

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
22 OCTOBER 2014
REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES**

14/2168/FUL

1 The Crescent, Eaglescliffe, Stockton-On-Tees

Proposed two storey and single storey extensions to rear, installation of first floor window in side elevation, erection of detached garage (demolition of existing garage) and erection of an approximately 2.3m high wall (with access gate) to rear.

Expiry Date 16 October 2014

SUMMARY

This application seeks planning permission for the erection of a two storey extension and single storey extension to the rear, the installation of a first floor window in the existing side elevation, the erection of a detached garage to the rear (demolition of existing garage) and erection of an approximately 2.3m high wall (with access gate) to the rear of No 1 The Crescent.

The application site relates to a detached, two storey dwelling located along The Crescent, Eaglescliffe, Stockton on Tees. To the north is No 3 The Crescent with residential properties along South View are to the south (No's 8-11, inclusive). West View (Urray Nook Road) is immediately to the west/rear of the site. The property is currently served by a detached garage that projects along the adjacent boundary with No 3, whose detached garage and an adjoined garden room are also along the adjacent rear boundary.

The Head of Technical Services has raised no objections to the scheme.

15 objections been received to date as set out in the report below. These objections include the impact on the amenity of neighbouring properties, the development is out of character with area and results in overdevelopment of site, the use of the proposed garage is not specified and could be used for commercial purposes with resultant impacts on noise, pollution, and car parking problems.

1 letter of support has been received.

The scheme as proposed is not considered to have an unacceptable adverse impact on the character and appearance of the existing property or street scene, or lead to an unacceptable loss of amenity for neighbouring properties or have an adverse impact on highway safety.

The application is recommended for approval accordingly.

RECOMMENDATION

That planning application 14/2168/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);**

Plan Reference Number	Date on Plan
1416-14-001	8 August 2014
1416-14-003 B	18 August 2014
1416-14-004 C	14 August 2014
1416-14-005 C	18 August 2014
1416-14-006 D	21 August 2014
1416-14-002 C	17 September 2014
1416-14-007 D	15 September 2014
1416-14-008 D	15 September 2014
1416-14-009 D	15 September 2014

Reason: To define the consent.

Conditions to be Implemented

02. **Prior to the development hereby approved being brought into use, the additional hard standing area for the driveway to provide 3 in curtilage car parking spaces shall be implemented in accordance with plan 1416-14-004 C (date received 14th August 2014) and constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The approved car parking layout shall be retained for the lifetime of the development.**

Reason; To provide the requisite in curtilage car parking provision in the interests of highway safety and to prevent increase risk of flooding from surface water run off in accordance with Core Strategy Policy CS3.

03. **The external finishing materials shall match with those of the existing building**

Reason: In the interests of visual amenity and to ensure a satisfactory form of development

04. **The proposed brick pillar indicated on plan 1416/14/004 C (date received 14th August 2014) shall not exceed 1m in height (from the given ground level) unless otherwise agreed in writing with the Local Planning Authority.**

Reason; For the avoidance of doubt.

05. **The 1no. window to be installed within the first floor side (south) elevation (serving a bathroom) as indicated on plan 1416-14-009 D (date received 15th September 2014) shall be top hung opening and obscurely glazed using a minimum of type 4 opaque glass and shall remain for lifetime of the development hereby approved.**

Reason: In the interests of the privacy and amenity of the occupiers of the adjacent neighbouring property.

Conditions to remain in perpetuity

06. The garage to which the permission relates shall be used for the parking of private motor vehicles, ancillary storage and purposes incidental to the enjoyment of the occupants of the dwelling house and no other purpose.

Reason : To ensure 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.

Informative 2: Provision of dropped kerb

The applicant should contact Direct Services regarding widening the dropped vehicle crossing to serve the additional parking spaces.

SITE AND SURROUNDINGS

1. The application site relates to a detached, two storey dwelling located along The Crescent, Eaglescliffe, Stockton on Tees. To the north is No 3 The Crescent with residential properties along South View are to the south (No's 8-11, inclusive). West View (Urray Nook Road) is immediately to the west/rear of the site. The property is currently served by a detached garage that projects along the adjacent boundary with No 3, whose detached garage and an adjoined garden room are also along the adjacent rear boundary. Beyond the garages, the boundary with No 3 consists of a 1.55m (approximately) high fence. The rear boundary to the west consists of a mature hedge. Various outbuildings, boundary walls, fencing and planting make up the boundary to the south.

PROPOSAL

2. This application seeks planning permission for the erection of a two storey extension and single storey extension to the rear, the installation of a first floor window in the existing side elevation, the erection of a detached garage to the rear (demolition of existing garage) and erection of an approximately 2.3m high wall (with access gate) to the rear of No 1 The Crescent.
3. The proposed two storey extension would infill an area adjacent to an existing two storey 'off shoot' element and the rear of the dwelling, and would project approximately 3.2m in length along the southern boundary by 3.1m in width and 8.15m in height with a hipped end roof that would tie into the existing roof. The proposal would feature a single access door in the ground floor side elevation/south and a window in the first floor rear/west elevation. The proposed single storey extension would project from the rear of the existing and proposed two storey elements and would measure approximately 3.4m in projection by 6.2m in width and 4.2m in height with a lean to roof. The proposal would feature bi-folding doors and roof lights in the rear elevation/west. The proposals would facilitate extensions to the existing ground floor living areas and an additional bedroom (fourth) at first floor level.
4. The original submitted scheme for the proposed detached garage measured approximately 3.7m in height (4m to parapet wall across front elevation). It was considered necessary for the garage to be reduced in height and the applicant has submitted a revised plan. As such the proposed detached garage, to be positioned along the adjacent rear boundary with No 3 The Crescent, would now measure approximately 8.1m in length by 4.5m in width and 2.5m in height with a mono pitched roof across the main part of the garage. The proposal would feature a parapet/flat wall across the front elevation of the garage with a maximum

height of approximately 2.9m. The proposal would feature a garage door in the front elevation and a single window and a set of French doors in the side elevation.

5. A 2.3m (approximately) high x 6m long wall would enclose the rear garden between the rear of the proposed single storey rear extension and the front elevation of the proposed detached garage with an access gate in the side/north elevation. This would be set off the northern boundary with No 3 The Crescent by approximately 3.4m.
6. A single window is to be installed with frosted glazing and is to be top opening within the existing first floor side/south elevation.

CONSULTATIONS

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

Parish Council

The parish council considered the above application at their meeting last Thursday evening. I have been asked to enquire if there are any further details available on this application, other than the documents on SBC website. Also can you explain please what is represented by the crossed rectangular boxes as shown in the rear extension on the proposed site plan drawing.

(Clarification was provided to the Parish Council regarding the rectangular boxes (which are roof lights), and they have confirmed that no further comments are to be made).

Head of Technical Services

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, 3 in curtilage car parking spaces are provided for a 4-bedroom house. The dropped vehicle crossing must be widened to serve the widened drive.

Informative: The applicant should contact Direct Services regarding the widening the dropped vehicle crossing to serve the widened drive.

Landscape & Visual Comments

This proposal has no landscape or visual implications.

PUBLICITY

8. Neighbours were notified and to date 15 objections have been received from the following properties;

Jean and Dennis Young
2 The Crescent Eaglescliffe

Mr Stuart Grieve (x2)
3 The Crescent Eaglescliffe

Mr Nicholas Fovargue (x2)
3 The Crescent Eaglescliffe

Alan John Grieve (x2)
3 The Crescent Eaglescliffe

Stella Grieve (x2)
3 The Crescent Eaglescliffe

Mr and Mrs D McGuinness
4 The Crescent Eaglescliffe

Jonathan Lamb
5 The Crescent Eaglescliffe

Bernadette Doab
5 The Crescent Eaglescliffe

Mrs J G Alexander
6 The Crescent Eaglescliffe

Mr and Mrs Colin and Lynda Ranson
8 The Crescent Eaglescliffe

D Harrison
18 The Crescent Eaglescliffe

Mrs M C Hodgson
25 The Crescent Eaglescliffe

Hodgson
25 The Crescent Eaglescliffe

Stella Adam
Layfield House Urray Nook Road

Albert Christon
Layfield House Urray Nook Road

9. These objections are summarised as follows;

- Impact on amenity of surrounding neighbouring properties in terms of blocking light, in particular the impact of the proposed garage on No 3 The Crescent and its garden area
- Proposed single storey extension and garden wall would result in an adverse impact on No 3, in particular the kitchen window in the side elevation of No 3
- Out of character with area and overdevelopment of site
- Proposed plans are incorrect
- The use of the garage is not specified and could be used for commercial purposes with resultant impact on noise, pollution and car parking problems
- No details of garage materials
- Views from surrounding properties will be 'spoilt'
- Reference is made to the 45 degree guidance

10. 1 letter of support has been received from Mr Raymond Best, 11 South View.

PLANNING POLICY

11. 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
12. 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
13. 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 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 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.

2 GUIDING PRINCIPLES

2.5 Extensions must be designed so that they complement the main house for example through being smaller or set back. Often such designs are more successful in visual terms than large extensions built flush with the front of the house. This will obviously vary depending on the size and shape of the original house. However, in all cases it is necessary to leave a useable amount of private amenity space – approximately two thirds of the plot - and this may limit the size of the extension you can build. The garden space must be a useable shape too. If you really do need a large house it may be more advisable to buy a bigger house to start with rather than try to cram a huge house onto a small plot.

2.6 The shape of the extension will have a significant impact on the appearance, and it may be possible to have a very large extension that complements the house or a relatively small extension that is very obtrusive. Therefore the design is critical to ensure that it fits in with the street scene, but is not judged solely on the size of the footprint.

2.7 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. Although every application is assessed on its own merits, the Local Planning Authority would normally seek a minimum separation distance of 21 metres between the windows of the main habitable rooms (for example bedrooms and living rooms) of the proposed extension that face windows of the main habitable rooms of the neighbouring property. Where a side extension would face the rear of the neighbouring property (or a rear extension would face the side of the neighbouring property) a gap of 11 metres is normally required between the windows of the main habitable rooms to prevent overlooking. These standards may be reduced if obscured glazing is used or where the windows are those of secondary rooms (for example bathrooms, hallways and landings).

6 REAR EXTENSION.

6.1 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.

6.2 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.

6.3 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.

6.4 For a two-storey extension or upper floor extension the same principle applies, but this time the angle is reduced to 45 degrees as there would be significantly more bulk to block out light and increase overlooking.

11 GARAGES AND OUTBUILDINGS

11.1 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.

11.2 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.

11.3 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.

11.4 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

14. The main planning considerations with respect to this application are the impacts on the existing dwelling and surrounding area, the impact on the amenity of neighbouring properties and highway safety.

Impact on existing dwelling and surrounding area

15. The proposed two storey and single storey extensions, and detached garage and approximately 2.3m high wall to the rear are considered to be of a scale and design that respect the proportions of the existing dwelling and the application site as a whole. Consideration is also given to the 'fall back' position of the proposed garage which could be erected under permitted development, subject to the parapet wall to the front of the proposed garage being reduced to 2.5m in height, as per the main element of the proposed garage. The applicant's agent has confirmed that the proposals, including the garage are to be finished in the same external finishing materials as that of the existing dwelling (brickwork and tiles), which is considered to be acceptable and can be secured by a planning condition.
16. The proposals are not considered to constitute over development of the site; the existing dwelling, proposed extensions and garage would not exceed 30% of the site as a whole, and therefore conform with the recommended guidance of SPG2, as set out in full above under Planning Policies.
17. The proposed extensions would also be sited to the rear with limited views from the street scene of The Crescent (to the front of the site) and wider areas including South View and Uraly Nook Road. In view of the above, the proposals are considered to be acceptable in this instance and do not adversely affect the visual amenity of the surrounding area.

Amenity of neighbouring properties

18. The proposed two storey extension to the rear would feature a maximum projection of approximately 3.2m and would therefore be subject to the 45 degree guidance on impact as set out in SPG2. The proposed single storey extension would project approximately 3.4m and would therefore be subject to 60 degree guidance on impact as set out in SPG2. Both the 45 and 60 degree guidance rules are set out in full above. After applying both of these from the nearest windows in the ground and first floor rear elevations of No 3 The Crescent, it is found that the proposals accord with this guidance.
19. The proposed two storey extension would not project beyond the existing two storey off shoot extension of the host dwelling. As a result, and owing to the orientation of the host dwelling and No 3 The Crescent (north), it is considered that the proposal will not result in an adverse loss of amenity and privacy for existing and future occupiers of No 3 in terms outlook, overlooking, overbearing and overshadowing.
20. The proposed single storey rear extension and approximately 2.3m high wall would be sited at an oblique distance of approximately 8m to the kitchen window in the ground floor side elevation of No 3. It is considered that the brick wall and the detached garage (serving No 3) would assist in screening views from the windows and doors in the ground floor rear elevation of No 3 from the bi-fold doors/windows within the rear elevation of the proposed extension. It is further considered that no direct views would be achievable between windows and doors in the rear elevation/west of the proposed extensions and windows in the side elevation of No 3.
21. In view of the above considerations, it is considered that the proposals, including the proposed 2.3m (approx.) high wall to the rear, will not result in an adverse loss of amenity and privacy for existing and future occupiers of No 3 including windows in the side elevation of No 3.
22. The side/south elevation of the proposed two storey and single storey extensions would be sited approximately 12.5m and 14m from the rear elevations of No's 9 and 10 South View respectively. A combination of outbuildings and boundary fencing is present along this rear boundary, including a pitched roof outbuilding measuring approximately 3m in height. With the exception of 1 bathroom window to be installed within the existing first floor side elevation, no other first floor side elevation windows are proposed and it is considered that no direct views would be achievable from windows and doors in the rear/west elevation of the proposal and windows in the rear elevations of No's 8-11 South View (inclusive).
23. With respect to the proposed first floor obscurely glazed window to be situated within the existing side elevation (indicated as serving a bathroom), this would achieve the requisite minimum separation distance (as set out in SPG2) from the rear elevations of the nearest properties along South View (south). In view of this distance (approx. 13m), a planning condition can ensure that this is obscurely glazed (and top hung opening).
24. In view of the above, it is considered that the proposals will not result in an adverse impact on the amenity and privacy of existing and future occupiers of neighbouring properties to the south along South View.
25. The proposals would achieve the requisite minimum separation distances to the nearest properties to the west of the site (as set out in SPG2) and the proposed extensions are not considered to result in an adverse impact on the amenity and privacy of these properties (West View and Layfield House).

26. The proposed extensions, 2.3m high wall and detached garage to the rear would be situated approximately 35m from the nearest properties to the front of the site along The Crescent. Owing to this separation distance and siting of the proposals, it is considered that the proposals will not result in an adverse impact on the amenity and privacy of these properties.
27. With respect to the proposed garage, the proposal would primarily project along the rear boundaries with No 3 The Crescent (north) and West View (west). The proposal would project beyond the detached garage serving No 3, which has also been extended to provide a garden room (measuring approximately 3.2m in height with a dual pitched roof) that is served by French doors in the rear/west elevation (there are no known planning records for this). Although No 3 The Crescent is served by a garden area beyond the detached garage/summer room at the far end of the rear garden of this property, the proposal would be situated at an oblique separation distance of approximately 12m from the rear elevation of No 3 The Crescent and approximately 10m from the immediate rear garden serving this property. The detached garage and attached garden room serving No 3 would also assist in breaking up views to the proposed garage when viewed from the rear elevation and immediate garden area of No 3 The Crescent.
28. The proposed garage would also be set in from the rear/west boundary by approximately 0.2m (minimum) - 0.5m (maximum) and approximately 3m from the bedroom window in the rear/south elevation of West View. The proposal would be sited approximately 20m from the nearest properties to the south including 10 and 11 South View and Layfield House.
29. Members will be aware that 'Fall back' is a material planning consideration but must be rationalised. Planning Case Law notes that "*the weight to be given to it includes the real likelihood of any fall back actually being exercised in the event of a refusal*". The main element of the proposed garage, with the exception of the parapet wall design at the front of the garage (max. height approx. 2.9m x 0.25m in depth), would feature a maximum height of 2.5m, which accords with the provisions of permitted development.
30. Taking into account the above considerations including separation distances and the main element according with the accepted parameters (and impacts) of permitted development, it is considered that on balance the proposed garage will not result in an adverse impact on the amenity of surrounding existing and future neighbouring properties in terms of outlook, overbearing and overshadowing.
31. Furthermore as the proposal will serve a non-habitable extension and in view of the existing boundary treatments and separation distances, it is considered that the proposal will not result in an adverse loss of privacy for existing and future occupiers of surrounding properties.

Highway safety

32. The Head of Technical Services has raised no objections to the scheme commenting that the requisite in curtilage car parking can be achieved to design guide standard subject to the widening of the existing driveway and provision of a dropped kerb. Whilst the retention of a garden area and boundary wall are clearly preferable from a visual perspective, the requisite hard standing works (and partial removal of front boundary wall) could be undertaken under permitted development to which the Local Planning Authority would have no such control. Subject to the implementation of the scheme, which can be secured by condition, it is considered that the proposal will not result in a loss of highway safety or increase in on street car parking.

Residual matters

33. With respect to the proposed garage to the rear, this application relates to domestic extensions and the erection of a wall to a domestic property. Whilst concerns of a potential future business for car repairs being set up are noted, there is no evidence to support these assertions and therefore this is not a material planning consideration for this application.
34. Anomalies on the original submitted plans have been corrected through the submission of revised plans, which are considered to be acceptable.
35. Right to Light relates to separate legislation whilst there is no right to a view and these are not material planning considerations.

CONCLUSION

36. It is recommended that the application be Approved with Conditions for the reason(s) specified above.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551**

WARD AND WARD COUNCILLORS

**Ward Eaglescliffe
Ward Councillor Councillor A L Lewis**

**Ward Eaglescliffe
Ward Councillor Councillor Mrs M. Rigg**

**Ward Eaglescliffe
Ward Councillor Councillor Phillip Dennis**

IMPLICATIONS

Financial Implications: As report.

Legal Implications: As report

Environmental Implications: As report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report. The detailed considerations within this report take into account the impacts on neighbouring properties, visitors to the area, pedestrians and other relevant parties responsible for; or with interests in the immediate surrounding area. Consideration has been given to the level of impact and mitigating circumstances with conditions being recommended to reduce the impacts of the scheme where considered to do so.

Community Safety Implications:

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