

DELEGATED

AGENDA NO
PLANNING COMMITTEE

[Insert date]

REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT

18/0608/FUL

51 The Granary, Wynyard, Billingham

Application for change of use of open landscaped area to residential garden (including hedge boundary treatment).

Expiry Date 14 June 2018

SUMMARY

The site is located at 51 The Granary, Wynyard and is situated in a built up residential area. The area of land that this application relates to is located at the front and side of the property's garage and its neighbouring garage.

Planning approval is sought for the change of use of the open landscaped area to a residential garden including a hedge boundary treatment. Since the original submission revised plans have been received for a hedge boundary treatment to replace the initially submitted plans for a 1.5 metre high fence.

9 letters of objection and have been received from the neighbouring properties. Their main concerns relate to the impact on the character of the area. Although revised plans have been received since those original objections were received with no new comments being made.

In assessing the impacts of the proposal, the hedge is considered to be retain an element of greenery and would also help to retain an open feel to the estate. The hedge boundary treatment and change of use are therefore considered to be visually acceptable and will not adversely affect the character and visual appearance of the surrounding area. Given the nature of the use, along with the scale and design of this proposal it is considered that there would be limited impacts on the privacy and general levels of amenity for the surrounding neighbouring properties.

Taking into account all comments received, it is considered that the revised scheme is acceptable and the application is recommended for approval.

RECOMMENDATION

That planning application 18/0608/FUL be approved subject to the following conditions and informative;

01 **Approved Plans:**
The development hereby approved shall be in accordance with the following approved plans;

Plan Reference Number Date on Plan

SBC0001
SBC0007

26 April 2018
26 April 2018

Reason: To define the consent.

Landscaping softworks

- 02 **Notwithstanding the submitted details the landscaping scheme shall be in full accordance with drawing SBC 0007 and the associated specification. The landscape scheme shall be completed prior to first occupation of the garden area. Once planted the hedge shall be maintained and retained in accordance with the agreed details.**

Reason: To ensure a high quality planting scheme is provided in the interests of visual amenity which contributes positively to local character.

Removal of PD Rights

- 03 **Notwithstanding the provisions of classes E and F of Part 1 and class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order), no ancillary buildings or means of enclosure shall be erected on this site without the prior written approval of the Local Planning Authority.**

Reason: To adequately control the level of development on the site in the interests of the visual amenity of the area.

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.

BACKGROUND

1. The residential properties within this area were originally approved in 1994 (94/1906/P).

SITE AND SURROUNDINGS

2. The site is located at 51 The Granary, Wynyard. To the north of the site is 52 The Granary and to the south of the site is 50 The Granary. To the east of the site is 37 The Granary and to the west of the site is an area of green open space. The area of land that this application relates to is located at the front and side of the property's garage and its neighbouring garage.

PROPOSAL

3. The application seeks permission for the change of use of open landscaped area to residential garden (including a hedge boundary treatment). The hedge boundary treatment would be offset 600mm from the path.
4. Since the original submission a revised plan has been sought and the applicant has proposed a hedge boundary treatment which has replaced the initial plan to erect a 1.5 metre high fence to enclose the residential garden.

CONSULTATIONS

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

Cleveland Police

The proposed boundary fence would have no impact on issues in relation to crime prevention and community safety. The Police would not normally comment on issues of fence suitability that arise outside crime prevention and community safety matters.

Highways Transport & Design Manager

General Summary

The Highways Transport and Design Manager objects to the proposals on landscape and visual grounds.

Highways Comments

The proposed fence does not affect visibility no highway objections are raised.

Landscape & Visual Comments

The Highways Transport and Design Manager still objects to the proposed boundary changes on landscape and visual grounds. Relocating the garden boundary close to the edge of the grassed area is contrary to the open streetscene, and will narrow up the entrance to the pedestrian footpath alongside the property. Furthermore, this proposal would also set a precedent for future extension of gardens locally, potentially reducing areas of open space within the development and this is not acceptable.

Whilst the updated proposal for a hedgerow boundary would present a more attractive boundary, than the fence previously proposed, this is still not in keeping with adopted design guide or local character. It is considered that the extension of the garden to the edge of the footpath would not be acceptable in landscape and visual terms, no matter how the boundary is treated.

Should the application be approved, a soft landscape condition should be imposed to secure the detail of the proposed planting scheme. This should include details of the size and spacing of plants, details of support and any mulch etc. The suggested condition wording is included below.

Informative

Landscaping Softworks

PUBLICITY

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

M Anderson - 35 The Granary Wynyard

Whilst having no problem with the application to bring the current grassed area in question into the main garden by part removal of the existing brick wall, I must object to the proposed type of fencing which Miss Glenton hopes to use to enclose the garden area.

This is totally out of keeping with the surroundings and does not comply with the design and specifications originally set out by Cameron Hall Developments. This should also follow the requirements as laid down by the Council, several years ago, when the owners of 52 The Granary made a similar application to enclose part of their garden – i.e. a matching brick wall was constructed along with a shrubbery to help reduce the visual impact of the brickwork. This should set a precedent as being an excellent example of how the enclosed garden should look.

In view of the above, I would hope that a wall will be constructed, using a matching brick to the existing garden wall and perhaps allow a recess in from the pavement for the last 2-3m, where the wall would then meet flush with garage. This feature could allow for the creation of shrubbery in front of the area where the garden wall and garage meet. This suggestion is intended to enhance the visual appearance, would be in keeping with it's surroundings and would look as if it was part of the original development plan.

Mr David Stothard – 36 The Granary Wynyard

I am not against the proposal to extend the garden. However, the plan to enclose the land with a 1.5m high fence would not blend in well to the surrounding properties. A matching brick wall would be a better choice. This would also reflect the improvements made by the adjacent property with a similar enclosure of their garden several years ago.

Mr and Mrs Eccles - 39 The Granary Wynyard

Whilst having no problem with the application to bring the current grassed area in question into the main garden by part removal of the existing brick wall, I must object to the proposed type of fencing which Miss Glenton hopes to use to enclose the garden area.

This is totally out of keeping with the surroundings and does not comply with the design and specifications originally set out by Cameron Hall Developments. This should also follow the requirements as laid down by the Council, several years ago, when the owners of 52 The Granary made a similar application to enclose part of their garden – i.e. a matching brick wall was constructed along with a shrubbery to help reduce the visual impact of the brickwork. This should set a precedent as being an excellent example of how the enclosed garden should look.

In view of the above, I would hope that a wall will be constructed, using a matching brick to the existing garden wall and perhaps allow a recess in from the pavement for the last 2-3m, where the wall would then meet flush with garage. This feature could allow for the creation of shrubbery in front of the area where the garden wall and garage meet. This suggestion is intended to enhance the visual appearance, would be in keeping with its surroundings and would look as if it was part of the original development plan.

Mr and Mrs Griffiths - 38 The Granary Wynyard

Whilst having no problem with the application to bring the current grassed area in question into the main garden by part removal of the existing brick wall, I must object to the proposed type of fencing which Miss Glenton hopes to use to enclose the garden area.

This is totally out of keeping with the surroundings and does not comply with the design and specifications originally set out by Cameron Hall Developments. This should also follow the requirements as laid down by the Council, several years ago, when the owners of 52 The Granary made a similar application to enclose part of their garden – i.e. a matching brick wall was constructed along with a shrubbery to help reduce the visual impact of the brickwork. This should set a precedent as being an excellent example of how the enclosed garden should look.

In view of the above, I would hope that a wall will be constructed, using a matching brick to the existing garden wall and perhaps allow a recess in from the pavement for the last 2-3m, where the wall would then meet flush with garage. This feature could allow for the creation of shrubbery in front of the area where the garden wall and garage meet. This suggestion is intended to enhance the visual appearance, would be in keeping with its surroundings and would look as if it was part of the original development plan.

Mr R A Hastings - 37 The Granary Wynyard

Whilst having no problem with the application to bring the current grassed area in question into the main garden by part removal of the existing brick wall, I must object to the proposed type of fencing which Miss Glenton hopes to use to enclose the garden area.

This is totally out of keeping with the surroundings and does not comply with the design and specifications originally set out by Cameron Hall Developments. This should also follow the requirements as laid down by the Council, several years ago, when the owners of 52 The Granary made a similar application to enclose part of their garden – i.e. a matching brick wall

was constructed along with a shrubbery to help reduce the visual impact of the brickwork. This should set a precedent as being an excellent example of how the enclosed garden should look.

In view of the above, I would hope that a wall will be constructed, using a matching brick to the existing garden wall and perhaps allow a recess in from the pavement for the last 2-3m, where the wall would then meet flush with garage. This feature could allow for the creation of shrubbery in front of the area where the garden wall and garage meet. This suggestion is intended to enhance the visual appearance, would be in keeping with it's surroundings and would look as if it was part of the original development plan.

Mr D Pearce - 52 The Granary Wynyard

Although the title has changed the application has not and so the original objection still stands as below.

I refer to the above application and write to advise that although I do not have any problem with the application itself I do object to the type of fencing that is to be used.

I feel that the fencing proposed is not of a type used anywhere else in the village and is not in keeping with the character of Wynyard and the designs set out by Cameron Hall Developments.

A V James - 50 The Granary Wynyard

The above application is defective in the following ways:-

1. The location plan is incorrect as it shows my garage forming part of the Applicant's property. Please see the Land Registry Plan attached.
2. The photographs show a building marked 'garage'. This building is two adjoining garages. My garage is the half nearest the road.
3. The drawings show the fencing connecting to my garage. No permission to connect has been requested and you may assume permission will not be granted

I concur with the suggestions on the attached. In addition the grassed area shown in the side view photograph (between my garage and the road) should not be detached from the existing grassed area of the Applicant as this will remain the Applicant's property.

Whilst having no problem with the application to bring the current grassed area in question into the main garden by part removal of the existing brick wall, I must object to the proposed type of fencing which Miss Glenton hopes to use to enclose the garden area.

This is totally out of keeping with the surroundings and does not comply with the design and specifications originally set out by Cameron Hall Developments. This should also follow the requirements as laid down by the Council, several years ago, when the owners of 52 The Granary made a similar application to enclose part of their garden – i.e. a matching brick wall was constructed along with a shrubbery to help reduce the visual impact of the brickwork. This should set a precedent as being an excellent example of how the enclosed garden should look.

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Mrs Lucy Heathcote - 56 The Granary Wynyard

I agree with previous objections raised by neighbours and with the specific comments made by Stockton on Tees Highways, Transport and Design Manager in his objection based on landscape and visual grounds.

I'm sure a compromise can be reached. Using a matching brick wall construction and a more sympathetic landscape design, in line with the local character of immediate neighbour's boundaries, would allow the owner to extend her garden.

Mr and Mrs Hart - 55 The Granary Wynyard

Whilst having no problem with the application to bring the current grassed area in question into the main garden by part removal of the existing brick wall, I must object to the proposed type of fencing which Miss Glenton hopes to use to enclose the garden area.

This is totally out of keeping with the surroundings and does not comply with the design and specifications originally set out by Cameron Hall Developments. This should also follow the requirements as laid down by the Council, several years ago, when the owners of 52 The Granary made a similar application to enclose part of their garden – i.e. a matching brick wall was constructed along with a shrubbery to help reduce the visual impact of the brickwork. This should set a precedent as being an excellent example of how the enclosed garden should look.

In view of the above, I would hope that a wall will be constructed, using a matching brick to the existing garden wall and perhaps allow a recess in from the pavement for the last 2-3m, where the wall would then meet flush with garage. This feature could allow for the creation of shrubbery in front of the area where the garden wall and garage meet. This suggestion is intended to enhance the visual appearance, would be in keeping with it's surroundings and would look as if it was part of the original development plan.

PLANNING POLICY

7. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. 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

8. 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

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

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.

MATERIAL PLANNING CONSIDERATIONS

10. The main planning consideration of this application is the impact on the character of the area and the amenity of neighbouring occupiers.

Character of the Area;

11. Both the NPPF and Core Strategy Policy 3 (CS3) promote good design and encourage development to respond positively to the surrounding area. This application has been amended from the original proposal which sought to change the use of the garden and enclose it by 1.5 metre-high fencing. Following concerns raised about the impact of any fencing on the area and street scene the applicant has proposed changing the use of boundary treatment to a hedge.
12. It is noted that the Urban Landscape Officers have raised an objection to the relocation of the garden boundary close to the edge of the grassed area as they consider that the proposal would be contrary to the open street scene and would narrow the entrance to the pedestrian footpath alongside the property. In their opinion they consider that the proposal would set an adverse precedent for future extension of gardens locally and potentially reducing areas of open space within the development.
13. Whilst their position is noted, planning permission would not be required to plant a hedge or any other vegetation within the area seeking the change of use as it falls within the applicant's ownership, consequently similar visual impacts could occur without any planning control. Additionally, there has already been a planning approval for the enclosure of a residential garden within the street scene in 2004 (04/2687/FUL) at 52 The Granary. This included extending the existing boundary wall along the side of the property and planting a 600mm planting buffer to soften the appearance of the wall. A number of neighbours also objected to the initial fence boundary treatment but they also stated that they did not object to the principle of the change of use to garden.
14. In assessing the impacts of the proposal, the hedge is considered to be retain an element of greenery as part of the street scene and is therefore more in keeping aesthetically with the surroundings. It would also help to retain an open feel to the estate and would therefore not detract from the general landscape setting and visual amenity of the area. The change of use and hedge boundary treatment are therefore considered to be visually acceptable and will not adversely affect the character and visual appearance of the surrounding area.

Amenity of Neighbouring Occupiers

15. The privacy and amenity considerations for this planning approval concern noise, light and if it were to be overlooking or overbearing. Given the nature of the use, along with the scale and design of this proposal it is considered that there would be a limited impact on the privacy and

general levels of amenity for the surrounding neighbouring properties. The development is therefore considered acceptable in this regard and the application is considered to accord with policy CS3.

16. A condition is recommended to remove a number of Permitted Development rights for ancillary structures and new fencing meaning that they would require planning approval. This will ensure that that the garden retains a sense of openness and greenery as well as maintaining a satisfactory outlook for the immediate neighbouring properties.

CONCLUSION

17. It is recommended that the application be Approved with Conditions for the reasons specified above.

Director of Economic Growth and Development

Contact Officer: Isabel Allonby

Telephone No: 01642 527796

WARD AND WARD COUNCILLORS

Ward Northern Parishes

Ward Councillor Councillor John Gardner

IMPLICATIONS

Financial Implications:

The are no known financial implications of this proposal.

Environmental Implications:

The assessment of the application has taken into account the impacts on the character and appearance of the area as well as impacts on adjoining properties and it is considered that there would be no significant impacts as detailed within the report.

Human Rights Implications:

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

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

Relevant Planning applications:

04/2687/FUL Extension of existing boundary wall along the side of property (1.5m high); 52 The Granary.