

**DELEGATED**

**AGENDA NO  
20 AUGUST 2014  
REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES**

**14/0335/FUL**

**46 Spitalfields, Yarm, TS15 9HJ**

**Proposed single storey extension to side and rear, double carport and garage to front and decked area to rear**

**Expiry Date 22 August 2014**

**SUMMARY**

This application seeks planning permission for the erection of a single storey extension to the side and rear, a decked area to the rear and a detached carport and garage to the front of 46 Spitalfields in Yarm. Letters of objection have been received from eight residents raising concerns regarding the visual impact of the proposed garage and carport.

The application is being reported for determination by the Planning Committee under the delegated decisions procedure due to the number of objections received being more than 5.

Subject to the imposition of the relevant planning conditions controlling the use of the garage/carport and materials, it is considered the scheme will not have an unacceptable adverse impact on the character and appearance of the street scene, or lead to an unacceptable loss of amenity or privacy for neighbouring land users. The Head of Technical Services has raised no highway objections and it is therefore considered that the scheme will not have an adverse impact on highway safety.

The application is recommended for approval.

**RECOMMENDATION**

**That planning application 14/0335/FUL 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>SBC0001A</i></b>	<b><i>24 June 2014</i></b>
<b><i>001A</i></b>	<b><i>11 August 2014</i></b>
<b><i>003</i></b>	<b><i>11 August 2014</i></b>
<b><i>002</i></b>	<b><i>10 February 2014</i></b>

***Reason: To define the consent.***

***Conditions to be discharged prior to commencement***

- 02. Prior to commencement of the development of the detached carport and garage; details of the materials to be used in the construction of the external surfaces of this structure hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: To enable the Local Planning Authority to control details of the proposed development in the interest of visual amenity**

**Conditions which will remain in perpetuity**

- 03. The detached garage/carport to which the permission relates shall be used for the parking of private motor vehicles and ancillary storage, incidental to the enjoyment of the occupants of the dwelling house and no other purpose.**

**Reason: To ensure that the building is not used for a commercial or a self-contained residential use and to ensure that the adjoining residential properties are not adversely affected by the development.**

**Informative 1: National Planning Policy Framework**

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

**SITE AND SURROUNDINGS**

1. The host dwelling is a link detached property located within a square of similar size and style dwellings. The property is set back from the main square area and is bounded on one side by a neighbouring property (No.48 Spitalfields) to the South. To the North of the dwelling is Yarm Cemetery; while to the West is the applicant's garden area with the railway line beyond. The applicant's front garden area, is adjacent to the access road which is to the South East and beyond this is the side boundary of No.44 Spitalfields which is to the East.

**PROPOSAL**

2. This application seeks permission for the erection of a single storey extension to the side and rear, a decked area to the rear and a detached double carport and garage to the front of 46 Spitalfields in Yarm.

The proposed extension projects out to the side and rear of the south western corner of the property. There is an existing single garage that will be demolished to facilitate the construction of the extension. The extension will project out to the side of the main dwelling by 3.1m approximately and will have a maximum length of 9.2m approximately. The extension projects beyond the rear elevation of the main dwelling by a maximum of 6.7m approximately. The extension will have a flat roof with a small skylight projecting above. The maximum height of the roof will be 3.85m approximately.

The proposed deck area will be located to the rear of the main dwelling and will also join on to the side of the proposed extension. The decking will provide an amenity area to the rear of the property and will include the provision of timber and glass balustrade and steps down to the garden at the rear and a 2.0m high trellis screen to the side boundary that adjoins the neighbouring cemetery area.

The proposed detached double car port and garage will be located to the front of the property and will have a width of 9.3m and a depth of 6.4m. The height to the eaves will be 2.35m approximately and a maximum roof height of 3.5m approximately.

### **CONSULTATIONS**

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

#### Head of Technical Services

##### General Summary

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

##### Highways Comments

The proposed revised plan has demonstrated turning to enable drivers to enter the highway in a forward gear and avoid the need for long reversing manoeuvres, therefore acceptable no highway objections are raised.

##### Landscape & Visual Comments

The trees to the rear of the garage and carport, on the boundary of the cemetery are not of a high amenity value therefore no landscape and visual objections are raised.

### **PUBLICITY**

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

#### Mr David Williams

##### 44 Spitalfields Yarm

1. On the drawings - to the south of the detailed property the neighbouring property is incorrectly labelled as 44. It should be 48.
2. There is no dimension detailed between the proposed carport (east end) and my fence (No.44). My boundary, (from my deeds), is the extended line of the kerb outside my fence, (west). This dimension is necessary to determine whether sufficient gap has been allowed for the maintenance of my fence, shrubs and plantings outside my fence.

#### Patricia Jarrold

##### 50 Spitalfields Yarm

I am writing to you as I live at the above address i.e. two doors away from No. 46 Spitalfields, who have applied for planning permission with the above ref. no.

I have no objections to the single storey extension or decked area to the rear provided the proposals do not cause any disturbance or nuisance to my neighbours at No.48 Spitalfields.

However I strongly objection to the erection of a double carport and garage on the front garden of No.46. This proposal must be totally outside of the building line of No.46. It must be a large structure if it is going to be wide and high enough to house 3 cars. This structure would block out light and spoil the view which we have, at present of the graveyard. If they choose to use their existing garage and carport to extend their property I do not believe they should be permitted to build on their front garden.

I believe that even with the extension it is still possible to put one, if not two cars on the existing drive.

#### M J Roach

54 Spitalfields Yarm

I object to the proposed building of a garage and a double car port as there is sufficient off road parking adjacent to 46 Spitalfields. It would set a precedent to further applications of this type. I would like to confirm my objection to the proposed building of two car ports and a garage which is in reality three garages at 46 Spitalfields Yarm. There is ample off street parking adjacent to number 46 Spitalfields for approximately sixteen cars within 50 meters, he has a garage on his property plus parking for two cars on his drive, this proposed development would be outside the building line, also this type of construction would set a precedent for future building and is not in keeping with the area.

A wooden lap fence was taken down and replaced with a wire fence which I understand was erected on council land, this fence needs to be replaced with the same which was taken down, people visiting graves need privacy.

Mrs Julie Clemenson

60 Spitalfields Yarm

I wish to object to the planning application as it would have a visual impact on the close. The close has been designed in such a way to provide enough parking for everyone on existing drives and a central car area for visitors to use.

Mrs Marjorie Simpson

15 Mayes Walk Yarm

The proposal is not in keeping with the area. It is also encroaching upon private land and a private road.

The red lined boundary is on the Yarm Town Council Boundary. The newly erected fence is also on the YTC boundary and requires removing in line with the extension which has been built up to the boundary of 46 Spitalfields.

The proposed development should, if agreed, be built upon only land in the ownership of 46 Spitalfields.

Margaret Campion

87 Spitalfields Yarm

I wish to object to the building of the garage and carport as I feel that it is not in keeping with the original vision for the area and may be in breach of the covenant placed on the properties by the developers, Kebble Homes, when they built the estate.

Owner/Occupier

58 Spitalfields Yarm

We wish to object to this request on the grounds that there is adequate parking in the area for residents and visitors. There is a green belt to the centre of the square with parking each side as well as 2 car length driveways to all houses.

It will be an eyesore to the surrounding houses and given the layout of the area there has never been an issue with most houses having 2-3 vehicles. We strongly request that this proposal be rejected.

Ian Campian

87 Spitalfields Yarm

I am objecting to the part of the proposal concerning the double carport and garage to be built on the front garden. This will be highly visible from the public road and out of character for the area. There is already sufficient off-road parking with all houses on this road having long drives, there are spaces on the central square and this property already benefits from the extra space at the end of the private access. I have no issues with the living accommodation part or the application. I have

grave concerns for future development of the Kebbell/Spitalfields estate if a precedent is set for building on a front garden.

## **PLANNING POLICY**

5. 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

6. 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.

### Supplementary Planning Guidance Note 2: Householder Extension Guide (relevant sections)

The purpose of this policy document is to provide additional information on the interpretation and implementation of Local Plan policies and proposals, to assist the Borough Council in determining planning applications and to provide general guidance to prospective developers.

The guidance gives information as to how Saved Policy HO12 in the Adopted Local Plan may be implemented by:-

- Detailing what makes a successful extension and how the components work together;
- Showing how an extension can affect the whole street, not just the single house to which it is attached;
- Highlighting good and bad examples, and some pitfalls to avoid;

It is recognised that there is considerable variation in the size and type of housing in the Borough and therefore there cannot be a single design guide that will always apply.

Each proposed extension is assessed on its relative merits which means that in some cases the guidance may be 'out ranked' by the circumstances. However, the overall aim of the guide is to ensure that the quality of householder development is raised and therefore it will be used as a material consideration in determining planning applications.

Any extension should be sited and designed to minimise the impact on neighbouring properties in terms of light, overlooking and overbearing. However it is the purpose of this guidance note to limit such impacts through good practice advice. It may be necessary to adjust the dimensions of proposed extensions to compromise between additional space and good neighbourliness.

#### REAR EXTENSIONS

Building around the back does not mean that you can ignore the need for good design! Although fewer people will see it on a daily basis, a poorly designed extension to the rear will still lower the value of your house. The same broad principles for shape, materials and neighbour impact that apply for extending to the side of your house, also apply to extending to the rear of your house.

From experience it is found that a reasonable compromise between impact on neighbours and the need for space allows about a 3-metre extension at the back, although it will vary from plot to plot. Any extensions that project further than 3 metres will be subject to the 45 and 60 degree rules as explained below.

In order to assess the impact of a single storey extension on a neighbouring property, the Council will apply the '60 degree rule'. This is simply a line drawn at 60 degrees from the centre of your neighbour's nearest window of a habitable room. Your extension should not cross that line otherwise there could be an unacceptable impact on the amenity of the neighbouring property.

#### GARAGES & OUTBUILDINGS

Garages should generally be a minimum of 6x3 metres (measured externally) to allow a car and a bike to be parked. An attached garage will be judged in the same way a habitable extension would be judged, therefore the materials, size, design and roof arrangements will have to complement the main dwelling.

Detached garages and outbuildings should also be designed with a roof shape that complements that of the main dwelling. Flat roofed garages and mono-pitched roofs are rarely appropriate, and also have implications on future maintenance. Where outbuilding footprints are very large, multiple smaller roofs will be preferable to a single large one to reduce the apparent mass of the building. Upper floors are not normally acceptable on detached garages as they are likely to be too large in domestic scenarios.

The size and design of the outbuilding must remain in proportion with the house, including the roof, which if left unchecked can significantly increase the perceived mass of the structure. Outbuildings and garages will not normally be permitted in front of the house in order to protect the building line and street scene.

Detached garages and outbuildings may be constructed in a variety of materials; however materials that match or complement the main dwelling are preferred. Where garages are constructed to the side of dwellings, at least the front façade should be constructed in the same materials as the dwelling so that it maintains the visual coherence. Detached garages will not normally be permitted if they are to be constructed in such a way that they may be easily converted into a separate dwelling.

## **MATERIAL PLANNING CONSIDERATIONS**

7. The material planning considerations in respect to this application are the impact on the street scene and character of the area, the impact on the amenity of neighbouring occupiers and the impact on highway safety

### **Impact on the street scene and character of the area**

8. The objections received make reference to the visual impact of the proposed detached garage and car port and raise concern about the precedent this development could set. The visual impact of the development will be assessed below.
9. Saved Policy HO12 states that all extensions should be in keeping with the property and the street scene and Supplementary Planning Guidance Note 2: Householder Extension states that when extending it is important to respect the quality of the street scene as well as the individual dwelling.
10. The proposed extension and decked area will be screened from the street scene due to the proposed location of these aspects of the development. It is considered that the extension and decked area will not form incongruous features within the street scene due to the proposed location. The extension has a flat roof design and given the presence of the existing flat roof garage that is to be replaced by the proposed extension it is considered the roof design is not out of keeping with the existing character of the site.
11. The proposed detached garage and car port will be visible from the street scene due to its location to the front of the dwelling. Supplementary Planning Guidance Note 2: Householder Extension Guide states that outbuildings and garages will not normally be permitted in front of the house in order to protect the building line and street scene. The application site is set away from the main square area and is therefore not located in a prominent position within street scene. The detached garage and car port will be set back from the main highway by in excess of 20m and due to its location it is considered it will not

form a significantly prominent feature within the street scene. The height of the building has been kept relatively low and is a hipped roof design that helps to reduce the overall scale of the building.

12. Taking the above factors into account it is considered there would not be a sufficiently detrimental impact on the character of the area that would justify refusal of the planning application. Therefore it is considered that in this particular case the guidance in relation to garage and outbuildings to the front is outranked by the circumstances at this site.
13. Supplementary Planning Guidance Note 2: Householder Extension Guide also states detached garages and outbuildings may be constructed in a variety of materials; however materials that match or complement the main dwelling are preferred. The plans indicate the roof tiles and brick are to match those of the existing dwelling however it is considered appropriate to condition that the external materials of the structure are to be submitted to the Local Planning Authority for approval. This will ensure the visual appearance of the building is acceptable.
14. The Head of Technical Services has raised no landscape and visual objection to the proposal and states that trees within proximity of the proposed garage and carport are not of a high amenity value.

#### **Impact on the amenity of neighbouring occupiers**

15. Saved Policy HO12 also states that extensions should avoid significant loss of privacy and amenity for the residents of neighbouring properties.
16. Due to the location of the site and the proposed extension and decked area there is only one neighbouring property that could be affected by this aspect of the development and this is No.48 Spitalfields. The impact on this neighbour will therefore be considered below.
17. Guidance contained within Supplementary Planning Guidance Note 2: Householder Extension Guide (SPG2) states that from experience it is found that a reasonable compromise between impact on neighbours and the need for space allows about a 3-metre extension at the back. The proposed extension has a projection greater than the 3.0m recommended however the extension does not contravene the 60 degree rule due to the presence of an existing extension at the neighbouring property (No.48). It is considered that due to the height and projection of the extension there will not be a significant overshadowing or overbearing impact on the neighbour. There is no fenestration proposed in the side elevation facing this neighbour and it is considered there will not be any significant impact on the privacy of the attached neighbour.
18. The decked area will be screened from this neighbour by the extension and it is therefore considered there will not be any significant overlooking impact.
19. Overall, it is considered the proposed extension and decked area will not have a significant detrimental impact on the amenity of neighbouring occupiers.
20. The proposed garage and car port will be set away from the adjoining neighbour at No.48 but will be located closer to No.44 Spitalfields. The garage will be located close to side boundary of this properties rear garden and is positioned to the rear of the properties rear garden. This neighbour has a high level fence along the boundary that will provide some screening. It is considered that due to the height and location of the garage there will not be a significant detrimental impact on the amenity of No.44 in terms of appearing overbearing or overshadowing. Furthermore, it is considered that due to the presence of the neighbours

boundary fence there will not be a significant detrimental impact on the privacy of this neighbouring property.

21. The neighbours at No.50 Spitalfields have stated the garage structure would block out light and spoil the view which they have, at present of the graveyard. The garage and car port building is set away from the property of No.50 and this property does not directly face the site. Whilst it is acknowledged there may be views beyond No.46 into the graveyard to the north of the site the loss of this view is not a material planning consideration. With regard to blocking out light it is considered that due to the location and separation distance of the building it will not cause any significant overshadowing of neighbouring properties.
22. Overall, it is considered the development will not have a significant detrimental impact on the amenity of neighbouring occupiers.

### **Impact on highway safety**

23. The Head of Technical Services originally stated that the applicant should demonstrate turning to enable drivers to enter the highway in a forward gear and avoid the need for long reversing manoeuvres.
24. A revised site plan was submitted and the Head of Technical Services states that the proposed revised plan has demonstrated turning to enable drivers to enter the highway in a forward gear and avoid the need for long reversing manoeuvres, therefore acceptable no highway objections are raised.
25. Taking the above into account it is considered the development is acceptable in highway safety terms.

### **Residual Matters**

26. Comments received on the application raise concern over the development of the garage and car port encroaching land ownership boundaries on the Northern boundary, however the agent has confirmed that this aspect of the development is entirely within the applicant's land ownership boundaries. As no evidence has been provided by the objector to substantiate this claim, the land ownership issue is a civil matter and not a material planning consideration.
27. The neighbour at No.44 has also questioned if there is sufficient space for maintenance of the fence at their property, whilst this concern is acknowledged the issue of access to property for maintenance purposes is also a civil issue under the Party Wall Act and not a material planning consideration.
28. One objector also raised concern about a covenant on the estate however restrictive covenants are also not a material planning consideration.
29. Other comments from objectors question the need for the proposed garage and carport as there is currently sufficient parking at the property and in the surrounding area however the need for the development is not considered to be a material planning consideration.

### **CONCLUSION**

30. The impacts of the proposal have been considered against national and local planning guidance. Material considerations have been considered and the development as proposed is considered to be acceptable in terms of the design and layout, the impact on highway

safety and it is considered it does not have a significant adverse impact on the amenity neighbouring properties.

31. It is 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:  
As Report

Environmental Implications:  
As Report

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

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

Background Papers  
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  
Supplementary Planning Guidance Note 2: Householder Extension Design Guide (2004)