

DELEGATED

AGENDA NO
PLANNING COMMITTEE

10th June 2015

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

15/0481/FUL

12 Jasmine Fields, Kirklevington, Stockton-On-Tees

Proposed two storey rear extension, 2.4 metre high boundary wall to rear and 2 metre high western boundary wall.

Expiry Date 11th June 2015

SUMMARY

The proposal is for a two-storey extension to the rear, the replacement of the 1.8 metre high fence surrounding the rear and eastern boundary of the property with a 2.4 metre high wall and a 2 metre wall on the western boundary. The two-storey extension will project 5.6 metres with a width of 4 metres and will provide a ground floor sunroom and a bedroom extension on the first floor.

Since the initial plans were submitted, the applicant has removed from the proposal the 1 metre high railings around the front boundary and reduced the height of the proposed wall around the rear and eastern boundary from 3 metres to 2.4 metres.

There have been 11 objections received from neighbouring properties (which include additional comments received on the revised plans), these are detailed within the report, with the main issues including damage/removal of the neighbouring hedge, visual impact of the wall and render finish, loss of privacy/overlooking/overshadowing, overdevelopment of the site and noise and disruption during build. No objections have been received from Ward Councillors or the Highways, Transport and Environment Manager.

Notwithstanding the objections received it is considered that the proposed development is visually acceptable and has no significant impacts on amenity or highway safety.

RECOMMENDATION

That planning application 15/0481/FUL be approved subject to the following conditions and informatives and subject to :-

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

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SN/15/003/006B</i>	<i>15 April 2015</i>
<i>SN/15/003/002/C</i>	<i>15 April 2015</i>
<i>SN/15/003/004</i>	<i>24 February 2015</i>
<i>SN/15/003/003</i>	<i>24 February 2015</i>
<i>SN/15/003/001</i>	<i>24 February 2015</i>

Reason: To define the consent.

- 02. Notwithstanding the submitted drawing (SN/15/003/006/B) the proposed window on the west side elevation of the original dwelling shall be obscurely glazed to a minimum level 4 with the obscure glazing being retained for the lifetime of the development.**

Reason : To ensure a satisfactory form of development.

- 03. Notwithstanding the submitted plans, prior to the construction of the rear boundary walls, the colour of the render for the external boundary walls shall be submitted to the Local Planning Authority for prior approval.**

Reason: To ensure a satisfactory form of development

INFORMATIVES; Working Practices

The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions

Informative 2

The applicant is advised that the following works should not be undertaken under any circumstances:

- No fires shall be lit or allowed to burn within 3 metres of the hedge;
- No materials shall be stored within the 3 metres of the hedge;
- No mixing of cement or use of other materials or substances shall take place within the 3 metres of the hedge;
- No unauthorised trenches shall be dug within the 2 metres of the hedge;

BACKGROUND

1. Previous planning permissions for the property have included;
 - Alteration of the garage roof space into a habitable room – approved in November 2007 (07/2584/FUL)
 - Extension to the existing canopy to the front, chimney stack to the side, single storey extensions to the side and rear, installation of dormer window in garage (upper floor to be used as games room/study) replacement roof tiles and proposed wall between house and garage – approved in May 2014 (14/0564/FUL)
 - Single storey extension to the rear – approved in September 2014 (14/1858/FPD).

SITE AND SURROUNDINGS

2. The following property, 12 Jasmine Fields is a detached property located towards the end of a cul-de-sac in a modern housing estate in Kirklevington. The western boundary is shared with a detached property being 14 Jasmine Fields and towards the southern boundary are detached properties being 7 and 9 Jasmine Fields. The eastern boundary is shared with 10 Jasmine Fields and the equestrian centre stables with the associated fields and arena area for the equestrian centre is located along the northern boundary. There is a change in levels within the applicant's rear garden with a gradual downward slope of approximately 0.5 metres to the rear boundary (north).

PROPOSAL

3. The proposal is for a two-storey extension to the rear and a 2.4 metre high wall around the northern and eastern rear boundary and a 2 metre high wall along the western rear boundary.

Since the original submission the proposal has been amended to remove the proposed 1 metre high railings around the front garden area and the height of the northern and eastern boundary wall has been reduced from the initial 3 metre height to 2.4 metres. The west side boundary wall will be brick work and the rear and east boundary wall will be rendered and painted.

4. The two-storey extension will project 5 metres with a chimney stack on the rear elevation of the extension which means the total extension projection to 5.6 metres. The width of the extension will be 4 metres. There will be no windows located on the west side elevation with two first floor windows on the rear elevation. On the east side elevation there will be a first floor window and set of bi-folding doors located on the ground floor. The extension will be utilised as a sunroom on the ground floor and an extension to the bedroom on the first floor. The submitted plans show an obscurely glazed window on the west side elevation of the original property.

CONSULTATIONS

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

Highways Transport and Environment - No objections to the development as there are no impacts on parking provision. The reduced height of the wall (2.4m) is considered to be acceptable, as is the proposed render finish and brickwork which would match the existing dwelling.

PUBLICITY

6. Neighbours were notified and 11 objection comments were received from the following addresses and are summarised below:-

1. Mr Keith Adams, 3 Springfield Grove Kirklevington
2. Mr William Adams, Hillcot Thirsk Road
3. Mr Andrew Anderson, 14 Jasmine Fields Kirklevington
4. Mr P Whatmore, 10 Jasmine Fields Kirklevington
5. Mr and Mrs Elston, 8 Jasmine Fields Kirklevington
6. Mrs Sheila Benzie, 6 Jasmine Fields Kirklevington
7. Mr Arthur Larry, 9 Jasmine Fields Kirklevington
8. Mrs Elizabeth Lupton, 71 Glaisdale Road Yarm
9. Mrs Laura Lodge, 8 Clarence Road Eaglescliffe
10. Mr Craig Norman, 4 Hall Moor Close Kirklevington
11. Mr Jack Adams, 33 Angrove Close Yarm

Objection comments in summary relate to :-

1. Damage/removal of the neighbouring hedge
2. Visual impact of the wall and render finish
3. Safety concerns for horses utilising adjacent livery/arena area
4. Restrictive covenant on drains running through site
5. Encroachment of boundary wall on neighbouring properties
6. Lack of consultation for adjacent land owners
7. Set a precedent
8. Loss of privacy/overlooking/overshadowing, loss of light.
9. Overdevelopment of the site
10. House is for sale so proposal is a development opportunity
11. Noise and disruption during build
12. Not in keeping with policy HO12
13. Railings out of character with open plan estate
14. Financial loss to neighbouring properties.

PLANNING POLICY

7. 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.

8. 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
9. 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.

Paragraph 17 '...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'

Paragraph 19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system

Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning

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

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

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 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

Supplementary Planning Guidance 2- Householder Extension Guide (relevant extracts)

2.7. 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 neighbouring property. Where a side extension would face the side 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.'

Rear Extension

6.2 "... Any extension which project further than 3 metres will be subject to the 45 and 6 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 guidance'. This is simply a line drawn at 60 degrees from the centre of the 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.

MATERIAL PLANNING CONSIDERATION

10. The main considerations with this proposal are the effects on the privacy and amenity of the neighbouring properties, the effect on the character and appearance of the street scene, the effect on highway safety.

Amenity;

11. The National Planning Policy Framework (NPPF) comments within paragraph 17 that one of the overarching roles of the planning system is that any new development should "Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings". In addition saved local plan policy HO12 states that all

extensions to dwellings should "...avoid any significant loss of privacy and amenity for the residents of neighbouring properties."

14 Jasmine Fields.

12. The western boundary is shared with a detached property being 14 Jasmine Fields. The neighbours detached garage and driveway is sited between the side elevations of both properties. There are no windows proposed on the western side elevation of the extension with an additional obscurely glazed first floor window proposed on the side of the original dwelling. The additional window on the existing side elevation requires permission as the permitted development rights were removed under the original planning approval for the property. Whilst an objection comment has been received from the neighbours regarding the impact of the window on their privacy, the proposed window will be obscurely glazed to level 4 and be sited a minimum of 13 metres from the side of 14 Jasmine Fields. In addition, due to the orientation of both properties the window will be positioned at an angle to the neighbour's rear garden area and is not considered to have a significant impact in terms of loss of privacy or overlooking to these neighbours. A planning condition is recommended to secure these details.
13. The two-storey extension will be sited to the east and will be a minimum of 12 metres from the main dwelling at 14 Jasmine Fields and a minimum of 6 metres from their garden boundary. With the extension projecting over 3 metres it is subject to the 45 degree rule guidance set out in SPG2 in terms of potential overbearing impact and the the proposal accords with this guidance and is not considered to have a significant impact in terms of overbearing or loss of light on these neighbours.
14. The proposal also includes the replacement of the 1.8 metre high close boarded fence with a 2 metre high brick wall, which is located to the west side of the applicant's property. If permitted development rights had not been removed from the estate as part of the original planning permission, a 2 metre high fence/wall could have been constructed in this location without requiring planning permission and any such impacts as a result of the increased height are not considered to have a significant impact.

10 Jasmine Fields

15. Part of the eastern boundary of the property is shared with 10 Jasmine Fields. The applicant's garage and driveway is sited towards the shared boundary with these neighbours. An objection comment has been received from these neighbours in terms of the potential loss of privacy from the two-storey extension. The proposed extension will have a window and set of French doors located on the east side elevation which will face towards the rear garden of these neighbours, however, they will be sited a minimum of 19 metres from the neighbours rear garden boundary and due to the separation distance which will remain, the proposed development is not considered to have a significant impact in terms of loss of privacy and overlooking, loss of light or would appear overbearing to these neighbours.
16. The proposal includes a 2.4 metres wall along the eastern and rear (northern) boundary of the property which will be visible from the neighbour's rear garden area. The proposed boundary wall will not adjoin the boundary with these neighbours and as such there is considered to be no impact in terms of loss of light, overbearing or loss of privacy from the height of the boundary wall.

Livery Yard

17. The northern boundary of the property and part of the eastern boundary is shared with the Livery yard and the horse riding arena area. The proposed two-storey extension will be sited a minimum of 9 metres from the shared boundary and as such is not considered to have any impact on the amenity of the users of the livery yard. The proposed 2.4 metre high wall will be sited along the shared boundary and is a replacement of the existing 1.8 metre high fence. The increase in the height of the boundary treatment is not considered to have any significant

impact on the users of the livery yard/arena area. The proposed wall will not encroach on the neighbouring boundary and there is no plans to remove the hedge which sits on the neighbour's side of the boundary. Although the hedge is not protected the foundations for the wall would not significantly damage the hedge and an informative is added with regards to the storage of materials during construction of the wall to prevent any potential impact on the hedge.

Character and Appearance

18. Although objectors may consider that the proposal is not in keeping with policy HO12 of the Stockton on Tees Local Plan, the property is a modern detached property which is situated towards the end of a cul-de-sac and there are a mixture of house types within the existing street scene which includes detached two-storey properties and detached bungalows with both detached and integral garages. The proposed two-storey extension will be sited to the rear of the main dwelling and has a pitched roof design that matches the original pitched roof of the main dwelling. The brick work, roof tiles and the window design for the extension match those of the original dwelling and the design and materials for the extension are considered to match the original property and the character of the properties within the street scene. There will still remain over two thirds of private amenity space left available to the applicant which accords with the guidance set out in SPG2.
19. In terms of the proposed walls, a wall of 2 metres in height is generally classed as permitted development and would not require any permission. Although in this instance permission is required, the 2 metre wall along the western boundary is therefore considered to fit in with the character of the street scene. The wall adjacent to the livery yard increases to 2.4m and is located in the rear garden area of the property, other external views of the wall are considered to be limited and it is considered to fit in with the character of the original estate, a condition is recommended to secure final details on the colour of the render to ensure the proposal fits in with the character of the existing property and the street scene.

Highway Safety

20. The proposed extension will increase the size of the one of the original bedrooms at the property but will not increase the overall number of bedrooms or the parking provision at the property. The Highways Transport and Environment Manager has commented that they have no highway objections to the proposal.

Residual matters

21. Several objection comments have raised concerns regarding horse safety issues as a result of the wall being located along the boundary with the livery stable and the arena, particularly if the buffer hedge is to be removed. Whilst noted the proposal does not include the removal of the existing hedgerow which will still act as a buffer area and as such the replacement of the fence with a wall is not considered to have any additional significant impact to horse safety.
22. An objection comment regarding encroachment on the boundary with the neighbours at 14 Jasmine Fields is noted. However, the proposed wall is to be sited in the same location as the existing fence and issues in terms of the location and possible encroachment are a civil matter between both parties and not a material planning consideration. Nevertheless, the agent for the applicant has confirmed that the proposed boundary wall will not encroach the neighbour's property.
23. The lack of consultation for the neighbours to the north has been raised; however, the Livery stables were consulted following the site visit for the required statutory 21 day period on the submitted plans.
24. In terms of setting a precedent each planning application is considered on their own merits and against the relevant planning policies. Issues surrounding covenants are civil matters which are

not material planning considerations that form part of considerations for this application.
Equally any potential impacts on property value are also not a material planning consideration.

CONCLUSION

25. In light of the above assessment, it is considered that the proposed development is visually acceptable and has no significant impacts on amenity or highway safety. The proposal therefore accords with CS2 and CS3 of the adopted Core Strategy and saved local plan policy HO12 and is recommended for approval.

Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Debra Moody Telephone No 01642 528714

WARD AND WARD COUNCILLORS

Ward Yarm
Ward Councillors Ben Houchen, Elsi Hampton & Julia Whitehill

IMPLICATIONS

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

Stockton on Tees Local Plan Adopted 1997
Core Strategy – 2010
Supplementary Planning Guidance Notes
SPG2 - Householder Extensions
Supplementary Planning Documents
SPD3 – Parking Provision for Developments