

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**23<sup>rd</sup> May 2018**

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

**17/3060/FUL**

**North Cottage Trafford Hill, Aislaby Road, Eaglescliffe**

**Erection of residential annexe with attached double garage. (Demolition of existing agricultural outbuilding)**

**Expiry Date 23 May 2018**

**SUMMARY**

Planning permission is sought for the erection of a residential annexe with attached double garage at North Cottage within Trafford Hill. This site is located within a small hamlet of residential properties which all share the same access off Aislaby Road which is north of this small settlement.

This application site relates to an area of land to the south of the existing host dwelling which at the time of the site visit featured a stable outbuilding. The granny annexe would be erected on a similar footprint as the existing outbuilding but would be of a larger footprint that is in line with previous approvals at this site, with the addition of a wood store. Consequently, the overall design is similar to these previous planning approvals (which will be discussed in more detail below) but for the creation of an annexe; the wood store, office and garage is to remain separate to the main use of the granny annexe.

A total of 6 objection comments have been received which relate to a number of concerns but mainly that of access and parking related issues as well as the annexe to be operated separately to the main dwelling. However, there is supporting evidence to confirm that the granny annexe is to be used for dependent relatives in association with the main dwelling.

Taking into account all comments received, it is considered that the scheme would not have a significant detrimental impact upon the character of the area, the amenity of neighbouring occupiers and highway safety. There are also no planning policies which would render the application unacceptable and so the development has been considered acceptable in principle and is therefore recommended that the application be approved.

**RECOMMENDATION**

**That planning application 17/3060/FUL be approved subject to the following conditions and informatives below;**

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

<b><i>Plan Reference Number</i></b>	<b><i>Date on Plan</i></b>
<b><i>001</i></b>	<b><i>28 December 2017</i></b>

***Reason: To define the consent.***

- 02. All external finishing details shall be in accordance with the materials specified on the submitted drawing of 001 (date received 28.12.17).**

**Reason: To enable the Local Planning Authority to control details of the proposed development.**

- 03. The hereby approved granny annexe shall be used as ancillary accommodation to the use of the main dwelling of North Cottage, Trafford Hill, Aislaby Road, TS16 0QT. This building shall form and shall remain as part of the curtilage of this main dwelling as a single planning unit, and shall be used only by members of the family or persons associated with occupier(s) of this main dwelling.**

**Reason: To enable the local planning authority to retain control over the development in the interests of sustainable development.**

- 04. No construction/demolition works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on 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 found the submitted details satisfactory subject to the imposition of appropriate planning conditions and has worked in a positive and proactive manner in dealing with the planning application*

*Informative: Northern Gas Networks*

*The applicant should contact Northern Gas Networks 0800 040 7766 to ensure no nearby apparatus is at risk during construction works.*

*Informative: Public Footpath*

*The public footpath shall remain unaffected during construction and after the completion of the development. If this footpath is to be stopped up or diverted, even if temporarily, then the applicant will need to contact the Highway Network and Flood Risk Management on 01642 526757 to carry out the correct procedures of diverting or stopping up this footpath. The grant of planning permission does not entitle developers to obstruct a public right of way in which doing so could be subject to enforcement action*

#### **BACKGROUND**

1. The below is the relevant planning history for this application site:
2. 92/0665/P:- *Erection of detached stables and store, Approved May 1992*  
This approval relates to the current stables/ outbuilding that is currently present on site.
3. 11/0202/FUL:- *Alterations and two storey extension to existing dwelling, new detached garage and conversion of part of outbuilding/stable block into home office together with extension to provide double garage, Approved April 2011*  
This granted approval for the two storey extension to be implemented to the north of the existing building and a detached garage was to be implemented between the existing dwelling and proposed extension to the stables to the south of the main dwelling.

4. 12/0332/FUL:- *Demolition of existing dwelling and erection of replacement dwelling (in line with previous approved scheme 11/0202/FUL) erection of new detached garage and conversion of part of outbuilding/stable block into home office together with extension to provide double garage, Approved March 2012*

This scheme remained unchanged regarding the garage and extension to the stables but for the main dwelling to be demolished and re-built with the implementation of the previous extension.

5. 15/2010/VARY:- *Section 73 application to vary condition no.2 (approved plans) of planning approval 12/0332/FUL - Demolition of existing dwelling and erection of replacement dwelling (in line with previous approved scheme 11/0202/FUL) erection of new detached garage and conversion of part of outbuilding/stable block into home office together with extension to provide double garage, Approved October 2015*

This application included variations to the main dwelling only and thus the design and footprint of the stables to be extended remained unaltered.

### **SITE AND SURROUNDINGS**

6. The application site relates to North Cottage which is a new dwelling located within Trafford Hill. Access to the property is off Aislaby Road and to the south of the site is West Cottage and East Cottage. To the north and east are open fields.

### **PROPOSAL**

7. This application seeks planning permission erect a residential annexe with an attached double garage and as part of these works the existing agricultural building would be demolished.
8. The new building would be sited in a similar position as the existing outbuilding, and would measure approximately 24.1 metres in overall length and would be designed to be of an 'L' shape footprint. The overall height would measure approximately 3.9 metres in a pitched style.
9. Window and door openings would be predominately to the proposed northern elevation, with two double doors to the proposed eastern elevation where the annexe is to be sited; the proposed attached garage would be to the western side of the development.

### **CONSULTATIONS**

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

#### **Northern Gas Networks**

11. Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

#### **Northumbrian Water Limited**

12. In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

13. 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**

14. I have no objection in principle to the development, subject to the imposition of the following advisory conditions:

- Construction/ Demolition Noise

15. I would also recommend the conditions as detailed be imposed on the development should it be approved.

- o Demolition and Dust Emissions

16. I have referred this planning application to the Contaminated Land Officer who may provide additional comments if necessary:

17. I have reviewed the Environmental information provided, along with historical records held by this Local Authority and have found no grounds for objection in principle to the application.

### **Highways Transport & Design Manager**

18. Subject to the comments below the Highways, Transport and Design Manager raises no objections.

#### Highways Comments

19. The proposed dwelling will use the existing access and incurtilage car parking is provided in accordance with SPD3: Parking Provision for Developments 2011.

20. Informative: Confirmation is required that public footpath (No.2 - Newsham) will not change according the Definitive Map. If the applicant is considering a diversion of public footpath, they will need to apply for diversion by contacting Highway Network and Flood Risk Management (01642 526757).If there are no changes to the public path, confirmation is required from the applicant that the path will remain open and unobstructed to allow members of the public to use at all times. However, if planned works will restrict and affect the usage of public path, a temporary diversion of footpath would be required to protect users of the footpath during the full periods of work. It should be noted that grant of planning permission does not entitle developers to obstruct a public right of way and enforcement action may be taken against any person who obstruct or damages a right of way.

#### Landscape & Visual Comments

21. The proposed development replaces an existing building of similar scale and is well screened from Aislaby Road. A public footpath runs directly in front of the existing stable block and so views will be affording from this right of way.

22. There are no landscape and visual objections to the development.

### **PUBLICITY**

23. Neighbours were notified and a total of 6 objection comments were received from neighbouring properties as outlined below:-

Mr Jamie Iveson, East Cottage Trafford Hill (*2 comments of the same content*)

Mr D K & H V McGuinness, 2 The Courtyard Aislaby Road

Mr Richard Lees, West Cottage Trafford Hill

G M Boden, 4 The Courtyard Aislaby Road

Mr Stephen Baines, Waverley Trafford Hill (*2 comments of the same content*)

Dr J And Dr G Brand, The Smithy Trafford Hill (*2 comments of the same content*)

24. The main concerns relate to the following:-

- Concerns with highway safety with regards to the existing access and car parking that serve these properties
- What is to happen to the public footpath during construction works?
- What is to happen with the existing hedging to the southern boundary?
- A comment has also been expressed that any trees/ hedging to this southern boundary that is beyond the application site can be removed at any date by the neighbouring land owner, thus no screening
- Queries are raised over whether a proposed business is to operate
- The granny annexe could be rented or sold as a separate dwelling or used as a holiday home
- Priority should be to re-using previously developed land
- The submitted plans are difficult to read
- When did the curtilage as shown via the redline become residential curtilage?
- Why could space for a granny annexe not be accommodated within the main (5 bed) dwelling?
- It would set a precedent for this small hamlet
- The proposed building would be larger in footprint than the previous approval for the stables.
- The application site has been subject to building works for years, thus creating further noise and mess during construction of this development.
- The single access lane to these properties has recently been re-surfaced which could be damaged with further traffic, particularly with regards to construction activity
- The area is rural in nature and thus the development would be out of character to the area.
- Overdevelopment of the site

Full details of the written objections can be viewed online at the following web address;  
<https://www.developmentmanagement.stockton.gov.uk/online-applications/>

## **PLANNING POLICY**

25. 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 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

### **26. 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.

### **27. Local Planning Policy**

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

28. 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.

29. 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.

30. Saved Policy HO13 of the adopted Stockton on Tees Local Plan

Extensions to dwellings to provide accommodation for dependent relatives should be designed to be used as part of the main dwelling when no longer required for that purpose.

31. Saved Policy EN13 of the adopted Stockton on Tees Local Plan

Development outside the limits to development may be permitted where:

- (i) It is necessary for a farming or forestry operation; or
  - (ii) It falls within policies EN20 (reuse of buildings) or Tour 4 (Hotel conversions); or
- In all the remaining cases and provided that it does not harm the character or appearance of the countryside; where:
- (iii) It contributes to the diversification of the rural economy; or
  - (iv) It is for sport or recreation; or
  - (v) It is a small scale facility for tourism.

**MATERIAL PLANNING CONSIDERATIONS**

32. The main planning considerations of this application is the principle of development, the impact upon the character of the area, the amenity of neighbouring occupiers and implications for highway safety.

**Principle of Development**

33. Supporting evidence has been submitted to demonstrate that the proposed granny annexe would be ancillary to the main dwelling. Policy H013 supports such development whereby it has been designed to be part of the main dwelling once accommodation for the dependent relative has ceased. This development would feature a lounge, kitchen and bedroom which is noted to be separate and would have no links to the main dwelling i.e. via a connecting corridor or shared kitchen facility. However, there is to be a wood store, garage and office which is demonstrated as being separate to the granny annexe. Therefore it is considered that ancillary use would remain upon completion of the development and the main part could easily be used as an ancillary games room or converted into a garage space/workshop if required.

34. Notwithstanding this, consideration must be given to a recent planning decision for a similar development that had a self-contained use and was sited away from the development. Generally, upon reviewing appeal decisions, it is not uncommon for granny annexes to form a separate unit that is still in connection with the main dwelling. For instance the same vehicular access would still be used and the unit would be within the residential curtilage as defined by the redline boundary.
35. With respect to the appeal decision, Roberta Lodge (Appeal Ref: APP/H0738/D/17/3190761) had its appeal allowed for a granny annexe within the rear garden of the host dwelling which shared the same access and was within the residential curtilage. Similarly, the unit was sited approximately 22m away from the main dwelling and this proposed development is sited approximately 21m away from the main dwelling. This was deemed to be acceptable subject to a condition to tie the development to the main dwelling and this scheme is not considered to be significantly different to this recent appeal decision. Consequently it has been considered that the principle of development is considered to be acceptable with respect to this appeal and policy H013.
36. As the development can be conditioned to be ancillary to the main dwelling, it is not considered to be contrary to policy EN13. This is because the unit is not considered to be a separate dwelling and thus there is no requirement to assess whether the location would be sustainable.
37. With regards to a comment expressed about PPS7, this national policy is no longer a requirement when assessing applications due to policy changes as a result of the NPPF. Nonetheless, it is not considered that there would be a requirement to seek previously development land for this type of development, especially as the development would be on a similar footprint as the existing stables. No further consideration will be given in regards to this policy.
38. Reference has been made from some neighbour comments about when the curtilage of the dwelling changed which is in reference to the red outline demonstrated on the submitted plan. The previous planning approvals of 11/0202/FUL, 12/0332/FUL and 15/2010/VARY show a red line around North Cottage, the stables and the land to the north of the stables. Consequently this red line has remained unchanged but for the red line showing the access point for this application and is considered to demarcate the residential curtilage. Notwithstanding this, the red line is considered to be acceptable to ascertain the granny annexe to be in association with the main dwelling as opposed to a separate unit with its own boundary curtilage.
39. On balance, the development is considered to be acceptable in principle subject to the other material planning considerations being acceptable.

#### **Character**

40. The proposed proportions, style and materials are considered to be acceptable because it is similar to the 2015 planning approval and it would follow the context of the existing dwelling. The changes since this approval relate to the provision of a wood store to the north of the existing stables and so is situated on a similar footprint, with the same height as the previous approvals. Therefore, on balance the development is considered to be acceptable with regards to character and the surrounding visual amenities given this extant planning permission, in which such works could be carried out if to be used as stables and an office and garage space.
41. With regards to the context of the site, this would be used as ancillary to the main building and therefore subject to the attached condition, is not considered to introduce a separate dwelling that would erode the character of this small housing settlement.

42. With regards to overdevelopment of the site, it has to be noted that there is a fall-back position of the original build being implemented. Therefore, as the scheme is similar in physical appearance and footprint, it is not considered to create a detrimental impact in this regard.
43. Reference is made about any existing hedging and trees that can be removed if outside the applicant's ownership, but no adverse comments have been received from the landscaping section. This is because it would be replacing a building of similar scale and is screened from Aislaby Road and so no reference has been made about trees or hedging that is internal to the site. As such there is no requirement for any trees or hedging to be protected.
44. A comment was made about hedging roots near the southern boundary being impacted by the foundations from the development. However, this would be a civil matter to resolve and cannot be controlled through the planning department.

### **Amenity**

45. The proposed granny annexe is considered to be sited a sufficient distance from the main dwelling to not adversely impact upon amenity in this regard.
46. It is also not considered to adversely impact upon the surrounding neighbouring properties given the siting of the development in relation to the orientation and remaining separation distances of these neighbouring properties.
47. The garden area of East Cottage runs adjacent the shared southern boundary of the application site but the development is not considered to significantly worsen the impact upon amenity. This is taking into account the extant planning permission and that it would not be significantly worse than the existing stables outbuilding. Nonetheless, the development would be sited away from this main dwelling and although activity levels may increase at this proposed building, there are no proposed openings that would significantly worsen noise levels, particularly when taking into account the siting of the public footpath. Additionally, no windows would face this dwelling and it is not considered that direct views would be achieved from the proposed roof lights owing to their proposed height.
48. Waverley (another neighbouring property), also has some of their land that runs along this southern boundary in which it has already been considered to not adversely impact upon amenity because of the siting of the development. With respect to privacy, it is considered that the existing outbuildings of East Cottage and Waverley would screen the majority of views from this annexe. Consequently, such views from the double doors of the annexe would be oblique and relatively screened. Also as the unit is to be an annexe, it is not considered to significantly impact upon privacy than what could be achieved at present with regards to the external amenity space.
49. With respect to the comments received about construction noise, a condition suggested by the Environmental Health Unit has been attached to help alleviate the construction activity at this site. This is considered to help towards protecting the amenity of neighbouring residents during construction of the development. However, the second condition about dust and wheel washers to be implemented was not considered necessary to be placed as a condition or informative given the domestic nature of the scheme.

### **Highway Safety**

50. The Highways, Transport and Design Manager has not objected to this application because the required in curtilage car parking can be achieved for this site.



51. Whilst neighbour comments have made reference to the single lane access track that serves these neighbouring properties, no adverse comments have been raised with respect to this development. Therefore, whilst sympathetic to the concerns expressed about the current lane being parked on or blocked by a waste bin, this cannot be controlled with there being no adverse concerns in regards to the proposed works. It should also be noted that the planning department cannot control where resident's park should they not wish to use their own garaging or driveway space.
52. Reference has been made about an increase in traffic levels to Aislaby Road, but as the unit is to be ancillary, it is not considered to significantly increase traffic levels to the detriment of highway safety in this regard. This is further confirmed with there being no adverse comments from the Highways, Transport and Design Manager.
53. With regards to the public footpath it has been confirmed with the agent that this is to remain unaffected during these works. However, for the avoidance of doubt an informative has been attached to ensure the applicant does not stop up or divert this public footpath without first contacting the local planning authority.

### **Residual Matters**

#### Setting a Precedent

54. Concerns have been raised in relation to this proposal setting a precedent for future similar schemes. However, in the event of such a development requiring consent, any proposals would be treated on their own merits in the light of the situation prevailing at the time. Consequently, this application has been decided on its individual planning merits with regard to relevant material considerations.

#### Office Space

55. The proposed floor plans show an office which is understood to be used in connection with the main dwelling and therefore no proposed business over and above what would be ancillary is proposed as part of this application. A business that is not ancillary to the domestic property would require planning permission in its own right.

#### Submitted Plans

56. Reference has been made about the plans being difficult to read and understand, however, the drawings are to scale and considered to be sufficient in order for the local planning authority to issue a decision.

#### Re-surfaced Access Track

57. Reference has been made about the current access that serves these properties having recently been re-surfaced and paid for by these residents. However, any damage to a private access road would be a civil matter to resolve.

#### Previous Applications

58. Some comments have made reference to previous planning applications and there reasons for refusal. However, each application is assessed on their own merits in light of the situation prevailing at that time and the relevant planning policies.

### **CONCLUSION**

59. Overall it is considered that the proposed development accords with planning policy and would be acceptable in principle. There would also be no adverse impacts on the character of the area, the amenity of neighbouring properties or highway safety. Therefore, it is recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Economic Growth and Development**  
**Contact Officer Christina Poles Telephone No 01642 526063**

**WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Eaglescliffe</b>
<b>Ward Councillor(s)</b>	<b>Councillor Phillip Dennis</b>
<b>Ward Councillor(s)</b>	<b>Councillor Stefan Houghton</b>
<b>Ward Councillor(s)</b>	<b>Councillor Laura Tunney</b>

**IMPLICATIONS**

**Financial Implications:**

There are no known financial implications

**Environmental Implications:**

There are no known environmental implications.

**Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

**Community Safety Implications:**

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

**Background Papers**

Stockton on Tees Local Plan Adopted 1997

Alteration Number 1 to the Adopted Local Plan – 2006

Core Strategy – 2010

**Supplementary Planning Documents**

SPD3 – Parking Provision for Developments

**Appendix**

Appendix A – Location plan & proposed plans