

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

15 March 2023

**REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

22/2300/FUL

12 Hartburn Village, Stockton-on-Tees, TS18 5EB

Application for replacement of existing flat roof with pitched roof to include installation of external door of existing extension.

Expiry Date: 17 March 2023

SUMMARY

The application site host dwelling is a detached Victorian period dwelling sited within Hartburn's Conservation Area (covered by Article 4 Directions) in Stockton-on-Tees.

The application seeks planning permission for the replacement of an existing flat roof to a rear extension with a mono-pitch roof with the installation of a doorway to the existing extension. Revised plans were sought to change a hipped roof design to a mono-pitch roof to alleviate boundary concerns from neighbouring residents.

The application comes before Members as the applicant is an employee of the council and three letters of representation were received: one letter of objection and two general representations. As a result of the objection, the application falls outside the scheme of delegation.

The main considerations are the impact of the proposed development on the character and appearance of the Hartburn Conservation Area and the amenity of neighbouring occupiers. The development would be situated within the rear yard of the site and would be screened from the wider Hartburn Conservation Area by the surrounding dwellings. The proposed roof structure and materials are considered to be sympathetic to that of the host dwelling and its surroundings and there is considered to be no impact on the Hartburn Conservation Area.

In terms of amenity, it is not considered that there would be a significant impact in terms of overshadowing, overbearing or overlooking impacts imposed onto neighbouring occupiers.

The application is recommended for approval subject to conditions as set out below.

RECOMMENDATION

That planning application 22/2300/FUL be approved subject to the following conditions and informative:

01 Time Period for Commencement

The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.

Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).

02 Approved Plans

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

Plan Reference Number	Date Received
2037-418-00-ZZ-DR-A-1100-S3-P02	4 November 2022
2037-418-00-ZZ-DR-A-1200-S3-P02	3 November 2022
SBC0001	28 November 2022
2037-418-00-ZZ-DR-A-2000-S3-P03	13 February 2023
2037-418-00-ZZ-DR-A-2100-S3-P03	13 February 2023

Reason: To define the consent.

03 External Finishing Materials

The external finishing materials shall be of a similar appearance to that of the existing building and shall be retained for the lifetime of the development.

Reason: In the interests of visual amenity and in order to conserve the character of the Hartburn Conservation Area in accordance with Local Plan Policy SD8 and HE2.

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.

BACKGROUND

1. The application site had planning permission granted and implemented for a single storey rear extension (Ref: S0594/74).

SITE AND SURROUNDINGS

2. The application site No.12 Hartburn Village is a detached Victorian period dwelling sited within Hartburn's Conservation Area (covered by Article 4 Directions) in Stockton-on-Tees.
3. The site can be accessed via a footpath which runs adjacent to and east of No.10 Hartburn Village, the host dwelling is sited to the north of Nos 8-10 Hartburn Village with All Saints Church sited to the southwest. To the east is No.6 Hartburn Village and to the north is land relating to No.26 Darlington Road, a commercial premise.
4. No 6 Hartburn Village (east) and a Flax Beating Stone within the All Saints Church are Grade II listed buildings/structures.

PROPOSAL

5. The application seeks planning permission for the replacement of an existing flat roof to a rear extension with a mono-pitch roof with the installation of a doorway to the existing extension.
6. The existing height of the flat roof is approximately 2.4 metres. The proposal would retain an eaves height of approximately 2.4 metres and would slope upwards to approximately 3.5 metres

as an overall ridge height. To the roof slope there would be two rooflights introduced and grey concrete roof tiles.

7. Revised plans were sought to change a hipped roof design to a mono-pitch roof to prevent an overhang of the guttering on the boundary with neighbours.

CONSULTATIONS

8. The following consultation responses have been received as set out below (in summary):-
9. **Historic Buildings Officer** – No objections to the proposed development.
10. **Highways Transport & Design Manager** – No comments.

PUBLICITY

11. Publicity has been given to the planning application through a site notice and neighbour notification letters. The letters of objection and general representations are set out below:

Mrs Claire Pack, 8 Hartburn Village Stockton-on-Tees Objects

I would like to object to planning application 22/2300/FUL for the following reasons:

1. The existing flat roof extension forms the boundary wall of the small yard to the rear of my property. The proposed hipped lean-to roof would dominate the already small yard in an oppressive and overbearing manner. It would block light from my yard and kitchen window to the rear of my property. I would also have concerns that any guttering attached to the proposed roof would overhang onto my property.
2. The proposed two rooflights would provide a direct line of sight into the first floor rear bedroom of my property. This room is occupied by my teenage daughter. If approved, I would propose that the rooflights are removed entirely or alternatively they are a fixed, none opening design fitted with opaque or obscured glazing.
3. The proposed roof material of grey concrete rolled tiles is not in keeping with the surrounding Victorian properties or the extant conservation area. Roof tiles should be grey slate to match surrounding properties.
4. The OS Extract is incorrect. The red line boundary appears to show the land to the rear of the church is part of the freehold title to number 12. This is incorrect, the land demised to number 12 only extends to a small access path to the west of the property. The property is in effect landlocked, and it would be impossible to erect any scaffolding to facilitate the proposed work without encroaching on my small rear yard or block the only access to the rear of my property. In any event, consent to erect scaffolding or allow access to my rear yard, would not be provided.

For the above reasons I would respectfully suggest the application is refused.

Keith Reeks, 14 Hartburn Village Stockton-on-Tees General Representations

With reference to planning application 22/2300/FUL The location plan included in application shows an area outlined in red extending between nos. 10 and 6 Hartburn Village and to the rear(north) of the Church.

Could you please clarify the ownership of the area directly behind (north) of the Church, as I am not aware this area belongs to no.12 as the plan suggests.

Could I also point out that at the narrowest point between nos.10 and 6 a locked gate has been fitted. I understand that there is a pedestrian right of way along this path giving access to the rear of the Church which is their only rear fire exit to the road in the case of an emergency. A locked gate not only hinders exit but also hinders access by fire services in the event of an emergency.

I see no objection to the proposed development as such but feel that the above points require clarification.

Jane Neal And David Lawson, 4 Oaktree Grove Stockton-on-Tees

General Representations

We are writing as the churchwardens of St Peter's Church, Stockton on Tees which has ownership and responsibility for All Saints Church, Hartburn Village, which is adjacent to 12 Hartburn Village. We do not wish to object to the planning application for Miss Owen's work, however, we wish to make three general comments:

1. As a neighbouring property, we should have been included in the original letter circulation as a courtesy, as our land is connected to 12 Hartburn Village land.
2. The document submitted by the architect titled "Location Plan" is incorrect. The red delineated area shows the extent of the land of 12 Hartburn Village, but this is wrong. We attach a copy of the Land Registry document showing that in fact the architect has incorrectly included the rear yard owned by All Saints Church. This must be amended please.
3. We have had an historical right of way to the side of 12 Hartburn Village for over one hundred years, which appears to have been removed by the Council at some point without our knowledge or consent. We have an informal arrangement with Miss Owens to use the path to the side of her property in the event of evacuation from the church building in the event of a fire. We trust that this emergency exit access will not be impeded by the building work.

PLANNING POLICY

12. 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 Stockton on Tees Borough Council Local Plan 2019.
13. 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 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

14. 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.
15. 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.

Paragraph 130. Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 195 of the NPPF requires that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets conservation.

Paragraph 197. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Local Planning Policy

16. The following planning policies and supplementary planning documents are considered to be relevant to the consideration of this application.

Strategic Development Strategy Policy 1 (SD1) - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Strategic Development Strategy Policy 3 (SD3) - Housing Strategy

7. Proposals for all domestic extensions will be supported where they are in keeping with the property and the street scene in terms of style, proportion and materials, and avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Strategic Development Strategy Policy 5 (SD5) - Natural, Built and Historic Environment

To ensure the conservation and enhancement of the environment alongside meeting the challenge of climate change the Council will:

1. Conserve and enhance the natural, built and historic environment through a variety of methods including:
 - a) Ensuring that development proposals adhere to the sustainable design principles identified within Policy SD8.
3. Conserve and enhance the historic environment through a variety of methods including:
 - d. Supporting proposals which positively respond to and enhance heritage assets.

Strategic Development Strategy Policy 8 (SD8) - Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:
 - a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
 - b. Landscape character of the area, including the contribution made by existing trees and landscaping;
 - c. Need to protect and enhance ecological and green infrastructure networks and assets;
 - d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
 - e. Privacy and amenity of all existing and future occupants of land and buildings;
 - f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
 - g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
 - h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.
2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.
3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.
4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

Historic Environment Policy 2 (HE2) - Conserving and Enhancing Stockton's Heritage Assets

1. In order to promote and enhance local distinctiveness, the Council will support proposals which positively respond to and enhance heritage assets.
2. Where development has the potential to affect heritage asset(s) the Council require applicants to undertake an assessment that describes the significance of the asset(s) affected, including any contribution made by their setting. Appropriate desk-based assessment and, where necessary, field evaluation will also be required where development on a site which includes or has the potential to include heritage assets with archaeological interest. Applicants are required to detail how the proposal has been informed by assessments undertaken.
3. Development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance. Where development will lead to harm to or loss of significance of a designated or non-designated heritage asset the proposal will be considered in accordance with Policy SD8, other relevant Development Plan policies and prevailing national planning policy.
6. The following are designated heritage assets:
 - c. Conservation Areas - Billingham Green; Bute Street; Cowpen Bewley; Egglecliffe with Preston; Egglecliffe, Hartburn; Norton; Stockton Town Centre; Thornaby Green; Wolviston and Yarm
 - d. Listed Buildings

SPD Householder Guiding Principles

2.3 Privacy and Overshadowing

Extensions should not lead to the overshadowing of the neighbouring properties' main habitable room windows or private garden areas to an unreasonable degree. For a single storey rear extension, 3 metres from the original rear elevation should generally be appropriate, however this is dependent on various factors, including the scale, orientation and form of the extension as well as the house type and impact on neighbouring properties.

60 Degree Standard

The 60-degree standard follows the same principle as the 45 degree standard but relates to single storey extensions and involves a widening of the angle of the line to 60 degrees. This allows for single storey extensions generally having less bulk and causing less overshadowing than two-storey extensions.

Extensions will not be accepted where they lead to a notable loss of privacy for neighbouring residents. An impact on privacy can often be avoided or minimised through siting windows away from neighbouring properties and ensuring a sufficient separation distance is maintained.

3.3 Rear Extensions

Rear extensions, which includes conservatories, are generally not as visible as front and side extensions, however the design of an extension at the back of a property is still very important. A key objective for the design of a rear extension is to avoid an unacceptable overbearing or oppressive impact upon neighbours or significant overshadowing of a neighbouring property. This can often be achieved by setting the extension in from the nearest common boundary and through reducing the bulk of the extension by, for example, providing a hipped roof.

Windows in the side of the extension nearest to the boundary of a neighbouring property should generally be avoided. Obscurely glazed windows with restricted opening may sometimes be acceptable but it should be noted that, if your neighbour subsequently wishes to develop near their boundary, the outlook that you may have created by placing a window on a common boundary will not be protected.

MATERIAL PLANNING CONSIDERATIONS

16. The main planning considerations of this application are the impacts on the character and appearance of the Hartburn Conservation Area and amenity of neighbouring occupiers.

Impacts on Heritage Assets

17. Hartburn Conservation Area is the principal heritage asset affected by the development proposals. In addition, to the east is 6 Hartburn Village and to the south west a Flax Beating Stone within All Saints Church, which are both Grade II listed. Sections 16, 66 and 72 of the Planning Listed Buildings and Conservation Areas Act requires the LPA to give special consideration to the desirability of preserving or enhancing the character or appearance of that area.
18. Development decisions should accord with the requirements of Section 12 of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance.
19. Policy HE2 states that development proposals should conserve and enhance heritage assets, including their setting, in a manner appropriate to their significance.
20. Due to the location of the proposed development, the scale and form, it is not considered that the proposal would adversely impact on the setting of the two listed buildings/structures or the character and appearance of the Hartburn Conservation Area.

Character

21. The NPPF and the adopted Local Plan encourage high standards of design with Local Plan Policies SD3 and SD8 setting out that new developments should be appropriate to the context of

the surrounding area and be of an appropriate style, proportion, and materials to the main dwelling.

22. The application proposes to replace a flat roof from an existing rear extension to a pitched roof with concrete roof tiles. The installation of a pitched roof is considered to be a roof structure which reflects a design found on the host dwelling and dwellings within the immediate surrounding area. It is therefore not considered that this part of the proposal would impact the character of the area.
23. Whilst appreciated that examples of grey slate tiles can be found within the immediate area, given the siting of the extension at the rear of the host dwelling and that the dwelling is screened from the wider conservation area (being sited to the rear of Nos 8-10 Hartburn Village), the proposed development (including the materials proposed), is considered to conserve the character of the Conservation Area and the setting of the conservation area.
24. A condition has been recommended so that the external finishing materials used on the proposed development would be of a similar appearance to that of the existing building, in the interests of visual amenity and conserving the character of the Hartburn Conservation Area.
25. All consultees have been notified and no concerns have been raised with the proposed works. Therefore, in view of the above considerations, the proposed development is considered to be appropriate and accord with policies SD5 and HE2 of the local plan.

Amenity

26. In respect of the neighbouring occupiers, planning policies SD3 and SD8 seek to provide sufficient levels of privacy and amenity for all existing and future occupants of land and buildings, while guidance within the Householder Alterations and extensions SPD provides further clarity over the impacts extensions can have on neighbouring occupiers.
27. The only neighbouring occupiers that could be considered as affected by the proposals are No.8 Hartburn Village. The proposal would replace an existing flat-roof extension with an overall height of approximately 2.4 metres, with a mono-pitch roof with an approximate eaves height of 2.4 metres and overall height of 3.5 metres. There would be no increase in the footprint of the existing extension, however it is noted that the existing extension wraps round to the side of the dwelling directly adjacent to the boundary with No.8 Hartburn Village with the outside wall of the extension at the site and the rear elevation of No.8 separated by approximately 1.8 metres.
28. It is acknowledged that the relationship between the host dwelling and No.8 Hartburn Village is constrained and any development has the potential to impact on the neighbouring occupiers.
29. Revised plans were sought as the proposed guttering encroached the neighbour's boundary. The scheme however proposes a differing roof style as opposed to any further extension outward of the envelope of the dwelling. Whilst the proposed eaves height would remain the same as the existing height of the flat roof on the extension, the maximum height of the pitched roof would result in an increase of approximately 1.1 metres.
30. A window to the rear elevation of No.8 Hartburn Village at ground floor serves a kitchen space and is single aspect, however it is a north facing window and the degree of overshadowing is considered to be limited. In view of this and considering the proposed eaves height is as existing and the remaining bulk of the additional height increase would be limited to a small gable, it is on balance not considered to have a dominating or overbearing impact.
31. Given the northern-facing orientation of the rear elevation of No.8 and the existing separation distances between the host dwelling and No.8, it is not considered that the single aspect, non-habitable space would be adversely affected by any overshadowing or overbearing impacts to such an extent it would justify a refusal of the application.

32. Concerns have been raised with regards to the two rooflights to be installed. However, the rooflights would be orientated to the west into the yard space to the rear of All Saints Church and are situated well above eye level limiting any views to neighbouring occupiers. It is not considered that the amenity of the neighbouring occupiers would therefore be impacted by the rooflights.

Residual Matters

33. Comments were raised with regards to incorrect information supplied due to boundary disputes. This has since been rectified by the applicant and accurate information has been supplied prior to the determination of the application, with all neighbours reconsulted on the boundary changes. No further comments were received upon further consultation.
34. Concerns were raised with regards to access onto private land in order to facilitate the development. This is considered to be a civil issue and cannot be considered as part of this application.
35. Comments were made with regards to the access of a right of way adjacent to the host dwelling. For clarification, there is no formally recognised public right of way adjacent to the host dwelling. Any covenant is again a civil issue and is not a material planning consideration relevant to the determination of this application.

CONCLUSION

36. The proposed extension by virtue of its scale, proportions and design, is not considered to cause a detrimental impact to the character and appearance of the Hartburn Conservation Area or adjacent listed buildings/structures. Furthermore, in respect of residential amenity, the proposed extension does not cause a significant loss of amenity or privacy to neighbouring properties.
37. In view of the above, it is therefore recommended that the application be approved subject to those conditions set out within the report.

Director of Finance, Development and Business Services
Contact Officer Joe Port. Telephone No. 01642 524362

WARD AND WARD COUNCILLORS

WARD	Hartburn
Ward Councillor	Councillor Lynn Hall
Ward Councillor	Councillor Niall Innes

IMPLICATIONS

Financial Implications: N/A

Environmental Implications: N/A

Background Papers:

The Town and Country Planning Act 1990
National Planning Policy Framework
Stockton on Tees Local Plan Adopted 2019
Householder Extensions and Alterations Supplementary Planning Document