

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**17 AUGUST 2016**

**REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT  
SERVICES**

**16/1104/FUL**

**20 Leven Road, Yarm, TS15 9JE**

**Application for the erection of 1no 5 bedroomed detached dwelling and associated means of access.**

**SUMMARY**

The application site forms part of a large residential property No.20 Leven Road and occupies the southern proportion of the host properties existing rear garden. A detached bungalow No. 22 Leven Road is situated to the east and a relatively new residential development of five residential dwellings which are known as Wainstones Court are located to the east. The residential dwellings of Hemmingford Gardens are located to the south.

Planning permission is sought for the erection of a 5 bedroomed detached dwelling and associated means of access within the existing rear garden of No. 20 Leven Road

A total of 6 objections have been received from properties which surround the application site, including those of the neighbouring development Wainstones Court. The main objections relate to the impact of the development on privacy, light, its dominant appearance and noise and disturbance.

In terms of the principle of development the Council cannot demonstrate a 5 year supply of housing land and the provision of a dwelling would carry some weight in favour of the proposal. Although rear gardens are no longer classed as previously developed land the National Planning Policy Framework, does not specifically preclude the development of such sites and the acceptability of such schemes rest with the impact on the character of the area.

With regards to the visual impacts, Leven Road consists of a mix of dwelling types and sizes with no clearly defined or distinctive character. Whilst a large dwelling this is not in itself a reason for refusal and overall its scale is considered to be comparable to those elsewhere on Leven Road. The proposed dwelling is also well set back from the street scene and would be largely screened by the existing host property.

Adequate separation distances between the habitable room windows and external terraces and the neighbouring residential properties exist to ensure that there will be no adverse impacts on the amenity of the neighbouring properties. Appropriate access for the host property (No.20 Leven Road) and the proposed dwelling can also be achieved with adequate parking provision being provided within the site for both dwellings

In view of the material planning considerations, the proposed dwelling is considered to be acceptable in planning terms and accordingly the proposal is recommended for approval subject to the planning conditions set out in the report below;

### **RECOMMENDATION**

**That planning application 16/1104/FUL be approved subject to the following conditions and informative(s);**

#### **Approved Plans;**

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

<b>Plan Reference Number</b>	<b>Date on Plan</b>
<b>SBC0001</b>	<b>12 May 2016</b>
<b>EC-2015-11-24 REV P5</b>	<b>25 July 2016</b>
<b>EC-2015-11-25 REV P5</b>	<b>25 July 2016</b>

**Reason: To define the consent.**

#### **Materials;**

**02 Notwithstanding any description of the materials in the application, precise details of the materials to be used in the construction of the external walls and roofs of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the external walls and roofs of the building. All windows shall be recessed from the face of the building by a minimum of 100mm or an alternative amount to be first agreed in writing with the Local Planning Authority. The agreed details shall be retained for the duration of the development unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To enable the Local Planning Authority to control details of the proposed development and in the interests of the visual amenities of the area.**

#### **Site and floor levels;**

**03 Notwithstanding the information submitted as part of the application details of the proposed site levels and finished floor levels shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.**

**Reason: To define the consent**

#### **Means of enclosure;**

**04 All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be first agreed with the Local Planning Authority before the development is occupied. Such means of enclosure as agreed shall be erected before the development hereby approved is first occupied and shall be retained for the life of the development.**

**Reason: In the interests of the visual amenities of the locality.**

#### **Soft landscaping works;**

**05 A detailed scheme for landscaping and tree and/or shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development authorised or required by this permission is occupied. Such a scheme shall specify types and species, layout contouring and surfacing of all open space areas. The works shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development whichever is the**

sooner and any trees or plants which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure satisfactory landscaping to improve the appearance of the site in the interests of visual amenity.

**Landscape Maintenance:**

- 06 Prior to occupation of the hereby approved development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and be carried out in accordance with the approved schedule.

Reason: In the interests of amenity and the maintenance of landscaping features on the site.

**Hard landscape details:**

- 07 Notwithstanding any description contained within this application, prior to the occupation of the hereby approved development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. These details shall include; vehicle and pedestrian access/circulation areas; other hard surfacing materials and construction methods.

Reason: In the interests of visual amenity.

**Scheme for tree protection**

- 08 No development shall commence until a scheme for the protection of the retained trees (Section 7, BS 5837:2005) has been submitted to and approved in writing by the Local Planning Authority. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

Reason: To protect the existing trees covered by a tree preservation order on site which the Local Planning Authority considers to be an important visual amenity in the locality.

**Obscure glazing and opening restrictions:**

- 09 Notwithstanding the submitted plans all windows within the western elevation of the hereby approved dwelling and the eastern elevation of the proposed staircase/landing shall be non-opening and be obscurely glazed to a minimum glazing obscurity of level 4. Such measures shall be in place prior to the occupation of the hereby approved development.

Reason: in the interest of the privacy and amenity of neighbouring occupiers.

**Privacy screens**

- 10 Notwithstanding the submitted information full details of all privacy screens to the western elevations of the northern and south-western terraces and the eastern elevation of the south-eastern terrace shall be submitted to and be approved in writing by the Local Planning Authority. Such details shall include, level/nature of

obscurity, technical specification and all appropriate fixing mechanisms to secure the screens. Thereafter the proposed privacy screens shall be installed in accordance with the agreed details and shall be maintained to the satisfaction of the Local Planning Authority for the lifetime of the development.

Reason: in the interest of the privacy and safety of the neighbouring occupiers.

**Construction activity:**

- 11 No construction activity or deliveries shall take place except between the hours of 0800 and 1800 on Monday to Friday and 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or Bank Holidays.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

**INFORMATIVE OF REASON FOR PLANNING APPROVAL**

Informative: 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: Highway works

The applicant is advised that there is an adopted highway verge to the front of the site and any alterations to the access within that verge must be carried out to adoptable standards. The applicant should contact Care for Your Area (01642 391959) regarding any works required in amending/creating the proposed access.

**BACKGROUND**

1. The application site and host property has a relatively limited planning history with planning approvals being granted for a variety of alterations/extensions (refs; 01/0300/P and 01/0735/P)
2. Whilst not directly related to this application or site, the neighbouring property at No.18 Leven Road gained planning approval for the demolition of the existing property and for the erection of 5no. Detached dwellings (ref; 08/0823/REV) which have now all been constructed and occupied. Alterations were also made to plots 1 and 2 and these received planning approval under the following reference numbers (09/2382/REV, 11/2989/FUL & 11/3019/FUL)

**SITE AND SURROUNDINGS**

3. The application site forms part of a large residential property No.20 Leven Road and occupies the southern proportion of the host properties existing rear garden. The majority of the rear garden is laid to lawn and a large hedge is situated on the western boundary with 3no. protected trees being located towards the southern boundary of the plot.
4. In terms of the surrounding properties, a detached bungalow No. 22 Leven Road is situated to the east, which is set at a lower level than the application site. It has a significant garden area which sits alongside the existing garden of No. 20 Leven Road. To the west and occupying a higher level is a relatively new residential development of five residential dwellings which are known as Wainstones Court. Immediately to the south lie the residential properties of Hemmingford Gardens with No.'s 18 and 20 sharing the southern boundary of the proposed plot. A modern residential development of detached properties can also be found to the north of the application site which forms part of either Woodlands Drive or Deneside Grove.

## **PROPOSAL**

5. Planning permission is sought for the erection of a 5 bedroomed detached dwelling. The proposed dwelling also includes an attached double garage with room above which is linked to the main house via a large kitchen. Three terraces are proposed at first floor, one above the kitchen (located between the dwelling and garage), one off the south-western bedroom and the other off the south-eastern bedroom.
6. The associated means of access is taken from Leven Road and will run along the eastern boundary of the property before turning west into the existing rear garden of No. 20 Leven Road

## **CONSULTATIONS**

7. The following Consultations responses have been received and are set out below (in summary):-

### **Highways Transport and Environment**

#### **Highways Comments**

The proposed dwelling would utilise the existing eastern access to 20 Leven Road, leaving the western access to serve the existing dwelling. There is a wide adopted verge to the front of the site and any alterations to the access within that verge must be carried out to adoptable standards.

In accordance with SPD3: Parking Provision for Developments 2011, a 5-bedroom house should provide 4 incurtilage car parking spaces. It is noted that the proposed garage does not meet the minimum internal dimensions of 6m x 5.5m to provide 2 parking spaces, however 4 spaces can be accommodated on the drive. Incurtilage car parking should also be retained for the existing dwelling in accordance with SPD3.

Subject to the above there are no highway objections.

Informative: The applicant should contact Care for Your Area (01642 391959) regarding works at the access.

#### **Landscape & Visual Comments**

As noted previously, formation of the access to the new property requires the removal of a number of mature trees which provide some screening to the adjacent property. A full tree survey in accordance with BS5837:2012 Trees in relation to design, demolition and construction, is required including an arboricultural method statement for the works. This should be submitted with drawings indicating which trees are to be removed, and which will be retained. It should also indicate the root protection area of all trees on and adjacent to the site, to demonstrate that the work can be undertaken without causing damage to existing retained trees and their roots, and particularly those protected by a Tree Preservation Order.

A shade parameter plan is also required, as the protected trees in the southern part of the host garden may overshadow the new dwelling and garden, adding pressure for their removal in future. Highways Transport & Environment require this information to fully consider the impacts of the development.

The proposed residential dwelling is large for the plot, and located very close to the western boundary, with approximately 1m width between the boundary and the new dwelling. This distance should be increased to allow retention of the existing boundary hedge, and greater spacing to the adjacent property. Although there are few windows on this elevation, the property will impact upon the gardens of the adjacent housing to the west, with such a large featureless elevation in close proximity. The amended plans make only a small variation to the building footprint; therefore there are no further comments.

Full details of all hard landscaping will be required including driveway materials, and changes to the boundary, particularly to Leven Road, such as new walls, gates etc., and any soft landscaping to mitigate the loss of the hedging to the Leven Road frontage, however these details may be conditioned, if information is not provided up front.

**Northumbrian Water Limited** – No comments

**Northern Gas Networks** – No objections to these proposals

**Spatial Planning & Regeneration** – The NPPF includes a presumption in favour of sustainable development which requires proposals in accordance with the development plan to be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF.

The Council cannot demonstrate a 5 year supply of housing land and the housing supply policies of the development plan are therefore to be considered out of date. The site lies within the current limits to development and would be considered to be a sustainable location and whilst rear gardens are no longer classed as previously developed land it does not preclude development such as that proposed. The determination of the application should consider planning policies and material considerations relating to the design of the development, amenity of residents, highway impact, amongst other things.

**Environmental Health Unit** – No objections in principle subject to a condition for Construction/Demolition Noise

## **PUBLICITY**

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

### **Mr Michael Foster - 3 Wainstones Court Yarm**

We object to this application as the development will adversely affect our property but also several neighbouring properties.

The plot size of the land is clearly too small for the grand scale house that is proposed to be built. This has resulted in an unjustifiable amount of featureless brick walls overshadowing the front of our home and a roof terrace that is only a small number of metres away from three of our bedrooms. A lack of land space has therefore resulted in the design taking outside space 'upstairs' and noise disturbance from an elevated aspect of the house is therefore highly probable. The only view from our property will be a multi-storey wall.

Guarantees also need to be provided to permanently protect and retain mature trees that at this stage do not benefit from preservation orders.

A requirement for the provision of 20 car parking spaces is also a concern and further protection is needed to prevent the applicants from turning the new establishment into a commercial business.

The applicant's design fails to demonstrate any consideration towards any of its immediate neighbours.

### **Mrs Karen Norminton - 2 Wainstones Court Yarm**

As the property owner adjacent to the proposed development, I hereby raise my objection. The existing Wainstones court development experiences little natural light on the north eastern facade of property and it is envisage with the proposed development, this will be further

hampered. With reference to the general site arrangement it is apparent that the intended construction will be sited extremely close to the neighbouring property, being detrimental to the open green natural beauty of the Yarm area currently observed.

For want of a better description the proposed development would perceive a prison style perimeter wall to the adjoining property and it is foreseen that the proposed first terrace area would create an anti-social zone which ultimately offers little to no acoustic protection to the neighbouring properties when the occupant wishes to utilise this space to its full potential.

The sheer size of the development would appear to be unnecessarily large for the site constants which have resulted in an upwards construction, with little character to the proposed elevation conclusively impairing the value of the neighbouring property.

Leven road is one of the main infrastructure roads to the towns high street, currently the junction with Thirsk road is a logistical nightmare and with the proposed development within the tall trees area further development within the Yarm area would ultimately lead to further congestion.

#### **Mrs Jayne Watson - 4 Wainstones Court Yarm**

The proposed application for a 5 bedroomed detached property to the rear of 20 Leven Road will directly overlook and invade the privacy of our property.

The proposed side elevation (looking East) has an extensive roof terrace which could be used for entertaining large parties. This will directly overlook the front of our property, with users being able to look directly into our bedrooms and living areas.

The potential increased noise levels would have a huge impact on all neighbouring properties.

The proposed revisions but not address my objections

#### **Mr Myles McQuade - 1 Wainstones Court Yarm**

We have considered the development plans and we hope that are comments are received in a constructive manner to support the further refinement of the proposed house development. A development of this size is outside an appropriate housing development in the context that the property takes up the entire width of the garden of the existing house in which the development is planned. The number of roof terraces at first floor level may give raise to environmental noise contamination to the surrounding properties as there is no acoustic boundary treatment to prevent noise breakout. The rear elevation of the property will block all natural light to the rear of our garden beyond our detached double garage, which will impact upon the sustainability of our garden area. The rear bedrooms of our property will now be overlooked from the side elevation (South), although not directly but will impact on privacy of our bedrooms. The access driveway to the property of a five bedroom property may generate additional noise pollution from a number of vehicles gaining access to the property which runs the full length of our garden, albeit it is not adjacent to the boundary of our property. The rear elevation (looking East) will completion obscure the view of what can only be described as "open country side" views of mature trees and natural flora. It appears from the plans that an unacceptable wall of brickwork at the rear of the proposed property that faces outwards Wainstones Court (looking East) completely detracts from the overall beauty and aesthetics of a potential award winning development that was planned in absolute detail by the Developer of Wainstones Court. The Wainstones Court Development Scheme was as we understand developed in consultation with neighbouring property owners and planners, including that of Council members, no such consultation has taken place with such parties for this proposed development (neighbours) in which we would welcome the opportunity. We therefore at this stage would wish to object to this development taking place. We hope our observations are taking on board in the context of any revised development proposal and would welcome the opportunity for consultation with regard to the amendments of any revised scheme.

#### **Robert Middleton - 20 Hemingford Gardens Yarm**

I wish to object to the application for the following reasons.

My objection to the development is that the proposed position and elevations of the new dwelling will significantly impair the privacy currently enjoyed by neighbouring properties. My property, in particular, will be overlooked to a very great degree because the extensively glazed south-facing elevation of the proposed dwelling, which includes two balconies, looks directly over my house. This will have a serious adverse overlooking impact on my house and will severely reduce the privacy and amenity which I currently enjoy.

As part of their application the applicants have submitted a 'Planning Policy and Support Statement' prepared by a consulting firm. The purpose of the Statement as set out in paragraph 1.0 is to "support" the planning application and should clearly therefore be regarded as inherently biased in favour of the applicants.

There are references to overlooking and privacy issues in various parts of the Statement. Section 5.4 of the statement states that "Privacy distances have been observed in order to minimise any prospect of overlooking from windows facing North towards Hemingford Gardens or South towards the existing dwelling. Openings on the side elevation towards the cul-de-sac with five no. detached dwellings have similarly been minimised so that no windows of habitable rooms face this development. In addition, there are no privacy issues with the new dwelling frontage, which faces Westwards in the direction of the boundary with the neighbouring property at no 22 Leven Road". I should point out that the expression "facing North towards Hemingford Gardens" is inaccurate as Hemingford Gardens is due South of 20 Leven Road.

I strongly disagree with these assertions from the applicants' paid consultants. With regard to my own property in particular, I believe that the size of the dwelling, its proximity to my property and the fact that the aspect facing onto my house is extensively glazed (as the extract from the plan below shows) means that there would be a real and significant reduction in the level of privacy and amenity currently enjoyed by me. This South facing aspect of the proposed dwelling (somewhat confusingly described on the plan as the 'Proposed Garden Elevation Looking North') comprises:

On the GROUND floor facing out towards me:

- o a glazed garden room.
- o an open terrace.
- o a covered terrace.

And on the FIRST floor facing out towards me;

- o a balcony, at the rear of which are floor to ceiling windows opening directly into a bedroom.
- o a bedroom with floor to ceiling windows.
- o a further balcony at the rear of which are floor to ceiling windows opening directly into a bedroom.

I therefore strongly urge you to refuse the application as it currently stands, as it will have a seriously detrimental effect on the privacy and amenity I currently enjoy from my own property.

One point of detail requires clarification in relation to Section 5.7 of the Statement. The last paragraph states that "There are two balconies at first floor level with flat roofs on the North facing elevation." For the avoidance of doubt this should state that the two balconies are on the South facing elevation, while the flat roofs are on the opposite North-facing elevation. I am sure there is no attempt to mislead here but I just wanted to be sure that you are aware that it is the South facing elevation, which overlooks my property on Hemingford Gardens, which is the one that has the balconies and extensive glazing.

This is not the first time I have entered into correspondence concerning planning applications relating to sites to the rear of my property. Between 2005 and early 2008 I wrote to you concerning proposals to develop the former back garden of the house adjacent to 20 Leven

Road which is now the cul-de-sac next to the site of the current proposal. A consequence of my experiences then is that I realise that it is likely that the applicants' current proposal 16/1104/FUL will proceed in some form. What I am asking the planning team to do is to ask the applicant to submit a redesign which demonstrates much greater consideration for my privacy.

The proposed revisions show very little change and do not address my original objections, while I would obviously much prefer it if this planning application was rejected, I take this opportunity to repeat my suggestion that if it does proceed then a possible solution would be to simply flip the proposed design 180° about its East-West axis so that the glazed and balconied elevation faces towards the applicants' own property.

**Mr Michael Foster Wainstones Court Ltd, Anderson Barrowcliff, Waterloo House, Thornaby Place**

Wainstones Court Ltd, from the above address, raises and records its objections to the lack of notification and consultation with the above company. Prior consultation could have resulted in amicable solution and design and it is hoped those responsible for considering this proposal take into account all material objections raised below.

**PLANNING POLICY**

9. 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**

10. 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**

11. The following planning policies are considered to be relevant to the consideration of this application.

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

1. Accessibility will be improved and transport choice widened, by ensuring that all new development is well serviced by an attractive choice of transport modes, including public transport, footpaths and cycle routes, fully integrated into existing networks, to provide alternatives to the use of all private vehicles and promote healthier lifestyles.

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 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.

### **MATERIAL PLANNING CONSIDERATIONS**

12. The main planning considerations of this application are its compliance with planning guidance and the impacts of the development on the character of the area, amenity of the neighbouring occupiers and highway safety. These are considered in the report below.

#### **Principle of development;**

13. The National Planning Policy Framework (NPPF) includes a presumption in favour of sustainable development and offers support for developments which promote economic growth and the delivery of new housing, particularly with regards to its three strands of social, economic and environmental considerations. Given that The Council cannot demonstrate a 5 year supply of housing land. The policies in the development plan that deal with housing supply are out of date and the proposal must be assessed in relation to the presumption in favour of sustainable development. However, although it is recognised that the weight to be able to be given to a single dwelling is limited it would carry weight in favour of the proposal.
14. In addition, although rear gardens are no longer classed as previously developed land within the NPPF, it does not specifically preclude the development of such sites and the decision as to whether such sites are appropriate for development with rest with the impact on the character of the area.
15. With regards to the development plan the site is not allocated for any specific purpose, although it is noted that it lies within the current limits to development and settlement of Yarm and in planning terms is considered to be a sustainable location. The principle of a residential dwelling on the site is therefore considered acceptable subject to those material planning considerations set out below;

#### **Visual Impacts;**

16. With regards to the visual implications and impact on the overall character of the area it is noted that Leven Road consists of a mix of dwelling types and sizes with no clearly defined or

distinctive character. Whilst a proportion of those properties on Leven Road may consist of individually designed large properties on large plots there are also a series of more modern dwellings including those on the neighbouring premise which now consist of Wainstones Court.

17. In assessing the visual impacts of this proposal it is acknowledged that that the proposed dwelling is well set back from the street scene and would be largely screened by the existing host property. Given that the proposed access would turn to the west, very limited views of the new property would be achieved from the street scene. Whilst a large dwelling, this is not in itself a reason for refusal and overall its scale is considered to comparable to those elsewhere on Leven Road. Planning conditions are also recommended to agree materials means of enclosure and hard and soft landscaping to ensure that the proposal fits appropriately with the surrounding environs.
18. Whilst the comments of the landscape architects in respect of a tree survey are noted in this particular instance it is not considered to be an essential requirement given that only three trees within the southern part of the garden are covered by a tree preservation order (appendix 3). These trees would be unaffected by the proposed access or dwelling and would remain as part of the proposed development. In addition, tree protection measures can be put in place to minimise any associated impacts during construction. Further, those trees covered by a TPO in no. 22 Leven Road, all lie within the south eastern part of the neighbouring property and it is highly unlikely that those root protection areas will be significantly affected by the proposed development.

**Amenity;**

19. No. 1 Wainstones Court is located to the north-west of the proposed dwelling and at closest would be situated 25m from the northern elevation of the main garage and in excess of 35m from the main two story element of the proposed dwelling. Whilst a terrace is proposed over the kitchen (between the garage and two storey element of the house), the associated roof and privacy screening panels would limit any views towards this property. Given the above and taking into account the overall scale of the property, change in levels and the position of the associated windows, it is not considered that there are any significant adverse impacts on the amenity of the occupiers of No.1 Wainstones Court to justify a refusal of the application.
20. No. 2 Wainstones Court is located to the south-west of the proposed dwelling where there is a change in levels of approximately 0.5m between the two properties. Whilst the proposal will result in the introduction of a large footprint along the boundary, the main habitable rooms are approximately 7 metres from the boundary with the garage and associated room above (approved as a gym) are closest and set back from the front of No. 2 Wainstones Court. Given the varying heights of the property and change in levels, which help to reduce the overall scale of the proposal, the dwelling is not considered to have an overbearing impact on these residents. The position of the property and movement of the sun will mean that there will be no significant loss of daylight to the northern elevation of No. 2 Wainstones Court. With regards to privacy there are few windows within the western elevation and planning conditions are imposed to ensure that the windows on the western boundary are obscurely and that the final details of any privacy screens are submitted for approval to ensure that there is no overlooking to the neighbouring property.
21. In terms of No.'s 3, 4 and 5 Wainstones Court these dwellings are located to the western side of the former plot of No.18 Leven Road and are in excess of 21m from the proposed dwelling. Taking into account the, orientation of the property, the separation distances and change in levels of approximately 0.5m it is not considered that there are any adverse impacts on the residential amenity of the occupiers of these dwellings, particularly with regards loss of light, privacy or appearing overbearing to justify a refusal of the application.

22. With regards to the properties on Hemmingford Gardens the proposal is situated to the north and will not result in any loss of light to the neighbouring properties. Whilst it is noted that the proposal would introduce new windows and external terraces, the proposals rear elevation is a minimum of 23 metres from the rear boundary and in excess of 45 metres to the rear elevations of these dwellings. These distances are well in excess of the Council's minimum separation distances of 21 metres and even allowing for the proposed balconies, it is considered that such separation will limit any meaningful overlooking. It is therefore not considered that the proposal would result in any significant loss of amenity (loss of daylight privacy or appear overbearing) that it would justify a refusal of the application on planning grounds.
23. The bungalow of No. 22 Leven Road is located to the north-east of the proposed dwelling and is set on a significantly lower level with a separation distance of approximately 35 metres to the rear elevation. Planning conditions are again imposed with regards to obscure glazing on the eastern elevation of the staircase and for a requirement of a privacy screen to the eastern elevation of the east first floor terrace to protect the privacy of this residents and there garden area. In view of these considerations the proposal is therefore not considered to significantly impact on this property
24. Whilst concerns are raised with regards to increased noise levels from the proposed dwelling and external seating areas are noted, it is considered that the provision of an additional property would not have any significant impacts with regards to noise and disturbance. In addition the existing host property would be capable of utilising the existing garden and generating noise and disturbance and any new dwelling including terrace areas is not considered to worsen the existing situation to such a degree it would justify a refusal of the application. Whilst short-medium noise disturbance could be expected during construction a planning condition can be imposed so that working hours are limited ensuring that surrounding residents receive appropriate respite and amenity during such times.

#### **Highway Safety;**

25. Currently the host property (No.20 Leven Road) benefits from two connecting accesses which loop around the front of the premises. It is noted that the proposed dwelling will utilise the existing eastern access to 20 Leven Road with the western access remaining to serve the existing dwelling and such arrangements are considered to be acceptable. Although the comments from the Highways, Transport and Environment section with regards to the adopted verge at the front of the site are noted. Nevertheless an acceptable access into the site can be achieved and an informative is added to advise the applicant of the requirement for the crossing of the adopted verge to be built to adoptable standards.
26. In terms of parking provision, whilst the garage does not meet the minimum internal dimensions of 6m x 5.5m, the required parking provision can still be provided on the site and the proposal is in accordance with SPD3 in this respect. In view of the above there are no highway objections to the proposed development.
27. Concerns are raised with regards to the proposal creating additional traffic within Yarm; however the proposal is for a single dwelling which is considered to have very minimal impact on the surrounding highway network.

#### **Residual Issues;**

28. A neighbouring resident has made comments in relation to the provision of parking spaces and the potential commercial operations, however, the proposal is for a residential dwelling and any change of use to a commercial operation would require planning permission. Any such application would need to be considered at that time against the prevailing planning policies and guidance.

29. Any concerns raised with regards to a loss of view are not material planning considerations and can be given no weight in the determination of this application.

## **CONCLUSION**

30. In view of the above considerations, the principle of a dwelling being located on the site is considered to be acceptable. In view of there being no defined or distinctive character and the proposed dwelling being set back from the street scene there are considered to be not adverse impacts on the character of the surrounding area. Adequate separation distances exist to ensure that there will be no adverse impacts on the amenity of the neighbouring properties and appropriate access and parking provision is provided to ensure that there are no adverse impacts on highway safety.

31. The proposed development is therefore considered to be acceptable in planning terms and is recommended for approval subject to those conditions set out within the report.

**Director of Economic Growth and Development Services**  
**Contact Officer Mr Simon Grundy Telephone No 01642 528550**

## **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Yarm</b>
<b>Ward Councillor(s)</b>	<b>Councillor Ben Houchen</b>
<b>Ward Councillor(s)</b>	<b>Councillor Elsi Hampton</b>
<b>Ward Councillor(s)</b>	<b>Councillor Julia Whitehill</b>

## **IMPLICATIONS**

### **Financial Implications:**

Section 143 of the Localism Act has been taken into consideration and there are no known financial considerations/implications at this time.

### **Environmental Implications:**

The proposal relates to a new dwelling which is not considered to have any significant visual impacts. Matters relating to the impacts on residential amenity including noise disturbance and highway safety have been considered and addressed within the report, although they are viewed as having a limited impact.

### **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 Documents**

SPD1 – Sustainable Design Guide  
SPD2 – Open Space, Recreation and Landscaping  
SPD3 – Parking Provision for Developments  
SPD6 – Planning Obligations

