area.

#### UDLV06 LANDSCAPING SOFTWARES including hedge boundaries

Notwithstanding the proposals detailed in the Design and Access Statement/ submitted plans, no development shall commence until full details of Soft Landscaping has been submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, numbers, densities, locations inter relationship of plants, stock size and type, grass, and planting methods including construction techniques for pits in hard surfacing and root barriers. All works shall be in accordance with the approved plans. All existing or proposed utility services that may influence proposed tree planting shall be indicated on the planting plan. The scheme shall be completed unless otherwise agreed with the LPA in writing in the first planting season following:

- a) commencement of the development
- b) or agreed phases
- c) or prior to the occupation of any part of the development

and the development shall not be brought into use until the scheme has been completed to the satisfaction of the Local Planning Authority.

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character and enhances bio diversity.

#### FOR INFORMATION

#### LINF01 RETAINED TREES/ SHRUBS PROHIBITED WORKS

The following works are not allowed under any circumstances:

No work shall commence until the approved Tree Protection Barriers are erected.

No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by a retained tree.

No fires shall be lit or allowed to burn within 10 metres of the canopy spread of a tree or within the Root Protection Zone.

No materials shall be stored or machinery or vehicles parked within the Root Protection Zone.

No mixing of cement or use of other materials or substances shall take place within the Root Protection Zone or within such proximity where seepage or displacement of those materials or substances could cause them to enter the Root Protection Zone.

No unauthorised trenches shall be dug within the Root Protection Zone.

No alterations or variations to the approved works or tree protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

#### LINF04 RETAINED HEDGES PROHIBITED WORKS

The following works are not allowed under any circumstances:

No work shall commence until the approved Hedge Protection Barriers are erected such as Herras fencing;

No equipment, signage, structures, barriers, materials, components, vehicles or machinery shall be attached to or supported by the hedge;

No fires shall be lit or allowed to burn within 5 metres of the hedge;

No materials shall be stored or machinery or vehicles parked within the 2 metres of the hedge;

No mixing of cement or use of other materials or substances shall take place within the 5 metres of the hedge;

No unauthorised trenches shall be dug within the 2 metres of the hedge;  
No alterations or variations to the approved works or hedge protection schemes shall be carried out without the prior written approval of the Local Planning Authority.

## **PUBLICITY**

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

Kerry James

26 Thirsk Road Yarm

I am concerned about the safety of the main road outside this property. This is a very busy road, the main road into and through Yarm via the A19. I am concerned for the impact this will have on the traffic and the local pedestrians.

Number 17 has had flooding issues with the access to the property and the gardens near to where the bungalow is to be built. The access to the property was under water in 2012. We could even see ducks swimming on the drive in 2012.

There has already been a house built on this road in the past year in someone's back garden. Local authorities can resist development on existing gardens in order to maintain the character of Yarm and prevent over development in this small area.

Mr Thomas Seddon

19 Thirsk Road Yarm

I would like to confirm my objection to this Planning Application.

I have previously expressed my feelings in detail, on potential development at 15 and 17 Thirsk Road, the last objection being made on 14th October 2011 and previously 30 August 2010 - the Application No. then being 10/2020/FUL. The properties at that time were owned jointly by Mr and Mrs D Bassett, this is no longer the case, as far as I am aware.

I would remind you that under Application No.S747/81 permission to erect a dwelling to the rear of 15 Thirsk Road was refused on 15 May 1981; since which time several applications to the development of the backlands of Nos.15 and 17 Thirsk Road have been made and refused, or withdrawn.

I surmise that a successful application at No. 15 would lead to an application to develop on the property at No.17; this would most certainly encroach on my amenity.

The approval of this application will lead to an over-development of the area; detrimental to my dwelling; my visual amenity and the character of this area of Yarm.

Additional traffic arising from a new building will add to the already existing chaotic situation into and out of Yarm,

plus the construction work will cause great disruption to the traffic flow on Thirsk Road, which is already an increasingly busy road. The visual access in and out of my property is already hampered by the ever increasing furniture (BT cabinets) etc., sited on the grass verges.

The latest amendment to application from the last shows a large increase in the proposed property size - garage added, larger rear rooms - the property is now considerably bigger than the original 2 'donor' houses combined (15 & 17) !!

The new proposal has additional windows at ground level and new windows (bedroom) at 1st floor level overlooking our property which is not acceptable regarding our amenity.



The last plan included a 1800mm fence along from the South wall of the house West to protect our property from the new Driveway & new traffic - this is no longer shown on the new plan.

I would appreciate being kept up to date with this application.

Second set of comments received from Mr Seddon:

Regarding the original application 11/2444/FUL and vary condition 14/1254/VARY, I would like to confirm my objection to this planning application. As per my previous comments, the development has greatly increased since the original approval and should not be treated as a variation to the original approval but rather a new application. The whole development has moved 1800mm closer to my property creating an even more imposing effect on the residential amenity. This and the scale of the amendment suggests that this should be treated as a new application rather than an amendment. The previous approved plans did not have upper windows overlooking my property, but now with the reduced distance of the development the effect of additional windows at ground and 1st floor are even more imposing. The previous approved plans included a 1800mm high fence along from the South wall of the new property West to protect my property from the new Driveway noise and new traffic noise - this has disappeared from the new plan.

Mrs M P Larken  
13 Thirsk Road Yarm

I object on the grounds of overdevelopment of the site, loss of privacy, and noise and disturbance. The new application is much bigger and will be nearer the two neighbouring houses.

Mrs Kirsty Orr  
Oseghale Green Lane Yarm

I would like to object to the application for the following reasons:-

The new application is larger than the existing appropriate approval. It is higher and wider and will have more of an impact on the privacy of the houses it faces onto as it has more windows to the front of the property.

I believe this new application to be an overdevelopment of the site.

Not only will the large application overlook more and affect privacy but by adding extra rooms also add to the possibility of more cars residing at the property. This will add to extra noise pollution from the cars using the drive. This will effect what is now the quiet side of the four houses which the property will face and the side of the houses which have the majority of bedrooms with people trying to sleep.

As well as the above, the proposal only has provision for two driveways, which was sufficient when it was proposed that 15/17 was to be one property, but there is no mention of the proposed use of 15/17.

15 have or had permission for use as a B&B. If 15 is to be used as a B&B again and 17 as a separate residential property then there is insufficient parking space and highway issues.

Mr David Orr  
Oseghale Green Lane

This is an over development of the site. This will cause increased problems for the neighbouring properties in relation to noise, privacy and overlooking.

Will this property just get bigger and bigger?

The issues around the use of numbers 15 and 17 should be considered as part of this application

The highways comments refer to 15/17 being one dwelling. They are not. 15 is rented out. The parking and access plans are not sufficient for 15 and 17 to be separate together with a new dwelling. It will be even worse if 15 is used as a B&B again.

Mrs Lindsey Brownlee  
9 Leven Road Yarm

I think this application is another overdevelopment of a house and garden in a pleasant residential area of Yarm. There are too many back garden developments being consented to. There are already significant approved sites for housing to be constructed around Yarm by Stockton Council, without the need for this one!

## **PLANNING POLICY**

6. 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

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

### National Planning Policy Framework

Paragraph 14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:

approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

### Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide. Further guidance will be set out in a new Supplementary Planning Document.

### Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### Saved Policy HO3 of the adopted Stockton on Tees Local Plan

Within the limits of development, residential development may be permitted provided that:

- (i) The land is not specifically allocated for another use; and
- (ii) The land is not underneath electricity lines; and
- (iii) It does not result in the loss of a site which is used for recreational purposes; and
- (iv) It is sympathetic to the character of the locality and takes account of and accommodates important features within the site; and
- (v) It does not result in an unacceptable loss of amenity to adjacent land users; and
- (vi) Satisfactory arrangements can be made for access and parking.

### Core Strategy Policy 11 (CS11) - Planning Obligations

1. All new development will be required to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements.

2. When seeking contributions, the priorities for the Borough are the provision of:

- \_ highways and transport infrastructure;
- \_ affordable housing;
- \_ open space, sport and recreation facilities, with particular emphasis on the needs of young people.

### **MATERIAL PLANNING CONSIDERATIONS**

8. This application seeks permission to vary the approved plans of an extant planning approval and the principle of development has therefore been accepted under the original approval for the development (11/2444/FUL). The material planning considerations of this application are therefore the impact of the proposed changes on the street scene and character of the area, the impact of the proposed changes on the amenity of neighbouring occupiers and the impact of the proposed changes on highway safety.

- Impact on the street scene and character of the area

9. Some of the objections received state that the development is detrimental to the character of this area of Yarm and state it is overdevelopment of the site.

10. The principle of development of a dormer bungalow has been accepted under the previous approval and this consent is extant and is valid until 20th February 2015. The amended plans submitted indicate the dwelling will be located in a similar position to that approved

albeit with a larger footprint and other changes in the design. The Head of Technical Services has raised no landscape and visual objection. Planting details are to be requested through planning condition and a large amount of existing planting is to be retained. It is also stated that the layout of the proposed dwelling sits comfortably with No. 19 Thirsk Road which is also offset from the road.

11. Although the dwelling will be larger there will still be sufficient amenity space within the site for both the host dwelling and the proposed dwelling and it is considered the size of the site is sufficient for the size of the dwelling and the proposal is not an overdevelopment of the site.
12. The design of the dwelling retains a dormer bungalow appearance and whilst the dwellings immediately adjacent the site are not in the same style there are other detached bungalows and dormer bungalows within the wider area. The character of the surrounding area is a varied mix of property types and scale and there is no dominant housing type within the area that the proposed dwelling would need to fit in with.
13. The proposed changes also include the use of a fence to mark the rear boundary of 15-17 Thirsk Road instead of an originally approved wall. This enclosure is set back from the highway and will not be a prominent feature when viewed from Thirsk Road. Furthermore, details of the means of enclosure are to be agreed through the use of planning condition.
14. Overall, it is considered that the proposed changes in size and design will not significantly affect the visual impact of the proposed dwelling and it is considered that the amended design will not have a significant detrimental impact on the street scene or character of the area.

- Impact on the amenity of neighbouring occupiers

15. The objections received have made reference to the impact on the amenity of neighbouring occupiers and in particular the impact on the privacy and an increase in noise and disturbance.
16. The proposed dwelling will have a larger footprint and will be approximately 300mm higher than approved. The dwelling will however remain set in from the site boundaries. The distance to the boundary with No.19 Thirsk Road will be approximately 7.8m and the distance to the boundary with No.13 Thirsk Road will be approximately 8.4m. The dwelling will be located to the rear of both these neighbouring properties and will therefore be set away from the dwellings themselves. Taking the above into account it is considered the proposed dwelling would not have a significant detrimental overshadowing or overbearing impact on No's 13 and 19 Thirsk Road.
17. The proposed amendments also include changes to the fenestration arrangement at the property. The window arrangement within the side elevation facing the boundary with No.13 will have three ground windows, one will serve a garage and not a habitable room, the second will be a small secondary lounge window and the third will be a larger window that serves the kitchen. The lounge and kitchen window are set in from the boundary by approximately 12.0m and the garage window will be set in by approximately 8.3m. There is existing hedging along this boundary that is to be retained and it is considered that the presence of this together with the distance from the boundary will ensure there will be no significant overlooking impact. At first floor there will be a velux roof light that will serve a bedroom in a similar position to what was approved under the original application. The roof light will be set in from the boundary by approximately 13.4m which is approximately the same distance as previously approved. It is now proposed to install a bathroom window at first floor in this side elevation, this window will be approximately 8.3m from the side

boundary and serves a secondary room. It is assumed that the glass will be obscurely glazed however a condition will be added to ensure this is the case. Overall, taking into account the distance to the boundary, as the room is a secondary room and the glazing is to be obscurely glazed the impact on the privacy of No.13 Thirsk Road would not be significant.

18. There are also changes to the level of fenestration in the side elevation facing No.19 Thirsk Road. The dwelling will be approximately 7.8m from this side boundary and there is hedging and tree planting along this boundary. The previous approval contained ground floor side windows which were approximately 9.0m from the boundary. It is considered that although the windows are to be closer to the boundary the distance together with the hedging and tree planting is considered sufficient to ensure there is no significant detrimental impact on the privacy of No.19 Thirsk Road.
19. This application proposes an additional window and velux roof light at first floor in the side elevation facing No.19. The proposed window will serve a bedroom and due to initial concerns regarding the potential for overlooking towards the rear elevation of No.19 and the amenity space directly to the rear of the dwelling the window was amended to a high level design and will be 1.8m above floor level to ensure there is no significant detrimental impact on the privacy of No.19. The velux roof light in this side is also 1.8m above floor level.
20. There are also changes in fenestration to the front elevation. The dwelling will remain in excess of 21m from the rear of 15-17 Thirsk Road and as there was fenestration including dormer windows to the front in the original approval it is considered there changes will not have a more detrimental impact than the proposal already approved.
21. There are no residential properties to the rear. To the rear are tennis courts for Yarm Sports and Social Club. The dwelling will be approximately 15m from the rear boundary and there is to be new hedging provided along this rear boundary.
22. Some of the objectors comments relate to the impact of noise generated from the driveway and how this will be increased as the proposed dwelling is larger. It is acknowledged the proposed dwelling will have an additional bedroom however the driveway remains in a similar location to that already approved and it is considered that the increase in size of the dwelling would not cause significantly more traffic than the dwelling already approved.
23. The neighbour at No.19 Thirsk Road has stated that the last plan included an 1800mm fence from the south wall of the house to the west to protect the amenity of No.19 from the new driveway and new traffic. The driveway is located at the other side of the site and the proposed parking area is set in from the boundary with No.19 by approximately 15m. Taking the above into account it is considered the removal of the previously approved fencing will not have a significant detrimental impact on the amenity of No.19 Thirsk Road.
24. The neighbour at No.19 Thirsk Road has also stated that a successful application at No.15 would lead to an application to develop on the property at No.17 and this would encroach on the amenity of No.19. The application site is to the rear of the No.15-17, not just to the rear of No.15 and the construction of the dwelling on this site would not allow for any separate further development.
25. Overall, it is considered the proposed changes to the previously approved plans will not have a significant detrimental impact on the amenity of neighbouring occupiers.

- Impact on highway safety

26. The Head of Technical Services has stated that it is understood the 15-17 Thirsk Road is a single dwelling and comments are provided on this basis. Sufficient spaces and turning are provided for the proposed dwelling and the host dwelling and a refuse point has been provided and no objections are raised.
27. Some of the comments received state that 15-17 Thirsk Road is no longer used as one dwelling and is used as two. Following a site visit it was confirmed the properties are currently used as separate dwellings. The applicant has confirmed they own both properties and that both properties will be used as one dwelling going forward. The property has been temporarily rented out as two separate dwellings due to personal circumstances.
28. The property was used as one dwelling and more recently changed into two separate dwellings for a temporary period. Planning approval is required to change one dwelling into two and the current use is therefore unauthorised. If this use were to continue an application would be required and during consideration of such an application the parking requirements would have to be assessed. Having consulted further with Technical Services it is considered that there is sufficient space within the proposed curtilage of No's 15 and 17 to accommodate the required level of parking and the only change that may be required would be the widening of the access/drive area. This could be achieved if the applicant decided to use the property as separate dwellings going forward and submitted a planning application.
29. Two objectors have stated the highway impact would be worse if the dwelling was to be used as a bed and breakfast again. Such a use would also require a planning application (if the scale of the bed and breakfast was significant enough) and any highway issues would have to be addressed however there is no indication the property will be used for this use.

- Residual Matters

30. A number of the objections are made on the grounds of the principle of the development stating that the development of a property on this site should not be allowed however as previously stated the principle of the development has been agreed and there is an extant permission in place on the site and the principle of the development of a property on this site is not a consideration of this application.
31. One objector states that No.17 has had flooding issues in the past. The current proposal has a similar level of hard standing and there is a condition to ensure that hard standing is permeable or that provision is made to direct run off to permeable or porous area within the curtilage of the proposed dwelling. Matters relating to surface water and foul drainage from the dwelling are matters which would be dealt with under Building Control legislation.
32. Various conditions were imposed on the original approval and for clarity these conditions are imposed on this variation application. The time limit for commencement of works will also be amended to be in line with the time period of the original consent.

**CONCLUSION**

33. Overall, it is considered that the proposed changes to the previously approved plans will not have a significant detrimental impact on the street scene or character of the area, will not cause significant harm to the amenity of neighbouring occupiers or pose any significant highway safety issues.

34. 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 Miss Ruth Hindmarch Telephone No 01642 526080**

**WARD AND WARD COUNCILLORS**

**Ward Yarm**  
**Ward Councillor Councillor A B L Sherris**

**Ward Yarm**  
**Ward Councillor Councillor Mark Chatburn**

**Ward Yarm**  
**Ward Councillor Councillor Ben Houchen**

**IMPLICATIONS**

Financial Implications: n/a  
Legal Implications: n/a  
Environmental Implications: n/a

Human Rights Implications:  
The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

Community Safety Implications:  
The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.

Background Papers:  
National Planning Policy Framework  
Core Strategy Development Plan Document  
Local Plan Policies  
Application files 14/1254/VARY & 11/2444/FUL