

**DELEGATED**

**AGENDA NO  
PLANNING COMMITTEE**

**26<sup>th</sup> SEPTEMBER 2018**

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

**18/1273/FUL**

**28 Mark Avenue, Norton, Stockton-on-Tees**

**Erection of a two storey side extension and two storey front extension**

**Expiry Date**

**SUMMARY**

This application seeks full planning permission for the erection of a two storey side extension and two storey front.

The proposed extension is considered to be an appropriate form of development in terms of character, form, scale and siting in relation to the host dwelling and within the context of the wider street scene. It is considered that due to the size and location of the development there will not be a significant detrimental impact on the amenity of neighbouring occupiers.

Subject to the imposition of a condition in relation to the provision of an additional car parking space Highways Officers have raised no objection to the proposed development.

The proposal is therefore considered to be in line with general planning policies set out on the Development Plan. Members are therefore recommended to approve the application in line with the recommended conditions and informative.

**RECOMMENDATION**

**That planning application 18/1273/FUL be approved subject to the following conditions and informative detailed below;**

**Time period for commencement;**

**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>1 June 2018</b>
<b>MA 00228 B</b>	<b>3 August 2018</b>

**Reason: To define the consent.**

**Additional parking space;**

**02 Notwithstanding the submitted plans the development hereby permitted shall provide an additional car parking space (2.4m wide x 4.8m long) to the front of the dwelling. The parking space shall be in place prior to the occupation of the extension and shall be retained for the life of the development thereafter.**

**Reason: to ensure compliance with SPD3: Parking Provision for Developments 2011**

- Materials – Render finish:**
- 03 Notwithstanding any description, samples of the exact colour and finish of the render hereby permitted, should be submitted to and approved in writing by the Local Planning Authority prior to installation. Development shall be carried out in accordance with the approved details.

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

### **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. There is no planning history which relates to the application site. There are however a number of planning applications for similar forms of development within Mark Avenue.

### **SITE AND SURROUNDINGS**

2. 28 Mark Avenue is a semi-detached dwelling within a residential area of Norton. The street scene is characterised by two storey semi-detached dwellinghouse, due to the various alterations and extensions which have already taken place the street scene has lost its original character.

### **PROPOSAL**

3. Planning permission is sought for the erection of a two story side extension and first floor extension over the existing front projecting garage.
4. The proposed development presented to Members is a revised scheme. The original scheme proposed a rear balcony to sit flush with the rear elevation and did not feature the extension over the existing garage. However, following Officers site visit and the number of letters of objection received, the balcony was considered to represent an unacceptable form of development and the omission of the balcony was sought.
5. The proposed development would be rendered.

### **CONSULTATIONS**

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

**Councillors** - *We are concerned that residents in close proximity to the development are disturbed and believe it will be intrusive. We would like to recommend that this comes to committee for review and decision.*

**National Grid** - At the time of writing no written representations had been received.

**Highways Transport & Design Manager** - *In accordance with SPD3: Parking Provision for Developments 2011, a 2-bedroom house should provide 2 incurtilage car parking spaces and a 4-bedroom house provide 3 spaces. This property has no incurtilage car parking that meets standards, and this proposal increases the number of bedrooms to 4 thereby increasing the under provision of incurtilage car parking, by a further space, to a total of 3 spaces.*

*Many of the houses on Mark Avenue have substandard drives and garages which can be seen to result in cars over hanging the adjacent footway (as shown on the images below). Due to high levels of on-street parking it has been necessary to replace the grass verges with hardstanding to provide off-carriageway parking. Despite this vehicles can be seen parked partly on the narrow footway (1.2m) thereby causing an obstruction to pedestrians, particularly those with visual or mobility impairments and those using wheelchairs or pushchairs. This can force vulnerable pedestrians into the carriageway and into conflict with vehicles contrary to highway safety.*

*An under provision of incurtilage parking is likely to increase injudicious and indiscriminate parking to the detriment of highway safety however, it is accepted that the increase in the parking requirement, as a result of the proposed extension, only equates to one space. The additional space required could be accommodated within the curtilage of the dwelling and this should be secured by planning condition.*

*Should the required space not be secured by condition the Highway, Transport and Design Manager would object to this proposal. It should be noted that an increase to 3 bedrooms would not affect the parking requirements, and there would be no highway objection.*

## **PUBLICITY**

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

### **Mr and Mrs Moore - 32 Mark Avenue Norton**

*We are writing to formally object to the proposed patio doors and balcony to the rear of the first floor extension planning application for the above address.*

*We own and reside at 32 Mark Avenue and feel that patio doors and a balcony at No. 28 Mark Avenue would severely affect our privacy in our garden. We erected a high fence around our garden to protect our children from the main road and to enable them to play in relative seclusion and also to try to keep our children's noise level contained.*

*Having a balcony built into the first floor rear extension to No. 28 would not only mean that for us and our children there would be no privacy from the view at No. 28 but there is also the concern that should people be sat talking or playing music on the balcony the sound would be more magnified to all of the surrounding neighbours properties due to the balcony height and how sound travels.*

*As a family, we like to sit in our garden on a summer's evening and we feel that we are respectful to our neighbours with regards to trying to keep our noise to an acceptable level in the garden - as are our neighbours surrounding us. I am positive that even what could be perceived as an acceptable noise level on a first floor balcony on an early morning or late evening would not be acceptable to the surrounding properties and occupiers.*

*Based on the points above regarding impingement of our privacy and the potential problems that could be caused with regards to unacceptable noise levels we reiterate that we strongly oppose the plans for the patio doors and balcony to the first floor rear of No. 28, as we feel that it would negatively impact on the wellbeing of our family.*

*We hope this is sufficient to enable the plans to be revisited and look forward to being notified of revised plans to view.*

### **Philip Cooper - 34 Mark Avenue Norton**

*My name is Philip Cooper and along with my wife I own number 34 Mark Avenue. We have recently viewed the plans on line for the proposed extension at num 28 Mark Ave and we feel we have no option but to put an official objection in.*

*Although we do not reside at number 34 our tenants have small children who regularly play in the garden and because of the proposed balcony we feel they will lose their privacy.*

*Furthermore, I believe that number 28 being made into a 4 bedroom property could potentially cause issues with an already very busy road, being made worse with the addition of more cars.*

**Mrs liz kett - 17 Mark Avenue Norton**

*I am concerned that if the property is extended to four bedrooms with the proposed build that this could potentially create parking/access issues in Mark Avenue, which despite being a relatively small avenue is quite a busy road. Residents parking can be difficult as things currently stand.*

**Mrs J R Palicz - 30 Curlew Lane Norton (in summary)**

The proposed development, principally from the balcony would impact on privacy and light (Please note full comments can be viewed on the public access)

**Mr John Sinclair - 28 Curlew Lane Norton (in summary)**

Major concern over balcony, considers it would be overbearing and invasive. Concerned over the appearance of the two storey extension, including the balcony. (Please note full comments can be viewed on the public access)

**Mr and Mrs O'Brien – 32 Curlew Lane Norton**

Overall scale, the rear aspect would double in size and would impact on the outlook from side and rear properties. The development, principally the balcony would have a significant impact on their privacy and others. The development is for monetary gains of a developer. (Please note full comments can be viewed on the public access)

**Peter Cooper - 30 Mark Avenue Norton**

*My name is Peter Cooper I am the owner and resident of 30 Mark Avenue  
I wish to raise the following objections to the plans submitted by AK Homes Ltd*

- 1) The balcony*
- 2) light blocking*
- 3) too many bedrooms*

*1) A balcony is totally inappropriate due to the close proximity to neighbouring gardens  
It is one thing people looking out of a bedroom window it is quite another situation people sitting and watching our every move when we are in our garden. My partner spends a lot of time out there during the summer and we value our privacy that is why we have a high fence all around. There is a strong possibility that the property may be rented out and tenants are not always mindful of their neighbours. The balcony will only receive the morning sun and is at the mercy of cold northerly and easterly winds*

*2) The planned height and length of the second storey will block out natural light from entering our porch. This in turn will block natural light from entering our hall, stairs, lounge and kitchen  
It will block natural light from entering the conservatory. This in turn will block light from entering the kitchen. The front lounge is very dark until late afternoon so we sit in the conservatory to enjoy the natural light.*

*To some degree it will reduce the natural light from the bathroom and bedroom  
This will be even more pronounced in a winter when the sun is lower in the sky  
Examples can be seen in similar extensions in nearby properties*

*I.E. property no.9 overshadows no.11*

*property no. 13 overshadows no.15*

*property no.16 does not quite overshadow no.18 yet but I am reasonably sure it will in a winter*

*3) 4 bedrooms is too much. It encourages people with larger families and there is very little playing space and with so many cars parking now it is a danger to children dashing out. If they*

*have older children who want cars, or a group of friends want to share, multiple cars could be a nuisance. I was told that 4 bedrooms supports 4 cars but there just isn't the space.*

*The extent of the proposed alterations will lead to a lot of vehicles being around the area, which is already quite congested*

*When I added my extension to make a bigger third bedroom I was considerate enough to make it short so as not to encroach on the neighbours property*

**Jean Jones - 30 Mark Avenue Norton**

*Sorry if I am a nuisance but I am fighting for a standard of life. Your colleague when she visited made me think that being overshadowed was of little significance to the planning committee. But it is of huge significance to us.*

*I have also learnt that once planning permission is granted we cannot challenge it. My research has generated even more questions and comments. Can I send them to you or should I apply to speak at the meeting of the planning committee. I have never had any experience of dealing with planning committee so I am stumbling in the dark. Web sites give heaps of information for applicants but nothing to help those deeply affected by the plans. My apologies again yours Jean Jones*

*At summer solstice June 21st the sun is at an altitude of about 50° above the horizon. At winter solstice the sun is about 10° above horizon so the shadow cast at noon by proposed plan will be well up the side of our house.*

*No. 15 was permitted to create 4 bedrooms but doesn't appear to have been referred to highways committee*

*No.9 has built three bedrooms and a study on the first floor. The size of the study is big enough for a cot, sofa bed or a small single bed. Whilst it can only be sold or advertised as a 3 bedroom house who can stop it being used as a 4th bedroom.*

*AK Homes could do the same if the highways committee are objecting to 4 bedrooms, so the proposed second storey extension is definitely too long. It cannot be policed and enforced. It would be naive to think it will not happen*

*What do you define as an amenity? I couldn't find anything in HO12. I see natural light as an amenity. The comfort and prestige of living semi-detached I lived in a terraced house and the distance from bathroom to bathroom was approx. 6metres. The distance from our bathroom window to the big brick wall will be approx. 5 metres  
Great emphasis is placed on the effect on the environment of any new build but what about the effect on OUR environment.*

*I hope these attached photos work*

*First one is 9 overshadowing 11*

*Second is where shadow from rear of 28 near our fence*

*Third is 15 overshadowing 71*

*I think that is all, hopefully I will be at the meeting*

*Further comments relating to objection 2) light blocking*

**HO12**

**2.1** *Makes the comment "would I mind living next door to that"*

*Our answer is yes we would mind very much, and so would members of the committee in the same situation. When the extension to No 15 was built residents in No. 13 didn't object as they didn't realise how much it would impact on their lives. She hates how the hall is so dark all year now the hall is the hub of the building and having sunlight streaming in is a joy. When standing*

at our front door to exit or greet visitors we see sky, No 13 sees a solid brick wall. The bathroom will be similarly blighted even though the window is frosted glass

### 2.7 "Minimise impact on neighbours light overbearing

The proposed height and length of the extension will impact on us to a SIGNIFICANT degree. As demonstrated by NO.15 and No. 9, even with its sloping roof The conservatory is a room we love to sit in as we are both retired and enjoy seeing the garden and watching the birds. We would be in shadow ALL day. Also the hall whilst you regard it as a non-habitable room we pass through umpteen times a day, to and from all other parts of the house

### 3.3 Light and orientation of the sun

The side of our house faces south so the sun "travels" from the rear of 28 across the side of 26 and around front of 28. It reaches our front lounge late afternoon hence another reason for sitting in conservatory rest of the day the shadow in mid-winter will be intensified as the sun sinks lower to the horizon. I am working on how much lower that will be

### 10.1 60° /45° angle of sight

This I am not sure about. From the bedroom window on our extension the proposed length of the proposed extension may fall in that. I know we have a high fence but will the proposed extension impact on the conservatory under this ruling

I worked most of my life and all of it windowless and under fluorescent lighting. I know the misery of going to work in the dark and coming home in the dark as many of you will. SAD is well documented. I now enjoy as much as I can. I moved in with Peter 6 years ago and the conservatory is my favourite room. It was built around 20 years ago and gave Peter's late wife the same pleasure

Houses down this street have been difficult to sell hence No.28 going to auction. If you buy a house overshadowed you accept it as is. But we look set to have it thrust upon us. This plan will deter any potential buyers and thereby lower its value

In your comments on planning approval for No.9 you mention European human rights was that a reference to Article 8. To grant permission to the proposed extension I would consider a total Disrespect to our home and family

I will send photos to demonstrate the degree of shadow and this is on a sunny day in summer don't know if you have any.

Thanks for your patience Jean Jones

The planning regulations 2004 is a formidable to me. The only crumb of comfort I found was 4.16.1 Which mentions taking care with overshadowing of neighbours windows (no mention of habitable) Perhaps someone could tell me where it became applicable to HO12

It refers to "Right to Light" legislation where light has been enjoyed more than twenty years. This applies to our conservatory and possibly porch and bathroom. The porch has a window either side of the door So it is the line I will pursue if the property gets permission to build as planned. The ground floor we do not have any issues with

The revised plans do not eliminate our objections on the grounds of overshadowing and too many bedrooms so they still stand

I invite any committee member/s to come and see the difference between ours and no. 17

To Helen Boston  
Sorry I missed some details off the previous Email

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Jean Jones

**Mr and Mrs Dixon - 34 Curlew Lane Norton (in summary)**

Privacy compromised as a result of the balcony. (Please note full comments can be viewed on the public access)

**PLANNING POLICY**

8. 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.
9. Section 143 of the Localism Act came into force on the 15 January 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. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
11. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11) which for decision making means;
  - approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

- ii. 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.

### **Local Planning Policy**

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

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

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

#### Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

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 HO12 of the adopted Stockton on Tees Local Plan

Where planning permission is required, all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Permission for two-storey rear extensions close to a common boundary will not normally be granted if the extension would shadow or dominate neighbouring property to a substantial degree.

#### Supplementary Planning Guidance Note 2: Householder Extension Guide

Front Extension.

4.1 With the exception of modest porches, extensions to the front of a property would not normally be appropriate as they would upset the building line and be highly obtrusive. There may be circumstances where extensions to the front of the house are appropriate, but you will need strong justification for this. Extensions are best placed to the side or rear of properties where their effect on the street scene is more limited.

4.2 Modest porches may only be constructed within the curtilage and must be in keeping with the design and form of the existing house. Although many porches may be erected under permitted development rights, the Council will seek to ensure that those which require its approval accord with the general theme of the guidance, including the pitch of the roof.

Side Extension.

5.1 A side extension will be the one that needs a particularly high standard of design, as it will be visible to everyone who passes by. If you get it right here then the value of your home will rise, but if you get it wrong it could reduce the value of the whole street



5.2 Normally a gap of at least 1 metre is required between the outside wall of the extension and the boundary of your plot to avoid creating a terracing effect. Alternatively it may have to be set back from the front of the house by as much as 2 metres for the same reason.

5.3 The shape of the roof is also an important aspect, and one that can make or break the scheme. It is best practice to copy the shape and orientation of the main roof to ensure it fits in well. Flat roofs or other alien shapes are highly obtrusive and significantly lower the value of your extension, as well as creating potential maintenance problems

## **MATERIAL PLANNING CONSIDERATIONS**

13. The following are considered to be material in determining this application;

- Character and Appearance
- Residential Amenity
- Highways

### **Character and Appearance**

14. As set out within the Site and Surrounding section of this report, the majority of properties along Mark Avenue are semi-detached and have been significantly altered and extended over the years in a range of forms, resulting in a street scene which lacks cohesion. Considering the lack of uniformity to the existing street scene the proposed projecting gable to the front elevation at first floor is in this context considered to be an acceptable form of development and would detrimentally impact on the character and appearance of the host dwelling or on the wider street scene.

15. The application form sets out the applicant's intention to render the property, including the extension. Whilst there are no rendered properties within Mark Avenue, there are a number of properties within the street scene which have different variants of cladding, there are also examples of rendered properties within the wider estate. Given the eclectic mix of development within the wider street scene it is not considered that the introduction of render would have a detrimental impact. It should also be noted that to render the host dwelling would not require the benefit of planning permission. However, to ensure a suitable level of amenity a condition has been recommended to require the exact colour and finish of the render to be submitted to the LPA.

16. The style, proportion and materials of the proposed extension are considered to be in keeping with the host dwelling and are acceptable to the area. This is taking into account that a number of the properties in the area have had similar extensions. It is therefore considered that the proposal would not cause any adverse impacts upon the visual amenity of the host dwelling or the surrounding area. The proposed development is therefore considered to be in compliance with the NPPF, Saved Policy H012 and Core Strategy Policy 3.

### **Residential Amenity**

17. The original scheme generated a significant number of public objection from occupiers of the surrounding residential properties with the majority of comments making reference to the impact the proposed balcony would have had on their amenity. There were also concerns over the impact on parking, this matter is addressed in the later parts of this report.

18. Following the re consultation of the revised plan which shows the omission of the balcony only one further objection has been received and this is from the occupiers of No.30 Mark Avenue, the property to the north of the application site. The principle concerns raised from the occupiers of No.30 are the loss of light to their conservatory, although concerns are also raised about light to the porch, although they note that this is not a habitable space. They are also concerned about the uplift in bedrooms.

19. A site visit was carried out to No. 30, which included their rear amenity space and conservatory. Having visited the adjacent property, it was evident that the rear of No.30's

conservatory is in line with the existing rear elevation of No.28. Whilst the proposed extension would have the same eave height of the host dwelling it would have a reduced ridge height of 0.4 m from that of the host dwelling. Furthermore, it is proposed that the roof of the extension would be hipped, further aiding to reduce the dominance. Due to the orientation of the properties relative to the path of the sun, the existing boundary treatment of a 6ft close boarded fence and the scale of the proposed two storey side extension, which is set in from the rear elevation by 1.7 m, it is not considered that the loss of light to the rear amenity space of No.30 would be significant enough to warrant a refusal on these grounds.

20. The proposal is in accordance with the guidance contained in the NPPF, SPG2 and Saved Policy HO12 in respect of it not involving any significant loss of privacy, appearing overbearing or result in a significant reduction in light to the residents of neighbouring properties. This is taking into account separation distances, boundary treatments and the orientation to neighbouring properties. The development is therefore considered acceptable in this regard.

### **Highways**

21. In accordance with SPD3: Parking Provision for Developments 2011, a 2-bedroom house should provide 2 curtilage car parking spaces and a 4-bedroom house provide 3 spaces.
22. This property has no in curtilage car parking which meets current standards however, it must be noted that this is an existing situation along Mark Avenue which predates the 2011 guidance. Therefore, it must be considered that the two existing spaces which are to be retained are acceptable. However, in line with the current guidance the proposed two additional bedrooms would require an uplift in one car parking space, it is therefore a request from Highways that a condition is attached to an approval requiring an additional car parking space in provided to the front of the property.
23. Subject to this imposition of this condition Highways have confirmed they would not raise objection to the proposed development.

### **CONCLUSION**

24. The proposed extension is considered to be an appropriate form of development in terms of character, form, scale and siting in relation to the host dwelling and within the context of the wider street scene. Subject to the imposition of a condition for an additional parking space, there are no highway objections and the application is recommended for approval.

**Director of Economic Growth and Development**  
**Contact Officer Helen Boston Telephone No 01642 526080**

### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Norton West</b>
<b>Ward Councillors</b>	<b>Councillor David Wilburn</b>
<b>Ward Councillors</b>	<b>Councillor Norma Wilburn</b>

### **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  
Core Strategy – 2010  
Supplementary Planning Guidance Notes - Householder Extensions  
Supplementary Planning Documents - SPD3 – Parking Provision for Development