

DELEGATED

AGENDA NO  
PLANNING COMMITTEE

22<sup>nd</sup> July 2015

REPORT OF CORPORATE DIRECTOR,  
DEVELOPMENT AND NEIGHBOURHOOD  
SERVICES

15/0373/FUL

82 Darlington Road, Stockton-On-Tees, TS18 5EY  
Erection of 1.no detached two-storey dwelling-house

Expiry Date: 9 April 2015

**SUMMARY**

Planning permission is sought for the erection of a single detached 2 storey dwelling within the front garden of an existing property on Darlington Road, Hartburn. Permission was previously refused in 2011 for the erection of a dwelling on the same site.

A number of objections and support comments have been received mainly revolving around the impacts on the character of the area, on residential amenity and access and the benefits brought by the provision of new housing.

The proposed dwelling is located in a residential area in the limits of development and the principle of development is established under these circumstances. The site is also defined under Emerging Policy as being within a character area.

Although adequate access and parking is provided to the site as agreed by the Highways, Transport and Environment Manager, and although the scale and style of the property are generally in keeping with the surroundings, the property would be positioned in a manner which would dominate the frontage of the site, would be in close proximity to adjacent properties would suffer from a degree of overlooking and would have an awkward relationship with an existing boundary to the front of the site.

**RECOMMENDATION**

**Planning application 15/0373/FUL be refused for the following reasons;**

***Over development & impact on existing pattern of development***

- 01. By virtue of the scale of the proposed dwelling, its proximity to surrounding properties and adjacent driveway boundary, and the scale of the property to the rear which would lose its open front aspect, in the opinion of the local planning authority, the proposed development would result in an overdevelopment of the site, would be out of keeping with the local settlement pattern and would have an adverse and detrimental relationship with existing dwellings, being contrary to saved Local Plan Policy HO3 and the guidance contained within the National Planning Policy Framework (para. 58).*

### **Lack of future amenity**

02. *The proposed dwelling is positioned in close proximity to existing properties to the rear and side of the site which will overlook the site to the front and rear. In the opinion of the Local Planning Authority, this close relationship will prevent adequate levels of privacy being achieved for the future occupiers of the site and would result in a permanent sense of overbearing on the future occupiers of the property, contrary to the guidance of the National Planning Policy Framework (para. 17).*

## **INFORMATIVES**

### **Informative 1: Working Practice**

*The Local Planning Authority considers the submitted details unsatisfactory but fully explored whether the scheme could be modified to be considered acceptable and thereby worked in a positive and proactive manner in dealing with the planning application*

## **BACKGROUND**

98/1628/P

First floor extension to side and front

Approved 17th November 1998

05/0866/OUT

Outline application for single detached dwelling and attached garage with associated driveway on land to the rear of 82 Darlington Road.

Refused 15th June 2005

07/1598/X

Application to lop and remove overhanging branches from 11 no. trees

Approved 20th July 2007

07/2060/FUL

Creation of new entrance and driveway to building plot to rear of 82 Darlington Road

Approved 8th October 2007

08/0289/FUL

Erection of 1 no detached bungalow (to rear of 82 Darlington Road)

Approved 6th May 2008

11/1508/FUL

Application for erection of detached dwelling (same site as current application)

Refused 26th August 2011 for the following reasons;

#### *Reason 1:*

*In the opinion of the local planning authority the development is considered to be an overdevelopment of the Greenfield garden site for which there is no presumption in favour of development in policy terms or justification on grounds of need for such intensification of housing development and it is therefore contrary to Stockton-on-Tees Borough Council Core Strategy Development Plan March 2010, Stockton-on-Tees Local Plan Saved policy HO3 and Government guidance in PPS3 Housing June 2010 and Supplementary Planning Guidance Note 2: Householder Extension Guide February 2004.*

#### *Reason 2:*

*In the opinion of the local planning authority the location and layout of the proposed development is not in keeping with the local settlement pattern and would have an adverse and detrimental relationship to the host dwelling, surrounding development and the street scene contrary to*

*Stockton-on-Tees Borough Council Core Strategy Development Plan Document March 2010 policies and Stockton-on-Tees Local Plan Saved policy HO3 and Government guidance in PPS3 Housing June 2010.*

*Reason 3:*

*The location and layout of the proposed development would not allow adequate levels of privacy and amenity to be achieved for the future occupiers of the dwelling unit and would result in a loss of privacy and amenity and a sense of overbearing for the residents of adjoining residential properties contrary to Stockton-on-Tees Borough Council Core Strategy Development Plan March 2010, Stockton-on-Tees Local Plan Saved policy HO3 and Government guidance in PPS3 Housing June 2010 and Supplementary Planning Guidance Note 2: Householder Extension Guide February 2004.*

T00.8.5.17

Tree Preservation Order 16  
S2/1415 Confirmed

00.8.5.281

Tree Preservation Order 280  
S2/5203 Confirmed

00.8.5.676

Tree Preservation Order 676  
S2/674 Confirmed

## **SITE AND SURROUNDINGS**

1. The application site is located within an established residential area which is characterised by large properties within large curtilages, having mature landscaping within the plots and along the frontage, creating a greening affect. Property styles vary within the area and include smaller bungalows, as immediately adjacent, as well as much larger detached 2 storey houses.
2. The application site is part of an existing residential curtilage, subdivided previously through the construction of a dwelling to the rear which is now known as 82a Darlington Road and which has been provided with a separate driveway from Darlington Road. The existing property has a circular drive with central lawn area to the front along with a number of trees and other landscaping.

## **PROPOSAL**

3. Detailed planning permission is sought for the erection of a detached 4 bed dwelling with integral garage, new access, parking and associated gardens. The property measures approx. 10m x 10m in plan and 8m to ridge. The drawings indicate part brick, part rendered elevations with grey tiled roof.

## **CONSULTATIONS**

The following consultations were notified and comments received are summarised below:-

### Northumbrian Water Limited

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

### Environmental Health Unit

I have no objection in principle to the development, however, I do have some concerns and would recommend the following conditions be advisory on the development should it be approved.

#### Construction/Demolition Noise

I am concerned about the short-term environmental impact on the surrounding dwellings during construction/Demolition, should the development be approved. My main concerns are potential noise, vibration and dust emissions from site operations and vehicles accessing the site. I would recommend working hours all Construction/Demolition operations including delivery/removal of materials on/off site shall be restricted to 08:00 ' 18:00Hrs on weekdays, 09.00 ' 13:00Hrs on a Saturday and no Sunday or Bank Holiday working.

#### Northern Gas Networks

Raise no objections to the proposal although advised there may be apparatus in the area and requested the developer contact them.

#### Highways Transport and Environment

##### General Summary

The Highways, Transport and Environment Manager has a landscape and visual objection to this development in terms of overdevelopment of the site, for the reasons listed in the landscape and visual comments below. Whilst there is no highway objection, there are concerns over the drive arrangement and other comments relating to an existing street light and dropped crossing as detailed in the highway comments below.

##### Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, a 4-bedroom house should provide 3 in-curtilage car parking spaces. With internal dimensions of 4.8m x 5.1m the garage provides 1 space while the drive provides 2 spaces. The drive arrangement is not ideal as a car parked on the drive would have to block the shared access in order for another car to leave the garage; however it is insufficient grounds on which to object. It should be conditioned that the garage remains as parking.

There is a street lighting column in the vicinity of the proposed access that has not been shown on the submitted plans. Should the column need relocating to accommodate the new access this would have to be carried out at the applicant's expense. The redundant dropped vehicle crossing must be reinstated to kerb/footway/verge at the applicant's expense.

Informative: The applicant should contact Direct Services regarding the construction of the new dropped vehicle crossing and the reinstatement of the redundant dropped vehicle crossing.

##### Landscape & Visual Comments

The proposed development appears very similar in form to the one submitted as part of the planning application reference 11/1508/FUL, allowing for a proposed dwelling in the front garden of 82 Darlington Road and the following landscape and visual comments are made;

There was a landscape and visual objection to the previous application on the basis that it was not in keeping with the character of the local street scene and that the removal of the existing site vegetation would open up views of the site, with little space remaining within the development for replanting.

This new development has not addressed any of the landscape issues previously raised, allowing for very limited and unusable space for a front garden (under the retained Sycamore Tree T1), erosion of the local landscape character of houses with large gardens by placing a two storey dwelling in the front garden and removing much of the boundary vegetation including some small trees like the Yew (ref T2) and Sycamore (ref T7) within the site and mature shrubs on the eastern

site boundary which would open up views of the site with little room for any new planting to soften any development.

Therefore there remains a landscape and visual objection to this development in terms of overdevelopment of the site for the reasons listed above.

## **PUBLICITY**

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

### **Greig Cowley, 90 Harlsey Road Hartburn**

With reference to above application I feel this would be a much needed property due to shortage of detached houses in the local area.

The property style suits others in the locality and I feel the property would sit well in its surroundings despite the property having been developed on once already.

This has my full support

### **Graham Abel, 3 Harlsey Crescent Stockton-on-Tees**

I wish to support the recent application for a detached two story house at 82 Darlington Road Stockton on Tees TS18 5EY submitted by Mr Paul Leng.

After carefully reviewing the detailed drawings and supporting statement I feel this dwelling will contribute to the residential surroundings on Darlington Road in Hartburn. If neighbours work together this type of development can only be of benefit, therefore minimising the green field developments which have a far more significant impact on wildlife and open space.

### **John Bates, 85 Darlington Road Stockton-on-Tees**

As residents of 85 Darlington Road, Hartburn, we are in full support of the proposed build of a detached two storey house at number 82. We have studied the drawings and plans and we think that the size of the existing plot would comfortably allow a build of this size, as the original house is quite set-back from the line of the surrounding houses. Darlington Road is full of character and we feel that another desirable property would only add to this.

### **Ryan Holey, 25 Hartburn Avenue Hartburn**

Hi please can I support this application.

### **J Pattison, 10 Kenton Close Stockton-on-Tees**

Objects to further over development of the site. The previous development at the rear has seriously damaged flora and fauna which had been abundant. The impact on adjacent properties will be dramatic and not in keeping with the area as it was originally intended.

### **Mr Graham Reeves, 2 Kenton Close Stockton-on-Tees**

We would like to make representation in respect of our objections to the planning application 15/0373/FUL, Mr Paul Leng 82 Darlington Road.

The following points below lay out the reasons for the representation and are following the same lines as our objection previously in 2011 for a single story application, the new one being two storey, creating even more intrusion and also of June 2010.

The property in question has already been considerably extended and has already had an additional property built to the rear, granted on appeal.

The intended plot size would make access/egress difficult. As the driveway will now give access to two properties, increased car ownership will increase the noise disruption to our property. Current planning regs require spaces for three cars. This will make a potential six cars using the same

driveway, as well as the cars currently using the new driveway from the property to the rear of 82 Darlington Road.

A new build property would damage the relationship with existing buildings viewed from Darlington Road and Kenton Close. It would block the view of a period property from Darlington Road, destroy a period feature in the driveway entrance, which will impact on the character of the surrounding area.

Increased occupancy on the site would have traffic implications on Darlington Road. A plot designed for one dwelling to access this road, already has two.

This tree line is used by many species of wild birds, amphibians including newts and toads. Foxes and bats also inhabit the area. Increased development would have a detrimental effect on this. Our planning application of 8 years ago was turned down as the view from Darlington road would be interrupted. This was only for a full dormer. This proposal will put a new house in the same viewing line.

The proposed plan will greatly reduce the aesthetic style and appeal of our rear garden and have implications to the privacy of my property, greatly reduce natural light which is currently restricted by weeded trees, which in turn will affect any potential market value of my property. Any side facing windows will also have privacy implications for our bedrooms and bathrooms. Garden grabbing legislation is in place.

The purchase of our property in 2007 was done with the intention of living in a green belt area. The proposed plan would mean our property would back on to a four bedroom two storey property, hardly green belt. This proposed development will in no way be sympathetic to the surrounding housing stock and will damage the sense of community within the area. How many more times will this area have to object to planning permission of this nature.

Mrs Jodene Schofield, 20 Harlsey Crescent Stockton-on-Tees

The development of the land to the front of 82 Darlington Road has no impact on ourselves whatsoever therefore we have no objections.

Mrs Bernice Turnbull, 4 Kenton Close Stockton-on-Tees

We live at 4 Kenton Close, a bungalow with a tiny, shallow rear garden of only 5.5 meters, close to, and South/East of the proposed development. We are already fully aware of the detrimental impact the proposed building will have as we are already subjected to the results of a large extension built on Mr. Leng's house which stands only one meter from our boundary. This significantly reduces our outlook and completely blocks sunlight from the south and west. The proposed building would further impact on our outlook to the North/West and we would lose our treasured privacy when overlooked by 3 first floor and further ground floor windows. We believe that this development is unacceptable. It would further increase the property density of our surroundings. A large imposing new building in such close proximity to smaller properties would clearly have a permanent detrimental effect on ourselves and our neighbours.

M Craig, 6 Kenton Close Stockton-on-Tees

The property has already been considerably extended, and my property is considerably overlooked. The proposals would make access difficult and the increased traffic will increase noise and congestion. The scheme will damage the relationship with existing buildings and block the view of the period property and destroy a period feature of the driveway which will impact on the character of the area. The additional property would have implications on the access to Darlington Road. Increased development would have a detrimental impact on wildlife.

Mrs Lynsay Hughes, 67 Darlington Road Stockton-on-Tees

We do not agree to the planning application as this will have a detrimental affect on property's around the area.

We think this will change the whole out look of Darlington Road as most of the houses are set back.

We also feel that local councils should not allow residents to build houses in front or back gardens including drive ways.

Jonathan Harker, 69 Darlington Road Stockton-on-Tees

Paul Leng has asked me to provide you with our opinion on the proposed new dwelling in the front garden of 82 Darlington Road.

We are located directly opposite the site on the other side of the road.

Paul has met with us and we have discussed the plans that have been submitted.

Our only concern which we voiced with Paul is the importance of preserving the large Beech tree on the front of the plot, which provides the street with character, and has done so for 100's of years. Paul has assured us that provisions have been made to safeguard this tree, and therefore we have no objections to the application.

Pamela And David Hill, 75 Darlington Road Stockton-on-Tees

Please be advised that we the residents of no: 75 Darlington Road, Hartburn are in support of the above planning application.

Mr Peter King, 78 Darlington Road Stockton-on-Tees

I am concerned that the erection of the proposed two story property will be detrimental to the area and have an impact upon the properties in the immediate vicinity. The bungalows located in Kenton Close have only small and narrow rear gardens.

The proposed development will result in the privacy and light to these properties being severely restricted.

Mrs Kathy Gourlay, 82A Darlington Road Stockton-on-Tees

We have looked at the application and plans for the proposed erection of a detached dwelling house at 82 Darlington Road TS18 5EY. We have no objection to the development.

Mr M Younis, 84 Darlington Road Stockton-on-Tees

This is not good for the local area and the council should not be allowing residents to build houses in back gardens or front driveways. We feel that this will have a detrimental effect, not only for ourselves, but for the surrounding properties also, as we all pride ourselves of this being a nice neighbourhood, with large gardens and greenery that we can all enjoy. With a subsequent new build, now upon his front garden, I do feel that this will change the whole outlook of the road and the added noise that will accompany this is worrying. Not only through the construction works but in the years to come with an additional home built upon an area that was deemed only for a garden.

**PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

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

### ***National Planning Policy Framework***

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

For decision-taking this means:

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

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

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

### ***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 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***

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non-domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.

4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.

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

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;



- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

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

9. New development will be directed towards areas of low flood risk, that is Flood Zone 1, as identified by the Borough's Strategic Flood Risk Assessment (SFRA). In considering sites elsewhere, the sequential and exceptions tests will be applied, as set out in Planning Policy Statement 25: Development and Flood Risk, and applicants will be expected to carry out a flood risk assessment.

10. When redevelopment of previously developed land is proposed, assessments will be required to establish:

- \_ the risks associated with previous contaminative uses;
- \_ the biodiversity and geological conservation value; and
- \_ the advantages of bringing land back into more beneficial use.

***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.

***Regeneration and Environment Local Plan – Publication Draft  
Policy HE2 – Conserving and Enhancing Stockton's Heritage Assets***

1. The Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment which describes the significance of the asset(s) affected, including any contribution made by their setting. Applicants are required to detail how the proposal has been informed by this assessment.
3. Development proposals will conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance.
4. The following designated heritage assets are of considerable significance:
  - a. Scheduled Monuments- Castle Hill; St. Thomas a Becket's Church, Grindon; Barwick Medieval Village; Round Hill Castle mound and bailey; Larberry Pastures settlement site; Newsham Deserted Medieval Village; Stockton Market Cross and Yarm Bridge;
  - b. Registered Parks and Gardens- Ropner Park and Wynyard Park;
  - c. Conservation Areas- Billingham Green; Bute Street; Cowpen Bewley; Eaglescliffe with Preston; Egglecliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm;
  - d. Listed Buildings
5. The Council have identified the following heritage assets as they are of local significance:
  - a. Character Areas- Oxbridge Lane; Junction Road; Durham Road; Darlington Road; Yarm Road, Stockton; Thornaby Airfield; Yarm Road (North), Eaglescliffe; Yarm Road (South), Eaglescliffe; The Spital/Leven Road and Leven Road;
  - b. Assets on the Local List.
6. Stockton to Darlington railway of 1825, the branch line to Yarm and

associated structures are should be considered for their international interest.

7. Where the Council identify a building, monument, ruin, site, place, area or landscape as having significance because of its heritage interest it will be considered a heritage asset.

### **Policy HE3 - Character Areas**

1. Within Character Areas the Council will support development which:

- i) Maintains or enhances the overall character and appearance;
- ii) Respects the built form of the area in the widest sense;
- iii) Is high quality, inclusive in design and layout; and
- iv) Protects and integrates any trees, archaeological or other landscape features, which contribute to the distinctive character of the area.

2. The development of new dwellings within residential gardens will be resisted to protect the overall character and distinctiveness of the Character Areas.

### **MATERIAL PLANNING CONSIDERATIONS**

4. The site is located within the limits of development as defined within the saved Policies of the Local Plan, in a residential area at a sustainable location, being in close proximity to a range of services. The council is unable to demonstrate a deliverable supply of housing and in line with government guidance the Local Planning Authority is unable to place weight on existing housing supply policies within its plan whilst the NPPF has a presumption in favour of sustainable development. In view of these matters, the principle of development is considered to be in accordance with relevant policies and guidance.
5. The main planning considerations of this proposal relate to the scale and appearance of the proposed dwelling, its impacts on the character of the surrounding area, the impact on nearby dwellings as well as the provision of access and parking. The site has also been subject of a previous refusal. These and other material planning considerations are considered as follows;

### ***Scale and appearance of dwelling and impacts on character of the area***

6. The application site is located within a 'Character Area' as designated under emerging Policy HE2 of the Regeneration and Environment Local Plan (Publication Draft) which defines it as a heritage asset. Emerging Policy HE3 indicates support for development which maintains and enhances the overall character and appearance of such areas, which respects the built form and provides a high quality layout. It further indicates that the development of new dwellings within residential gardens will be resisted to protect the overall character and distinctiveness of the Character Area. Within the Council's document '*Townscape Character Areas in Stockton on Tees Borough, LDF Background Study – August 2010*', the character area of Darlington Road is defined (see appendix. ref: 10). The document defines the character area as one which is made up of predominantly large two storey detached properties set within generous plots although recognises that there are a number of semi-detached and one storey detached properties scattered along the street. It further indicates that the predominant building palette within the character area is red brick; however render and other materials being present. Spacing between properties within the character area is highlighted as being fairly extensive. The Townscape Study advises that any development should respect the scale, massing and separation of buildings and plots and that any departures from the building line should not be supported.

7. The previously refused dwelling on the site under application 11/1508/FUL measured 11m x 7m in plan (main part), with projecting sections to the front and rear, an overall floor area of approx. 194sqm and max. height of 7.4m to ridge. The two storey dwelling proposed measures approx. 10m x 10m in plan, and is shown having a pyramid shaped roof (dual hip), brick and render walls and grey tiled roof. The proposed dwelling is more of a block design being 10m x 10m in plan, having an overall floor area of approx. 202sqm and a max. ridge height of 8m. The proposed dwelling is therefore slightly larger than the previously refused dwelling.
8. There is a mix of property styles and sizes in the surrounding area which include both render and brick elevations and in view of there being no set vernacular, the proposed design is considered to generally reflect the local area.
9. The proposed site is laid out having 2 parking spaces at the front, a rear garden of 7.5m and set in from the side boundaries by 1.2m. Existing properties lie to either side and the rear. Spacing would be as follows;
  - Between 17.5m and 21m between the rear elevation of the proposed dwelling and the front elevation of the house to the rear.
  - Approx. 7.5m from the side elevation of the proposed dwelling and the side elevation of 84 Darlington Road with a private drive and mature trees in between.
  - Proposed dwelling set approx. 4m in front of 84 Darlington Road.
  - 2 Kenton Close (dormer bungalow to side) set at right angles to the proposed dwelling, having its rear elevation facing the side elevation of the proposed dwelling.
  - Proposed dwelling set approx. 3.5m further back from Darlington Road than the side elevation of 2 Kenton Close,
  - Side elevation of proposed dwelling within 8m of the nearest part of the rear elevation of 2 Kenton Close.
10. This proposal would notably fill the gap which currently exists to the front of the existing dwelling of 82 Darlington Road at a point where the two adjacent properties lie in close proximity to the site boundaries. In addition there are large trees within this area which further reduce the openness and impact on the extent to which the proposed dwelling would dominate the sites frontage. These matters are compounded by the existing large detached dwelling of 82 Darlington Road being only 17.5m (at its closest) from the rear of the proposed dwelling. It is considered that having such a large property to the rear of the proposed dwelling and within such close proximity along with other existing properties to the side will result in an awkward and visually cramped layout, regardless of all properties having private outdoor amenity space.
11. The proposed dwelling would have a front garden of limited size with a private drive either side and its own drive taking up the majority of the frontage. This would be a notable change to the character of the immediate surroundings which is generally of larger front gardens and spacious drive arrangements.
12. The proposed layout shows the proposed properties living room window within 1m of the boundary with the private drive serving 82a Darlington Road which steps out across the front of the property. This relationship would result in the property appearing to be 'squeezed' into the plot.
13. The Highways, Transport and Environment Manager has indicated that the proposed development appears very similar in form to the one refused permission under application 11/1508/FUL, where there was a landscape and visual objection on the basis that it was not in keeping with the character of the local street scene and that the removal of the existing site vegetation would open up views of the site, with little space remaining within the

development for replanting. The Highways, Transport and Environment Manager considers this new proposal has not addressed any of the landscape issues previously raised due to;

- Very limited and unusable space for a front garden which would be (under a protected Sycamore Tree),
- Erosion of the local landscape character (houses with large gardens)
- Removing boundary vegetation including some small trees and mature shrubs, opening up views of the site with little room for any new planting to soften the development.

14. In view of these matters it is considered that the proposed development is contrary to saved Local Plan Policy HO3, Core Strategy Policy CS3 and the NPPF which generally require residential development to be sympathetic to the character of the locality and accommodate important features within the site.
15. This proposal neither maintains nor enhances the character of the area along Darlington Road which is defined mainly by large properties in large curtilages and subsequently does not protect its distinctiveness. As such, the proposed development would also be contrary to the emerging policy HE3, although, being at publication draft stage this matter is not being given sufficient weight to be a stand-alone reason for refusal of the scheme. Notwithstanding this, the character of the area remains to be affected and is a general consideration of Policies HO3, CS3 and the NPPF.

#### ***Impact on nearby dwellings and future occupiers***

16. The rear elevation of the proposed dwelling is within between 17.5m and 21m of the front elevation of the existing dwelling to the rear. Both properties are relatively large and will have habitable room windows facing one another. The proposed dwelling is also in close proximity to existing properties either side. There are a number of windows within the side elevation of 84 Darlington Road serving bathrooms, utility room and a bedroom (secondary window) which will face the side elevation of the proposed dwelling. The side elevation proposed which would face this would contain two secondary living room windows at ground floor and a bathroom window at first floor. In view of there being an intervening driveway between these properties the nature of the elevations and windows and the distance between, it is considered that there would be no significant undue impacts on the privacy or amenity associated with 84 Darlington Road.
17. With regards to the adjacent dormer bungalow (2 Kenton Close), this is set at right angles to the proposed dwelling, having its rear elevation facing the site, being as close as 8m to the proposed dwellings side elevation. Dormers are within the roof at a greater distance. The existing bungalow looks out onto its own small rear garden approx. 5.5m in depth although having a window within it which is within an extended section and which is 2m off the rear boundary. This property would look across the side and front of the proposed dwelling and its associated driveway, resulting in the private garden and the windows within the rear elevation of the bungalow being affected by the new access and the comings and goings of future residents although a similar situation could occur were the existing drive re-configured under permitted development rights.
18. The proposed dwelling details a utility window at ground floor and shower room and en-suite room windows at first floor within the side elevation facing the bungalow that would be in close proximity to the rear of 2 Kenton Close. In view of the nature of these windows, it is considered that they would not unduly affect privacy for the occupiers of 2 Kenton Close although would create the perception of being overlooked.
19. Cumulatively, the proposed dwelling will be overlooked at the rear from the existing dwelling of 82 Darlington Road and to the front, side and rear by the adjacent bungalow of

2 Kenton Close and it is considered that due to the combined close relationship of these properties, the scheme would be unable to provide future occupiers with reasonable levels of privacy and would result in a permanent perception of being overlooked.

20. Although a number of objections have raised concerns over privacy and amenity in relation to existing properties, in view of the above considerations, it is considered that the proposed dwelling would not unduly affect privacy on surrounding properties.

#### ***Access and highway related matters***

21. The proposed development details a re-configured driveway to serve both the existing dwelling of 82 Darlington Road and the proposed dwelling. The proposed dwelling is shown having an integral garage and a drive to the front whilst the existing dwelling to the rear also has a garage and driveway.
22. The Highways, Transport and Environment Manager has indicated that a 4 bed dwelling should provide 3 in-curtilage car parking spaces, which is achieved by the proposed arrangement. Whilst manoeuvring in and out of the garage would require cars on the drive to be 'moved', the layout is considered to be acceptable bearing in mind vehicles would be manoeuvring within the private drive area and not onto Darlington Road.
23. The Highways, Transport and Environment Manager has indicated that the developer would need to contact the councils direct services team in respect to a street lighting column in the vicinity of the proposed access and the need for a new dropped kerb, an informative could be included to address these matters were permission to be granted. A number of objectors have raised concerns over the access, its intensification and the manoeuvring of vehicles within what is perceived to be a tight site, however, in view of the comments of the Highways, Transport and Environment Manager, it is considered adequate provision has been demonstrated.

#### ***Other Matters***

24. Northern Gas Networks have raised no objections to the proposal although advised there may be apparatus in the area and requested the developer contact them. An informative could be imposed to address this were it to be approved.
25. Core Strategy Development Plan Policy CS11 requires residential development to contribute to Open Space, Recreation and Landscaping as well as education and other such provisions. Based on government's guidance, this is no longer suitable to apply to single dwellings and as such no requirements have been imposed on this application.
26. Concerns have been raised over changes and loss in respect to flora and fauna and impacts on wildlife. Notwithstanding considerations over the impacts on character, the loss is limited in the wider context of impacts on flora, fauna and wildlife and as such it is considered impacts would be negligible given the existing use of the site and extent of development.
27. Supporters of the scheme indicated that there is a much needed demand for houses in the area which is reflected by the council being unable to demonstrate a 5 year supply of housing. Notwithstanding this, it is considered that the lack of a 5 year housing is insufficient reason in this instance to out-weigh the impacts of the scheme in other areas.
28. Core Strategy Development Plan Policy CS11 requires residential development to contribute to Open Space, Recreation and Landscaping as well as education and other such provisions. Based on government's guidance, this is no longer suitable to apply to single dwellings and as such no requirements have been imposed on this application.

29. Government's requirement for residential developments to be built to meet Level 4 of the Code for Sustainable Homes has recently been removed and as such, although Core Strategy Development Plan Policy requires properties to be built to Code 4 level, in view of the recent change, it is now recommended that such a condition is not imposed on this scheme.

## **CONCLUSION**

30. The proposed dwelling would result in a noticeable addition within the front garden of an existing property within close proximity to surrounding properties, which is out of character with the surroundings and which would result in a permanent perception of being overlooked by future occupiers. The proposed development is therefore considered to be an overdevelopment of the site and provides inadequate levels of privacy and amenity for future occupiers.

31. It is recommended that the application be Refused for the reasons specified above.

**Corporate Director of Development and Neighbourhood Services  
Contact Officer Mr Andrew Glossop Telephone No 01642 527796**

## **WARD AND WARD COUNCILLORS**

Ward Hartburn  
Ward Councillors Councillor Lynn Hall, Councillor Matthew Vickers

## **IMPLICATIONS**

### **Financial Implications:**

There are no known financial implications in determining this application.

### **Environmental Implications:**

Environmental implications are limited to site specific impacts of undertaking the development and removal of existing landscaping. These have an impact on the character of the area as detailed within the 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 report has considered the impacts on adjacent properties and their occupants and has taken into account any comments received. Impacts are detailed within the 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. The scheme provides adequate access and parking and as such there are no perceived implications for community safety.

### **Background Papers**

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

### **Emerging**

Regeneration and Environment Local Plan – Publication February 2015.

Townscape Character Areas in Stockton on Tees Borough LDF Background Study – August 2010.

**Supplementary Planning Guidance Notes**

Householder Extensions

**Supplementary Planning Documents**

SPD3 – Parking Provision for Developments

SPD6 – Planning Obligations