

DELEGATED

**AGENDA NO
PLANNING COMMITTEE
6 December 2023
REPORT OF DIRECTOR OF FINANCE,
DEVELOPMENT AND BUSINESS SERVICES**

23/1820/FUL

Bay Tree House, Seamer Road, Hilton

Erection of a 1.5 storey detached dwelling and demolition of existing dwelling/garage.

Expiry Date 08 December 2023

SUMMARY

The application seeks planning permission for the demolition of existing dwelling/garage and the creation of a replacement a 1.5 storey detached dwelling.

The application site is a detached bungalow on Seamer Road in Hilton village. The surrounding properties on Seamer Road are a mix of 1940s/50s and 1960s/70s, single and two-storey properties of a range of different types and styles.

27 objection comments have been received. The majority of objections comment on the size and scale of the design, the proximity to neighbouring properties, the visual impact, impact on privacy, loss of light, noise and the development not being suitable for the site or the area.

There have been no objections raised from the technical consultees consulted.

As detailed within the report below, whilst the proposal is larger than what is currently in place it is not considered to have a significant impact on the character of the village or a significant impact on the neighbouring properties.

RECOMMENDATION

That planning application 23/1820/FUL be approved subject to the following conditions and informatives below;

01 Time Limit

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
2305/PL/01 'O'	25 September 2023
2305/PL/02 'O'	25 September 2023
2305/PL/03 'A'	25 September 2023

2305/PL/04 'O'	25 September 2023
2305/PL/05 'O'	25 September 2023
2305/PL/06 'D'	9 October 2023
2305/PL/07 'B'	25 September 2023
2305/PL/08 'C'	25 September 2023
2305/PL/09 'O'	25 September 2023

Reason: To define the consent.

03 Materials

Notwithstanding the submitted information the hereby approved development shall be constructed of the following materials

Walls – Red brick and cream render
Roof – Slate effect concrete roof tiles
Windows – Grey UPVC

Reason: To ensure a satisfactory form of development

04 Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Reason: In the interests of protecting residential neighbours from noise and disturbance during construction.

05 Additional Hardstanding

Notwithstanding the details hereby approved, the vehicular hardstanding to the front of the proposed dwelling to provide three in-curtilage car parking spaces (5 metres in width by a depth of 12.1 metres). The parking provision shall be retained thereafter for the lifetime of the development. The hardstanding shall be constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.

Reason: To provide the requisite in-curtilage car parking provision in the interests of highway safety.

06 Enclosure

Prior to the occupation of the development, details of the enclosure/front boundary hedgerow shall be submitted to and approved in writing by the Local Planning Authority. This will be a detailed planting plan and specification of works indicating soil depths, plant species, number, inter relationship of plants, stock size and planting methods. All works shall be in accordance with the approved plans.

Such means of enclosure shall be planted in the first planting season following completion of the development.

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

07 Permitted Development Rights – Extensions and Alterations

Notwithstanding the provisions of classes A, AA, B, C, D, E & F of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that Order), the buildings hereby approved

shall not be extended or altered in any way, nor any ancillary buildings or means of enclosure erected within the curtilage otherwise agreed in writing with the local planning authority.

Reason: In order that the local planning authority may exercise further control over residential amenity.

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: Care for Your Area

The applicant should contact Care for Your Area 01642 391959 regarding widening the dropped vehicle crossing.

Informative: In a Smoke Control Zone

As the property is within a smoke control area the occupant is to comply with the following:

- Burn authorised fuels- a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/fuels.php?country=e>

- Install a DEFRA approved appliance; a list of these can be found on the following link

<http://smokecontrol.defra.gov.uk/appliances.php?country=e>

- The appliance is to be installed by an approved contractor and certificates of the work to be submitted to the Local Authority

SITE AND SURROUNDINGS

1. The application site relates to Baytree House on Seamer Road in Hilton, Yarm which is a single storey detached dwelling. The surrounding properties on Seamer Road are a mix of one and two storey residential dwellings.
2. North of the property is 7 Falcon Walk, a two-storey detached dwelling and south of the property are Agricola Cottages, two storey semi-detached dwellings. East of the property is 2 Seamer Road, a detached single storey dwelling and west of the property is 19 Moorberries, a detached single storey dwelling.

PROPOSAL

3. The application seeks planning permission for the erection of a 1.5 storey dwelling along with the demolition of existing dwelling and garage. The proposed dwelling will serve four bedrooms. The proposed dwelling would approximately be 6.8 metres in height, 15.2 metres in width and 14.9 metres in depth.

CONSULTATIONS

4. Consultees were notified and the following comments were received (in summary):

Councillor Elsi Hampton - No Comments

Parish Council -No Comments

Highways Transport & Design Manager – no objection to this application.

Highways Comments

Car parking, in accordance with SPD3: Parking Provision for Developments 2011, has been provided for the 1.5 storey detached dwelling. There are no highway objections.

Landscape & Visual Comments

There are no landscape and visual objections to the proposals. Details of the front boundary hedging, and height shall be agreed by condition, the suggested wording is included below.

Informative – requiring details of means of enclosure/front boundary hedgerow to be submitted and agreed with the LPA. Associated planting should be undertaken in first planting season following completion of the development.

SBC Flood Risk -No Comments

Environmental Health Unit – no objection subject to the imposition of the following conditions:

- Unexpected Land Contamination
- Construction/ Demolition Noise – working hours restricted to 08:00 - 18:00Hrs on weekdays, 09.00 - 13:00Hrs on a Saturday and no Sunday or Bank Holiday working
- In a Smoke Control Zone

Northern Gas Networks - no objection

Northern Powergrid(u/g Cables, O/h Lines, Small Substations) – No Comments

Northumbrian Water Limited – No Comments

PUBLICITY

5. Neighbours were notified and a total of XX objections were received, the following comments were raised (in summary);

Objections received:

- Size and scale of the design
- The proximity to the neighbouring properties
- Visual impact
- Loss of light
- Noise
- Development not being suitable for the site or the area
- Projecting forward of the existing properties on the street
- Over development of the site

PLANNING POLICY

6. 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.

7. 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

8. 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.
9. 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; 39
- 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 users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Local Planning Policy

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

Policy 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.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or,
- Specific policies in that Framework indicate that development should be restricted.

Policy 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.

Policy 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.

House Holder Extensions and Alterations

2.2 Window Separation Distances

It is extremely important to have an adequate gap between neighbouring properties to prevent a significant impact and minimise any loss of privacy from developments. The Council will seek a minimum of 21 metres separation distance to be maintained between the main habitable room windows of facing residential properties and the extension. Where a side extension would face the rear of a neighbouring property (or a rear extension would face the side of the neighbouring property), the Council will seek a minimum of 11 metres between the windows of the main habitable rooms.

These distances will increase if there is a variation in ground levels between the properties or a difference in the number of storeys (where a property of over 2 storeys is involved). As a minimum, the separation distance should be increased by 3 metres for every 1 metre rise in ground level.

Innovative design solutions and creativity in external and internal layouts to reduce the impact of a development could be applied to achieve satisfactory levels of privacy and may in some instances allow a reduction in the separation distance. In addition, the standard may be applied more flexibly if individual circumstances allow, as each application is considered on its own merits.

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.

45 Degree Standard

The 45-degree standard applies to two-storey extensions with a greater than 3 metre projection from the rear elevation of a property. This tool is used in order to assess the potential impact of a proposal and maintain privacy and amenity for neighbouring properties. This rule normally applies to rear facing neighbouring windows that are perpendicular to the extension. It is calculated by drawing a line at a 45-degree angle from the centre of the nearest adjacent ground-floor main-habitable-window of your neighbour's property. If the line crosses the site of the proposed extension, in some instances, the Council may expect the extension to be reduced in size.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations of the application relate to the associated impacts of the proposals on the character of area, amenity of the neighbouring occupiers and highway safety.

Character

11. 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.
12. Seamer road has a mix of 1940s/50s and 1960/70s, single and two storey dwellings. East of the site is 2 Seamer Road, a detached single storey dwelling and south of the site are Agricola Cottages, which are two storey semi-detached properties and north of the property is 7 Falcon Walk which is a detached two storey property. Seamer Road has no defined character.
13. The application seeks to demolish the existing dwelling and garage and erect a new 1.5 storey dwelling. The proposed dwelling would be broken up by gables and half dormer windows. The varied ridge and eaves heights would also break up the mass of the dwelling in the street scene.
14. The proposed dwelling would approximately be 6.8 metres in height, this would be approximately 1.6 metres higher than the existing dwelling. However, whilst there would be an increase in the height of the proposals, within the immediate area there are two storey properties north and south of the property and overall there is no definitive style of property. As a result it is considered that the proposed 1.5 storey dwelling will not significantly affect the character of the street scene.
15. The proposed dwelling would be red multi facing brick and rendered in a cream colour render. The neighbouring property to the west, 2 Seamer Road is rendered in a cream

colour and there are other properties in the street scene which are rendered. The proposed render on the proposed dwelling wouldn't impact the character of the street scene.

16. It is acknowledged that the proposed dwelling would project forward of the of the existing dwelling, however there is no clearly defined building line or character within the street scene. Taking into account the change coming forward of the existing dwelling and overall design approach, it is considered that the proposed dwelling would not be significantly out of keeping with the overall context of the village and would introduce some variety into the street scene. Therefore it is not considered that the proposals would significantly impact the character of the street scene.
17. In view of the above considerations the proposed erection of a dwelling of the proposed character and scale is considered to be appropriate to the style, scale and proportions of the range of properties within the surrounding area and consequently the proposals accords with policies SD3 and SD8 of the Local Plan.

Impact on Neighbours

18. 2 Seamer Road is the neighbouring property to the west of the host dwelling and offers a side-to-side relationship. The proposed dwelling would be set approximately 3.2 metres away from the neighbouring property and would be partially screened by an approximate 1-2-metre-high hedge. There would no windows which would face the neighbouring property, but it would be partially screened by the existing hedge. The proposed dwelling would comply with the 45-degree rule which has been set out in SPD 2.3. Therefore, the proposed dwelling wouldn't have any significant impacts in regard to overbearing and overshadowing, on the neighbouring property.
19. 7 Falcon Walk is the neighbouring property to the north of the host dwelling and offers a rear-to-rear relationship. The proposed dwelling would be set approximately 7.9 metres away from the boundary and would be screened by an approximate 1.8-metre-high fence. The proposed dwelling would have windows facing the neighbouring property. The rear-to-rear separation distance of the two properties would be approximately 36.5 metres. This would be the same separation distance as the existing dwelling and would comply with the 21metre separation distance set out in the SPD for a rear-to-rear relationship. The proposed dwelling would therefore not cause a significant overbearing or overshadowing impact and would be considered acceptable.
20. 2 and 3 Agricola cottages are the neighbouring properties to the south of the host dwelling and offers a front-to-front relationship. The proposed dwellings front elevation would be set approximately 3.6 metres further forward than the existing bungalow. The proposed dwelling would be approximately 33 metres away from the neighbouring properties. This separation distance would comply with the 21metre separation distance which has been set out in the SPD 2.2 for a front-to-front relationship. Due to the separation distance, it is considered that the proposed dwelling would not result in an overbearing or overshadowing impact upon the neighbouring properties.
21. 19 Moorberries is the neighbouring property to the west of the host dwelling and offers a side to rear relationship. The proposed dwelling would be set approximately 4 metres from the boundary of the neighbouring property and would be partially screened by an approximate 1-metre-high hedge. The existing dwelling it set approximately 8 metres away from the boundary. The proposed dwelling would be approximately set 4 metres closer to the boundary. The separation distance between the neighbouring property and proposed dwelling (a side to rear relationship), would approximately be 12.4 metres, which would comply with the 11metre separation distance set out in SPD. There would be one window facing the neighbouring property however it would be partially screened by the existing hedge and wouldn't serve a habitable room as it would serve a utility/boot space.

Therefore, the proposed development wouldn't cause significant overshadowing, overbearing or privacy impacts and is considered acceptable.

22. A condition has also been put in place to remove the properties permitted development rights, this has been recommended to control overlooking and overbearing impacts on neighbouring properties.

Highway Safety

23. The existing dwelling is a 2-bedroom dwelling. The proposed dwelling would have 4-bedrooms. In accordance with the Councils SPD on parking, a 4-bedroom property needs a minimum of three parking spaces (2.4metres by 5metres). The proposed driveway would have enough space for three cars. The Highway Transport and Design Manager also offers no objections to the proposed development, and it is therefore considered that the proposal is acceptable in this regard.

CONCLUSION

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

Director of Finance, Development and Business Services
Contact Officer Hannah Whiting Telephone No 01642 526326

WARD AND WARD COUNCILLORS

Ward Southern Villages
Ward Councillor Councillor Elsi Hampton

IMPLICATIONS

Financial Implications: None

Environmental Implications: See 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

Supplementary Planning Documents

SPD – Householder Extensions and Alterations - Adopted May 2021