

DELEGATED

AGENDA NO
PLANNING COMMITTEE

25 NOVEMBER 2015

REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND NEIGHBOURHOOD
SERVICES

15/0828/FUL

1 Auckland Way, Stockton-on-Tees, TS18 5LG

Erection of 1.no detached dwelling to rear with new access from Green's Lane

Expiry Date: 6 November 2015

SUMMARY

Planning permission is sought for the erection of a 3 storey dwelling within an existing rear garden associated with no. 1 Auckland Way Hartburn. The rear garden sides Green's Lane and would gain direct vehicular access onto Greens Lane.

A number of comments of support and objection have been received.

Being in a residential area, the principle of development is acceptable, however, the scale of the proposed dwelling and its close proximity to boundaries with neighbouring properties is considered would result in the development being overbearing on adjacent properties and unduly affecting associated privacy and amenity.

The proposed dwelling would also be in close proximity to the protected Poplar trees to the front of the site which are particularly large and the close relationship between the two would be likely to place long term pressure for the removal of the trees to improve amenity for the future occupiers of the dwelling.

Although adequate parking and drainage could be achieved and the design style is considered acceptable, in view of the detrimental impacts on surrounding properties and the trees, it is recommended that the application be refused.

RECOMMENDATION

Planning application 15/0828/FUL be Refused for the following reasons

Impact on surrounding properties

In the opinion of the Local Planning Authority, the proposed development would, as a result of its scale and position relative to adjacent residential boundaries with 1 & 3 Auckland Way and 'The Poplars' on Greens Lane, and as a result of window positions, be unduly overbearing on adjacent properties and their garden areas and would result in either direct overlooking or the perception of being overlooked for occupiers of these existing properties to an unacceptable degree, being contrary to guidance contained with the National Planning Policy Framework paragraph 17.

Site provisions and amenity

In the opinion of the Local Planning Authority, the proposed development would be in too close proximity to the protected trees along the northern boundary which are of a significant scale and which would place a long term pressure on the protected trees for their significant pruning and removal, thereby failing to respond positively to natural features of the site, thereby being contrary to the Adopted Stockton on Tees Core Strategy Development Plan Policy CS3 (Sustainable Living and Climate Change).

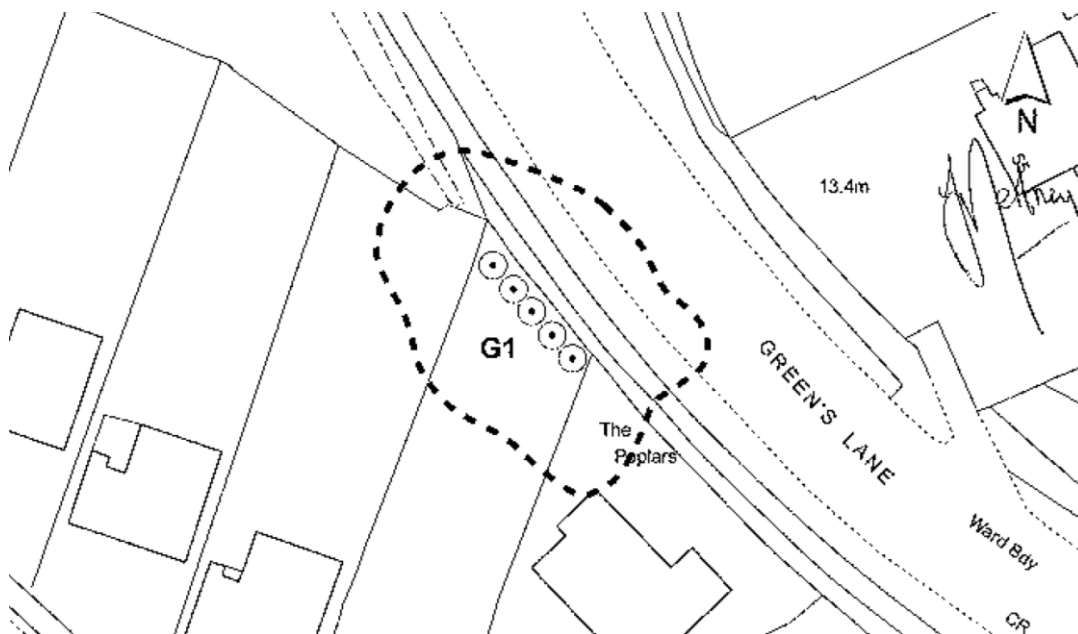
Informatives

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

1. Tree Preservation Order: 00.8.5.814
Confirmed on 14 February 2013



2. 13/2150/X - Application to fell 5.no Poplar trees (T1-5) in rear garden.
Refused.

In the opinion of the Local Planning Authority it is considered that there are no justifiable grounds to warrant the removal of 5 no. Poplar trees (Group 1), the subject of this application as the trees are not considered to constitute an unacceptable risk to health and safety and alternative remedial or preventative works can be undertaken to enhance their structural integrity and thereby reduce the associated risk. The trees collectively provide a significant and prominent feature in the local landscape and therefore their proposed removal would have a notable visual impact on the area.

3. 14/2135/X - To fell 5 No. Poplar Trees in the rear garden

Refused

In the opinion of the Local Planning Authority it is considered that the applicant has failed to provide appropriate justification to warrant the removal of 5 No. Poplar trees on grounds of health and safety and that the removal of the trees would have a significant and detrimental impact on the local landscape and visual amenity of the area.

LPA decision appealed. Inspector's decision was not to allow felling of four of the protected trees but to allow the removal of T5.

4. 15/1691/X - Application to fell 1.no Black Poplar tree (T5) and crown reduction/lift to 4.no Black Poplars (T1-T4) by 20 %.
Approved

SITE AND SURROUNDINGS

5. The application site is located within Hartburn on the western side of Stockton, in a predominantly residential area. The site would front onto a main road within the area where green space and landscaping forms part of the road corridor, along with front curtilages of residential properties.
6. The site levels vary by approx. 4m from a low point nearest to Green's Lane and a high point nearest to the boundary with the adjacent property (No. 1 Auckland Way).

PROPOSAL

7. Planning permission is sought for the erection of a single detached dwelling house. The scheme has been amended since its initial submission in an attempt to resolve matters raised by officers. The scheme being considered details the dwelling being provided over 3 floors and being built into a sloping garden site.
8. An open car port is detailed at ground floor, kitchen, dining room and snug at 1st floor and 3 bedrooms at 2nd floor. The dwelling is shown 9.5m high (max.) at one end and 6.75m high at the other.
9. A number of Poplar trees protected by a Tree Preservation Order are located on the site and run adjacent to its boundary with Greens Lane.

CONSULTATIONS

10. Consultees were notified and any comments received are summarised below:-

Highways Transport and Environment

General Summary

The Highways, Transport & Environment Manager objects to this application in landscape and visual terms, due to over development of the site as outlined in the Landscape and Visual comments below. On highway grounds, given the restrictions of the site it is recommended that permitted development rights which could increase the number of bedrooms or reduce parking provision are removed.

Highways Comments

The revised plan shows the number of bedrooms reduced to 3 therefore, in accordance with SPD3: Parking Provision for Developments 2011, 2 in-curtilage car parking spaces are required. Plan no. T21_14/01 REV C shows the turning manoeuvre within the site enabling cars to enter the highway in a forward gear. There are concerns that the turning manoeuvre

shown is onerous and the area allocated for turning is very tight, which may result in drivers parking on-street, however as the manoeuvre and 2 in-curtilage car parking spaces have been demonstrated it is considered that there are insufficient grounds to object. Given the restrictions of the site it is recommended that permitted development rights which could increase the number of bedrooms or reduce parking provision are removed.

Informative: Informative: The applicant should contact Highways Network Management (01642 526709 EGDS@stockton.gov.uk) regarding the relocation of the street lighting column.

Landscape & Visual Comments

The development of a single dwelling in the rear garden of this property would be out of keeping with the local settlement pattern representing back garden development in an area where no such dwellings exist. The rear gardens along Auckland Way form continuous open rear gardens up this street, with the only structures located in the gardens being garages or sheds.

The house also appears very cramped on the site coming within less than 1.5m of the western site boundary, where the existing beech hedge located here needs to be indicated on a plan at its correct width. It is likely that the current on site width of this beech hedge would obstruct the access down the west side of the proposed house. There appears to be very little garden amenity space.

The tightness of the design layout will also cause conflict with the existing Poplar trees in the northern part of the site and these trees are protected by a Tree Preservation Order. Although it is technically possible to build close to these trees, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction), it is considered that a new dwelling house as shown on the site plan reference drawing no. T21_14/01 rev C, will not be compatible with them. There is very likely to be some impact on the trees despite carrying out any on site mitigation methods as outlined in the tree report. These trees are large specimens with a high amenity value that will tower over the proposed house, foreseeably creating apprehension to any future homeowner. This will create pressure to remove or prune the trees, which will impact on their future health and amenity. It is not agreed that the trees are 'category c' as stated in the tree report. They are large specimens with high amenity value that provide prominent features in the local landscape and therefore should be retained and protected.

For the reasons above there would be a landscape and visual objection to the development proposal.

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. Should the application be approved, the developer should apply for consent under Section 61 Control of Pollution Act 1974. This would involve limiting operations on site that cause noise nuisance. 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.

Northumbrian Water Limited

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

Northern Gas Networks

No objection although apparatus in the area may be at risk during construction(gas pipes in highway to front of site). Suggested early contact with NGN.

Private Sector Housing

The Private Sector Housing Divisions has no comments to make on this application

PUBLICITY

11. Neighbours were notified, a total of 23 comments were received, 15 of objection and 9 of support. Comments received are summarised below.

12. Comments of objection received from

Ken Lupton - Email

M & G Davies, 11 Auckland Way, Stockton-on-Tees

Mr Richard Sullock, 4 Auckland Way, Stockton-on-Tees

Mrs Nicola Wilson, 5 Auckland Way, Stockton-on-Tees

T M Addison, 3 Auckland Way, Stockton-on-Tees

Mr Paul Wayne, 7 Auckland Way, Stockton-on-Tees

Mr Terry Laing, 5 Ainderby Grove, Stockton-on-Tees

Mrs Val Waites, 49 Greens Grove, Stockton-on-Tees

Paul Wayne, 7 Auckland Way, Stockton-on-Tees

Mr and Mrs Keeley, 9 Auckland Way, Stockton-on-Tees

Mrs Brady, 5 Dunedin Avenue, Stockton-on-Tees

Mrs C Marshall, 51 Green's Lane Stockton-on-Tees

P Johnson, 53 Green's Lane, Stockton-on-Tees

Joanne McGrogan, 13 Edgar Street, Norton

Louise McGroran-Wright, 17 Lime Grove, Stockton-on-Tees

13. Comments of support received from

Martin Craven, 8 Ingleby Grove, Stockton

Mr John Hegarty, The Poplars, Green's Lane

Steve Hoggart, 76 Tunstall Road, Stockton-on-Tees

Alan Hammersley, 16 Hartburn Mews, Stockton-on-Tees

Mr David Simpson, 23 Marrick Road, Stockton-on-Tees

Mr Richard Hill, 24 Langthorne Grove, Stockton-on-Tees

Mrs Sara Farnaby, 100 Wimpole Road, Stockton-on-Tees

Trish Waters, 7 Burnside Grove, Stockton-on-Tees

Mr Gary Taylor, 61 Auckland Way, Stockton-on-Tees

14. Objections summarised

- The proposed development is totally out of character with the area being of a flat roof design with significant elevations dominated by an expanse of brickwork.
- The proposal is an overdevelopment of the site and will be an intrusion on the amenity of the residents living in properties in Auckland Way.

- The flat roof height is significantly higher than the bungalow previously approved in the garden of the adjacent property and will therefore have windows which will overlook the adjacent properties, affecting privacy of neighbours and the enjoyment of their own gardens.
 - The trees fronting the property are subject to protection under tree preservation orders and are an important feature in this locality. They should be inspected and any necessary work undertaken to preserve them for the benefit of future generations.
 - This scheme may affect the retention of the protected Poplars.
 - The means of access would be a serious issue to both the already busy road and also there would be a reduction in safety for the school children using the cycle path.
 - The proposed access will cross a new cycle way and footpath provided to provide safe access for children cycling to Ian Ramsey school and therefore will create a safety issue.
 - The neighbours who will have their privacy infringed upon
 - The height of the building (whilst the lower ground floor is built into the ground) is also higher than the immediate neighbour, which in my view will 'over power' it and be at detriment to the aesthetics of Greens Lane.
 - No 3 will have a huge wall as his view from his dining room and garden instead of a beautiful beech hedge. He will also be overlooked
 - We also believe that when the houses were built that only one building should be erected on each plot.
 - The roof-line appears to be on-par with the upper level of the houses in Auckland Way. The view from these properties will be of stark red brick and small windows that are more akin to an office block or hostel. In my view this would be to the detriment of visual amenities and value of the area.
 - The trees are subject to an application for complete felling and are subject to a TPO. The first application, has previously been denied due to the Local planning Authority considering 'there was no justifiable grounds to warrant the removal of 5 no. Poplar trees'. This concluded 26th Nov 2013.
 -
- The trees add substantial visual and amenity value to both local residents and wildlife. There are several species including Owls, Bats, Sparrow-hawk, Woodpeckers and squirrels in the immediate vicinity, which benefit from trees such as these. Any loss would be to the detriment of human and animal life alike!

The revised scale drawings show that the overall height of the proposed new house is now even higher than the original. The height needs to be reduced greatly, to be acceptable. Certainly not increased.

The applicant uses a report from Kevin Patton Tree Surgeon Ltd. The report is dated 3rd Feb 2014 (site inspected 14th Jan 2014); with ultimate recommendation 'I therefore consider that pruning these trees is an unsustainable solution and recommend that they should be felled.' This is little-more than 2 months after the Local Planning Authority denied the first application on the grounds detailed above.

There appears to be confusion over when the site was actually inspected. In section 8 'Conclusions' the date is specified as 14th December 2012. If this indeed is the case, the report being used for this application has already been superseded by the first denied application. Either way there is a distinct lack of consistency of timing and views!

All of the drawings ascertaining to the development of the dwelling state that 'Ext'g trees to be topped and thinned, cleared of all deadwood and unsafe overhanging

boughs'. If this is really the applicant's intention, why request the felling? There appears to be a clear intent to refrain from flagging any obstacles that could prevent the planning application being approved.

I can see the trees from my property. They soften the skyline and add to the area. I would not want to see them removed simply for commercial gain!

Privacy The proposed windows will directly overlook the middle of my garden, the larger window being 1.1 metres from the property boundary, I have garden seats opposite the proposed large window, a summer house about 4 metres to the North and a barbecue opposite. This is the most secluded part of my garden. I am opposed to losing that amenity.

Potential Damage to the Hedge The South - North section drawing, on Section Sheet 1, shows that in order to achieve the lower floor, the garden needs to be excavated 4 metres deep at the North end and 2.3 metres deep at the South end. The beech hedge between the properties, which was planted at the time of their build, stretches from the pavement of Auckland Way to the pavement of Green's Lane. The excavation will sever all of the East side roots of the hedge over the 13 metres length of the building. This is a party hedge and I would not agree to its serious damage.

Potential Damage to the Poplar Trees. The excavation will sever and remove all of the roots of all five trees lying below the building. The centre line of the nearest tree is only 2.2 metres from the building wall. Since these trees are up to 27 metres tall the lengths of their roots are likely to exceed the length of the proposed building. This seems unlikely to be compatible with their intended preservation.

Although the car port can accommodate two cars, unless the inner car had been reversed in, it does not seem possible to get it out without first moving the outer car. This could lead to frequent parking in a busy road - a consequence of not enough space.

The depth of the car port from ground level in my garden is shown as 2.17 metres. Although not shown I assume that some means would be provided to prevent my garden falling into the proposed car port. What is shown is an open space between the base of the hedge and the car port which means that a child crawling through any gaps in the hedge would fall 2 metres into the pit of the car port. This should not be possible.

The drawings and the Arboricultural Report show that the proposed building will rest on beams supported by piles so avoiding pressure on the roots of the four poplar trees. However, this arrangement can protect only the roots which remain after the excavation needed to provide the car port. Ground levels shown by the topological survey show that excavation will need to be down to the ground levels of the trees and therefore severance of the roots could be avoided only if they are all below this ground level.

It is clear from the comments by Mr and Mrs Heggerty, owners of "the Poplars", that living so close to the trees has not been a satisfactory experience and that, probably, it was a mistake to grant planning permission for that house. They complain about leaves, twigs, and branches falling on to their property. But they live only near to the trees. I think that it would be a bigger mistake to give planning permission for a house of any size to be erected directly beneath the canopy.

15. Support comments summarised

The trees sway in the winds, especially those in question. Driving by I have always felt they could be dangerous for pedestrians.

The new dwelling would not look out of place or in any way be detrimental to the aesthetics of the lane. The trees currently on this land are unkempt and often in the winter, the leaves dropping from the trees are a slipping hazard on the foot path.

I understand objections have been made regarding the loss of trees and the pitch of the roof on the proposed property. Neither of these objections are an issue in my opinion. From Fairfield Library to the Elmwood community centre there is a significant number of trees and shrubs that give a good look and feel to the area. The trees in the applicants garden are overgrown in relation to their surroundings and may be at risk of damage to the property or pedestrians and incur significant upkeep costs.

The pitch of the roof would enhance the visual appeal of the property which will naturally sit back into the banked garden. It is also in keeping with properties on Dunedin Avenue and Auckland Way, near to the property.

The height and size of this build is similar to the two immediate neighbouring houses. The design is not at all outlandish; it will fit in very well with the local surroundings. The building is perfectly sized for the plot and this house looks like it is designed extremely well to maximise space. This is exactly what this area should be aiming towards. Growth in your local community is never a bad thing, adding value and new character to the area.

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

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.

Local Planning Policy

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.
2. 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.
3. 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 7 (CS7) - Housing Distribution and Phasing

1. The distribution and phasing of housing delivery to meet the Borough's housing needs will be managed through the release of land consistent with:
 - i) Achieving the Regional Spatial Strategy requirement to 2024 of 11,140;
 - ii) The maintenance of a 'rolling' 5-year supply of deliverable housing land as required by Planning Policy Statement 3: Housing;
 - iii) The priority accorded to the Core Area;
 - iv) Seeking to achieve the target of 75% of dwelling completions on previously developed land.

2. No additional housing sites will be allocated before 2016 as the Regional Spatial Strategy allocation has been met through existing housing permissions. This will be kept under review in accordance with the principles of 'plan, monitor and manage'. Planning applications that come forward for unallocated sites will be assessed in relation to the spatial strategy.
3. Areas where land will be allocated for housing in the period 2016 to 2021:
Housing Sub Area Approximate number of dwellings (net)
Core Area 500 - 700
Stockton 300 - 400
Billingham 50 - 100
Yarm, Eaglescliffe and Preston 50 - 100
4. Areas where land will be allocated for housing in the period 2021 to 2024:
Housing Sub Area Approximate number of dwellings (net)
Core Area 450 - 550
Stockton 100 - 200
5. Proposals for small sites will be assessed against the Plans spatial strategy.

Core Strategy Policy 8 (CS8) - Housing Mix and Affordable Housing Provision

2. A more balanced mix of housing types will be required. In particular:
 - _ Proposals for 2 and 3-bedroomed bungalows will be supported throughout the Borough;
 - _ Executive housing will be supported as part of housing schemes offering a range of housing types, particularly in Eaglescliffe;
 - _ In the Core Area, the focus will be on town houses and other high density properties.

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.

MATERIAL PLANNING CONSIDERATIONS

Principle of development

16. The site is located within a residential area, within the Limits of Development as designated within the 1997 Local Plan and within the rear garden of an existing property on land which is not allocated within the local plan for other uses.
17. The site is in a sustainable location for new residential development and the principle of a new dwelling at this location is therefore in accordance with relevant planning policy. The main considerations of this proposal relate to the detailed impacts of the proposed development such as scale and appearance of the building, impacts on surrounding properties, impacts on protected trees and highway related matters. These and other material planning considerations are as follows;

Scale and appearance of building

18. The proposal relates to a single detached dwelling within part of an existing rear garden. The building would be provided with a new access out onto Green's Lane and would generally fit with the street pattern of development within this locality, as there is an existing property immediately adjacent.
19. The building has been designed with a relatively modern appearance to the front / side. It would be particularly noticeable from Green's Lane and from adjacent properties bearing in mind the scale of the proposed building and the site being above the road level to the front.
20. Supporters have suggested that the building design would fit with the surroundings whilst objectors believe it is out of keeping with the locality. Whilst these points of view are noted, it is considered that there is no common design / style within the locality and the proposal is not out of keeping within its surroundings on this matter.
21. The dwelling is in particular close proximity to both side boundaries and presents relatively long elevations to these boundaries and this along with the presence of the large Poplars to the site frontage and limited external space results in this proposal being considered to be an overdevelopment of the site.

Impacts on surrounding properties

22. The proposed dwelling would be positioned in what is currently a rear garden and its site boundaries would abut the boundaries of other residential properties. The main properties affected by this proposal are The Poplars on Greens Lane and No's 1 & 3 Auckland Way. Other residential properties in the locality are at greater distance which is considered to be sufficient to prevent undue impacts on privacy or amenity.
23. The Poplars is a split level bungalow fronting Green's Lane and is 2 storeys at its front corner nearest to the application site, changing to a single storey at the rear which follows the slope of the land. The nearest part of the proposed dwelling to this bungalow is a part glazed stair well which would be 3.5m from the bungalow and 1.3m from the boundary between properties. The stair well is 2 storey's in height and would in part dominate the relationship between the two properties at this point. The larger part of the proposed dwelling is set further away, achieving approx. 8 – 10m from the existing property at The Poplars and high level windows are shown within the properties elevation facing The Poplars which will assist in minimising impacts on privacy and overlooking. Notwithstanding this, due to the depth of the proposed property and the number of windows facing The Poplars, it is considered that the proposed development would introduce a notable perception of overlooking to both the side of the property and its rear garden.

24. The proposed dwelling would have its rear elevation facing the garden and property of 1 Auckland Way. The proposals would achieve an intervening gap between properties of 13m although the proposed dwelling would be as close as 2m from the intervening boundary fence. Two high level windows are proposed in this elevation measuring approx. 2.4m in width, one at first floor and one at 2nd floor level. The upper bedroom window would overlook the adjacent garden at close quarters and it is arguable that the lower one would also overlook into the adjacent garden. Although high level windows may not allow significant and readily available over-looking, they introduce the perception of overlooking which would be significant in this instance.
25. The side elevation of the proposed dwelling adjacent to the garden boundary with no. 3 Auckland Way would extend for approximately 12m along the garden boundary line, at a position set approx. 1.3m in from the boundary. The proposed elevation (to eaves level) along this boundary would be between approx. 4.75 and 6.5m in height. There are three windows proposed in this elevation all of which would be above the fence boundary between the properties. Two of these are shown having screens immediately in-front of them to prevent overlooking. Four roof lights are also shown in the roof slope facing the adjacent garden. Whilst the proposed screens may reduce issues of privacy, they will be at odds with the need to get light into those rooms, will result in a perception of being overlooked for the neighbour, and will in their own right appear at odds with the character of the immediate surroundings, particularly the timber slatted screen which has a total height of nearly 3m above ground level. The windows will serve kitchen, snug and bedroom. In view of all these matters it is considered that the proposed dwelling would unduly affect the privacy and amenity associated with the adjacent property of 3 Auckland Way.

Impacts on protected trees

26. Five Poplar trees are located at the front of the site adjacent to Green's Lane. These were subject of a Tree Preservation Order in 2013 (Ref: 00.8.5.814). Since issuing the preservation order a number of applications have been submitted to carry out works to and fell these protected trees. The result of these submissions, and an associated appeal is that one of the trees has approval for removal.
27. Objectors have raised concerns over the ability to undertake the build without affecting the roots associated with the protected Poplar Trees although a designed foundation would be used to limit root damage.
28. The Highways Transport and Environment Manager has made reference to the tightness of the design layout and the resultant conflict between the dwelling and the protected Poplar trees adjacent to the northern boundary. It is indicated that whilst it is technically possible to build close to these trees, it is considered that the proposed new dwelling would not be compatible with them and there would be likely impacts on the trees despite carrying out any on site mitigation methods as outlined in the tree report. It is further indicated that these trees are large specimens with a high amenity value that will tower over the proposed house, resulting in a long term pressure for their removal for the reasonable use and amenity for future occupiers of the proposed dwelling.
29. It is considered that due to the proposed dwelling placing undue pressure on the longevity of the protected trees that the site has failed to adequately take account of existing natural features of the site, contrary to the requirements of Core Strategy Development Plan Policy CS3.

Highway related matters

30. The application site would be accessed off Greens Lane. The scheme was initially submitted as a 4 bed unit which would have required 3 parking spaces to be provided in line

with council guidance. The proposed dwelling is now being shown as a 3 bed property which guidance suggests could be served by 2 parking spaces which are detailed on plan. The parking spaces are shown as open undercroft spaces, beneath habitable floors of the dwelling.

31. Due to the site accessing onto Green's Lane, which is a key road within this area, the Highways, Transport and Environment Manager is requiring vehicles to access and exit the site forwards rather than reversing off the driveway. This requires the need for turning of vehicles in the site. In support of the application a plan has been submitted which shows how vehicles could turn within the site. Due to the constrained width of the site, this manoeuvre is shown as a 5 point turn. The Highways, Transport and Environment Manager considers the level of parking and manoeuvring to be acceptable in this instance. Although objectors have raised concerns over vehicles crossing the cycle way and footpath siding Greens Lane to gain access to the site, this raises no notable concerns in highway safety terms in view of the limited amount of traffic likely to use the site and the ability for vehicles to enter and exist whilst travelling forwards as against reversing.

Other matters

32. Objectors have raised concerns over impacts on wildlife in the area. Whilst noted, the application site is a domestic garden. Trees to the northern boundary are protected and would not be removed as part of this proposal. Although the development will affect the ability for wildlife to use this area, there is no known wildlife populations that would be directly affected which would warrant the refusal of the application on such grounds.
33. A resident has raised concerns over the extent of excavation required to achieve the undercroft parking which will cut into the sloping site and the impacts this will have for their property. This is considered to be a private matter which the builder / person developing the site would be responsible for.
34. A resident has raised concern over potential damage to an existing hedge taking into account the excavation depth being 4m in one position. Whilst noted, there is no preservation order on the hedge and suitable retention would be required for land adjacent to the excavation.
35. Northern Gas Networks have advised that they have no objection to the proposed development although gas apparatus are present in the highway to the front of the site. Were permission to be granted an informative should be imposed to make the applicant aware of this and the need for contact with them.
36. The council's Environmental Health Unit have raised no objections to the scheme although suggested that construction hours be controlled which would prevent undue impacts of noise and disturbance to immediate neighbours. Were permission to be granted, a condition controlling working hours would be appropriate in view of the sites proximity to other dwellings.
37. Northumbrian Water have raised no objections to the scheme and there is no concerns over risk of flooding or lack of ability to connect to the existing drainage system in the immediate locality.
38. The Council's Private Sector Housing Divisions has no comments to make on this application
39. Comments of support have indicated that the protected trees sway heavily in the wind, that the existing garden is unkempt and that there is a lot of leaf litter as a result of the trees.

Whilst these points are noted it is considered that they do not outweigh the detrimental impacts of the scheme.

40. The comments of objection received have been taken into account in the above.

CONCLUSION

41. The proposed development is considered to represent an overdevelopment of the site and would unduly affect privacy and amenity of surrounding gardens and would place undue long term pressure for the removal of protected trees. Therefore having regard to the Economic Social and Environmental gains of the application, it is considered that the adverse impacts outweigh benefits of the development in terms of the economy or contribution to the councils 5 year supply of housing. In view of these matters it is considered the application is contrary to the guidance in the National Planning Policy Framework and Development Plan policy. 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
Ward Councillors	Councillor Matthew Vickers

IMPLICATIONS

Financial Implications:

There are no known financial implications in determining this application.

Legal Implications

There are no known legal implications in determining this application.

Environmental Implications:

The proposed building would place long term pressure on the protected trees to the front of the site which has been considered within the report. Other environmental implications would relate to ecology and biodiversity although there is no indication that these would be notable.

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 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 surrounding properties, their occupiers and have taken into account the comments made.

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. Within this report consideration has been given to implications in respect of community safety including the impact of traffic entering the site and other impacts.

Background Papers

Stockton on Tees Local Plan Adopted 1997

Core Strategy – 2010

Emerging - Regeneration and Environment Local Plan – Publication February 2015.

SPD3 – Parking Provision for Developments