

RECOMMENDATION FOR APPROVAL

06/1000

29.11.06

Mr and Mrs George

Westacres, Satley

Erection of one bungalow

Cornsay Ward

The Application

1. Outline planning permission is sought for the erection of a bungalow to the rear garden of the residential property known as 'Westacres' in Satley. The area of the site proposed for the dwelling is set higher than the rest of the site due to the existing design of the garden. The site is located to the rear of the former pub, now Oak House, to the north of Satley Farm and to the west of the residential property of 'Random Lodge'. It is accessed from an unmade track leading off the main Satley Road, inbetween Corner Cottage and North farm, to the north west of the site. The site is 0.13 hectares in size and located within the Satley Conservation Area.
2. The application is in outline form and seeks to establish the principle of residential development on the site, with all details of the siting, design and external appearance, landscaping and means of access reserved for future consideration.
3. One three bedroomed bungalow would be erected to the south east corner of the existing garden with a yard and garden to the rear (south and south west) as well as a garden to the front. The bungalow would be 'L'shaped being 13m in length at the longest point and 12m in width. Materials would be brick and roof tiles to match the adjacent bungalow with painted wood doors and windows and black upvc rainwater goods.
4. Access would be taken off the existing back lane adjacent the existing access for Westacres into a drive with two allocated parking spaces. A 1.8m fence would provide the curtilage with Westacres to the west. There are existing conifer trees to the eastern boundary with the adjacent property of Random Lodge.
5. The existing property of Westacres would retain a front garden to the west and a patio area to the rear (east) as well as a garage and ample parking space for at least 3 cars. Separate accesses off the back lane would also be maintained.

History

6. Planning permission was granted in 1986 for the erection of two bungalows being Westacres, the existing dwelling and Random Lodge, to the east of the site (reference 1/1986/1139/DM).
7. A planning application for one dwelling on this site was previously withdrawn due to officer concerns regarding the access, siting, potential affect on the existing bungalow and design (reference 1/1996/0755/DM).
8. Planning permission was refused in 1999 for a dwelling to the east of Random Lodge (reference 1/1999/0596/DM) on grounds of encroachment into the countryside, tandem development and highway safety.
9. Planning permission was granted in February 2007 for the residential conversion of a barn and a new dwelling to the rear garden of Oak House, the property to the west of the application site (reference 1/2007/0008/DM).

Policy

10. The following policies of the adopted Local Plan are relevant in determining this application:

General Development Principles (GDP1)
Protecting the Countryside (EN1)
Preventing Urban Sprawl (EN2)
Development on Small Sites (HO5)
The Layout of New Housing (HO23)
Development within Conservation Areas (EN13)
Materials in Conservation Areas (EN15)
Development and Highway Safety (TR2)

The Layout of New Housing (SPG7)

Consultations

11. County Highways Development Control Officer- According to my records, there have been two previous planning applications for new dwellings in proximity to the existing bungalows accessed via Back Lane. The first (reference 1/1996/0755) was, I believe, in the exact same location as this current application. I note that that application was withdrawn prior to being refused of both new dwellings on the basis that "the road leading from the B6296 road, by reason of its restricted width, poor alignment and sub-standard junction with the B6296 road is considered unsuitable to serve as a means of access to the proposed development" Naturally, I would presume the highway reason previously used by your Authority in refusing application

1999/0596 is no less valid in this current application.

With regard to the 'live' application nearby (ref. 2006/0744), also proposing to utilise the same means of access, I would make clear that that application was not opposed (on the same basis as this and the 1996 and 1999 planning applications) given that the cited presence of a former Public House car park on the site of the proposed dwelling meant it could be argued to already have a level of generated vehicular activity historically associated with it. On this basis I did not regard it as feasible to sustain a highways objection. However this current application, being in a domestic garden, would be a net increase in the amount of vehicular activity using the track and junction and should be treated in the same way, in highway terms, as the 1996 and 1999 applications. I recommend that the application is refused.

This site is linked to the B6296 main road via an unmade track that is neither in the control or ownership of the applicant. The track owner has I understand objected to the application. I would argue that occupants of any new dwelling do not have, as of right, permission to access the site by vehicular means. In the absence of an agreement between the track's owner and the applicant as to the acceptance of intensified vehicular movements, arising from an additional dwelling upon the latter's property, there can be no assurance that associated traffic will not, at some future date, be parked on the B6296, to the detriment of highway safety.

The two dwellings immediately to the south of the junction with the B road appear not to have any off-street parking and the parking of vehicles to the frontages, immediately next to the junction, greatly impedes visibility. On both of the two occasions I have been to the site such parking has been present. An additional dwelling will intensify vehicular movements at this junction.

For information, both of the above two issues are more relevant to this application than that for the proposed dwelling upon land at the former Royal Oak PH car park site, given the historical usage of that land. The application does not conform to the County Council's guidance ('Guide to the Layout and Construction of Estate Roads') with regard to standards for vehicular access to new dwellings (this application would be the fifth dwelling to use the unmade track from the B6296). The access point with the B6296 should be improved (i.e. widened, increased radius) to accommodate a vehicle exiting the B6296 whilst a vehicle from the track is waiting to join. However, again, the land necessary to do this is not in the control of the applicant.

12. County Design and Conservation Officer- In Satley Conservation Area. This site is to the rear of the frontage buildings and forms part of the curtilage of Westacres. This is a modern bungalow of no architectural merit. I have no

objections. Given the proposed bungalow would be located between Westacres and another modern property where the context is not historic and the site is also well defined. I consider that there would be no harmful impact on the character of the conservation area. Approve in outline with design and materials to be reserved matters.

13. Satley Parish Council- No comments made.
14. Neighbours have been consulted and a site notice posted. Two letters of representation have been received from the owners of North Farm, set to the north west of the application site who advised on the 10th January 2007 that they own the back lane that leads up to the site and would not allow any extra traffic to cross the land. A further letter was then received from the owners of North Farm on the 21st February stating the following: I would like to withdraw my objection. I have spoken at length with the applicant and am satisfied that the addition of a dwelling at Westacres and the use of the entrance to the access track from the main road would not cause any safety issues as far as I am concerned. I therefore grant full access to the site and subsequent dwelling should the planning application be granted. I would like to add that North Farm is one of three in the partnership, all of which are located in Satley. The access subject of this application is primarily used for domestic access and occasionally a tractor. Heavy machinery used on the farm is located at Satley Farm, further south. I have also agreed with the applicant that should planning permission be granted he is to upgrade the entrance to the track surface to the required standard, which in my opinion would also greatly improve safety issues. In summery following my conversation with the applicant I am personally satisfied that he has taken all steps to ensure that additional access to the proposed dwelling can be achieved safely and without disruption to others.

Officer Assessment

15. The proposal is for outline planning consent for one dwelling. Matters of appearance, landscaping, layout and access are reserved for future consideration. As the proposal is in outline form it is primarily the principle of development that is to be considered at this stage. However, as the application site is within the Conservation Area the applicant has submitted illustrative layout drawings in order to determine the impact of the proposal on the locality.
16. It is appropriate to consider the potential impacts of any final development in order to assess whether, if the principle is acceptable, there are any restrictions which should appropriately be imposed at this stage. The main issues in determining this application is the principle of the development, the layout and form of the development within the conservation area, residential amenity and highways issues. Each are discussed below:

The Principle of the Development

17. Satley is a settlement to which Policy H05 of the Local Plan applies. In terms of this policy the site is considered to be a small site (of less than 0.4 hectares) within the village which has no formal Local Plan designation and is capable of being developed. New development may be acceptable if it is keeping with the character of the village and preserves its rural setting.
18. Under current Government guidance as outlined in PPS3 'Housing' the application site represents the type of site on which new residential development is being encouraged i.e. previously developed land within or on the edge of urban areas. The site is a brown field site being a garden attached to a dwelling, within the settlement of Satley. The site is situated within the settlement, and therefore its development would not be considered contrary to Policy EN1 or EN2 because of its relationship to the existing settlement pattern, lying inside of and to the west of the last house on the edge of Satley, 'Random Lodge'.

The Layout and Form of the Development within the Conservation Area

19. The site is within the Conservation Area. Satley is a linear village with development located on each side of the road. Any proposed development must not compromise the character and appearance of the village. It should be integrated into its rural setting and respect the existing scale, pattern and form of the village.
20. The site is considered large enough for a further dwelling, especially given that the existing bungalow is situated to the far northwest of the site with a large surrounding garden. It is felt that the size and massing of the proposed development and the existing bungalow is such to allow both the dwellings to sit comfortably in this locality and not adversely impact upon its setting. There is good space around the dwellings and adequate car parking.
21. Given that the site is to the rear of the frontage buildings and forms part of the curtilage of Westacres which is a modern bungalow of no architectural merit, the County Council's Design and Conservation Officer has no objection to the proposed dwelling. The proposed bungalow would be located between Westacres and another modern property where the context is not historic. It is therefore considered that there would be no harmful impact on the character of the Conservation Area.
22. However it is considered important at this stage to ensure that the scale of the dwellings is appropriate to that of the village and the plot itself and this can be made the subject of a condition so that the details submitted at reserved matters stage are not out of keeping with the scale and massing of

those buildings in the surrounding area.

23. Appearance and design are matters to be considered at the reserved matters stage although materials and architectural detail should reflect or enhance the character and appearance of the area. Proposed materials would be brick and roof tiles to match the adjacent bungalow with painted wood doors and windows and black upvc rainwater goods.
24. On the whole is it considered that the proposal subject to conditions regarding scale, design and appearance would preserve the character and appearance of the Conservation Area.

Residential Amenity

25. Although the applicant has not sought consideration of the layout of the dwelling, indicative plans have been submitted showing the layout and siting of the proposed dwelling.
26. The gable elevation of the proposed dwelling is set approximately 20m from the gable elevation of the property to the east, Random Lodge. There is also a high conifer treeline along this eastern boundary. Random Lodge also has a garage positioned in between the gable elevation and the proposed new dwelling. It is therefore considered there would be no significant loss of amenity to this property. Details of any new boundary treatments would though need to be agreed and landscaping would also be considered at the reserved matters stage.
27. In terms of the existing property of Westacres, this faces onto the blank gable elevation of the proposed bungalow at a distance of approximately 15.3m. The habitable windows of the living room and bedrooms have been positioned to the front and rear elevations. The closest windows to Westacres are non-habitable bathroom windows and thus there would be no substantial loss of privacy or direct overlooking of habitable windows between the two properties due to the careful orientation of the proposed dwelling.
28. The proposed dwelling is located 10m to the north of Satley Farm. However there are already three existing dwellings in close proximity to this farm and no complaints of odour or noise problems have been made. It is likely that the construction and insulation of the building would protect the occupants from this risk.

Highway Safety

29. The proposal would provide an adequate access into the site as well as an acceptable amount of space for car parking. However, the County Council's

Highway Development Control officer objects to the proposed development on the grounds that the back lane leading from the main Satley road, by reason of its restricted width, poor alignment and sub-standard junction with the main Satley road is considered unsuitable to serve as a means of access to the proposed development given that being in a domestic garden, there would be a net increase in the amount of vehicular activity using the track and junction. The dwelling immediately to the south of the junction with the main road appears not to have any off-street parking and the parking of vehicles to the frontages immediately next to the junction, impedes visibility. An additional dwelling would therefore intensify vehicular movements at this junction. Therefore the access point with the main road should be improved (i.e. widened, increased radius) to accommodate a vehicle exiting the main road whilst a vehicle from the track is waiting to join.

30. Officers consider however, that there would only be a small increase in vehicular traffic using the back lane, given the proposal is for only for one additional dwelling. There are also four dwellings already using the junction with the main road and the back lane itself and therefore it is not considered that this small increase in traffic associated with one dwelling would cause any further significant threat to highway safety than is potentially the existing situation. Planning permission was recently granted for a residential barn conversion and a dwelling to the rear garden at Oak House, to the west of the site, where there was no highway objection raised on the basis that the site was previously a pub car park and thus historically there would have been a substantial amount of traffic using the junction and track. The proposed new dwelling now under consideration would use the same access track and junction to the main road.
31. The owners of the track have now removed their objection to the use of this track and have agreed to the applicants offer of upgrading it at the entrance point. The upgrade and improvement of this point of the track is therefore conditioned if members are minded to approve the application. Subject to this and given the points regarding the existing and previous usage of the track and junction it is not considered that there would be any further significant detriment to highway safety arising from the addition of one dwelling on which refusal of the application on these grounds would be justified.

Recommendation

32. Conditional Permission
 - Three year time limit for submission of reserved matters (RMTL)
 - Approval of the details of siting, design and external appearance landscaping and means of access (RM)
 - Samples of materials (AO5)

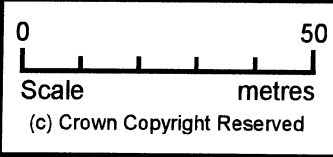
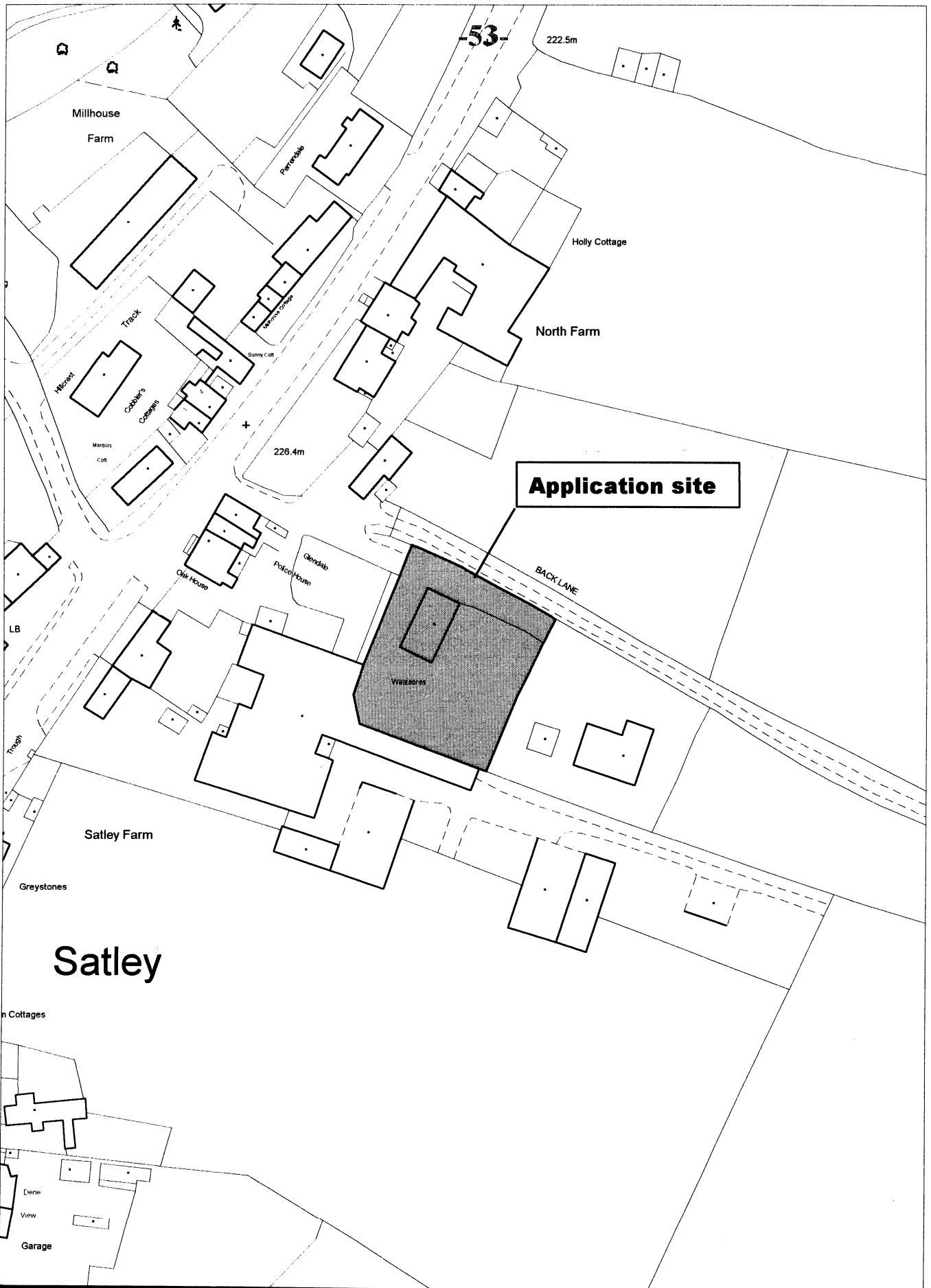
- Surface water drainage scheme (DO4)
- Foul water drainage scheme (DO5)
- Construction of parking spaces (H03)
- Means of enclosure (H14)
- Landscaping scheme (LO3)
- Ground levels (GL01)
- Withdrawal of permitted development rights (PD01)
- No development shall commence until the proposed means of vehicular access to the site from the main Satley road (B6296) has been upgraded and improved in accordance with details to be submitted to and agreed with the Local Planning Authority.
- Reason: To ensure that a satisfactory means of access is provided, in the interests of highway safety and in conformity with Policy TR2 of the District Local Plan.
- The height of the dwelling proposed at reserved matters stage pursuant to condition 2 shall not exceed one storey in height with no habitable rooms within the loft space.
- Reason: To secure an acceptable standard and scale of development having regard to policy EN13 of the Derwentside Local Plan.

Reason for Approval

33. The decision to grant planning permission has been taken having regard to policies GDP1, EN1, EN2, HO5, HO23, EN13, EN15 and TR2 of the Derwentside District Plan, along with all other material considerations, as detailed in the report to the Development Control Committee. There are no other material considerations which outweigh the decision to approve the application.

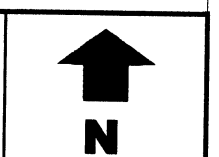
Report Prepared by, Ann Rawlinson, Senior Area Planning Officer

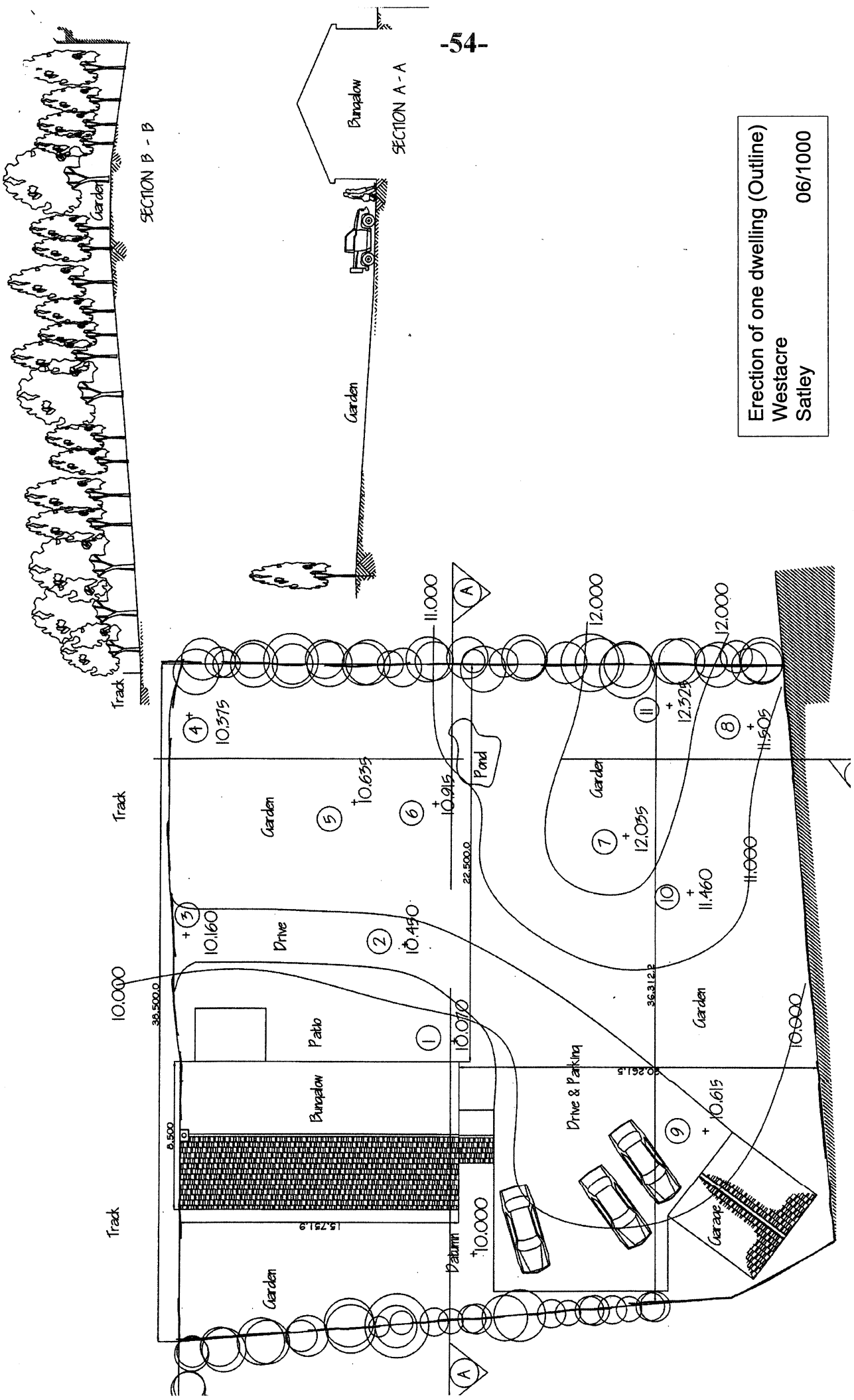
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Erection of one dwelling (outline)
Westacre
Satley

06/1000





Erection of one dwelling (Outline)
Westacre
Satley
06/1000

RECOMMENDATION FOR APPROVAL

07/0044	17.01.07
Mr D and Mrs C O'Keefe	15 Front Street, Castleside.
Erection of one dwelling (outline)	Castleside Ward

The Application

1. The applicant seeks outline planning permission for the erection of a dwelling on garden land and land used for domestic garage purposes to the north east of 15 Front Street, Castleside. The proposed dwelling would be a detached, two storey, two bedroom property. The proposed site is surrounded by other properties to the south and the north and there are gardens to the east of the site. The site would be accessed along a private road to the west of the site that currently serves 15 and 16 Front Street.

History

2. In 1981 a planning application for a detached double garage at 15 Front Street was deemed permitted development (reference 1/1981/0819/DM)

Planning permission for the change of use of two rooms of 15 Front Street for bed and breakfast purposes was given permission in 1998 (reference 1/1998/0911/DM).

Most recently in 2003 planning permission was granted for a single storey extension to the side of 15 Front Street (reference 1/2003/1070/DM).

Policy

3. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)
Development on Small Sites (HO5)
Development and Highway Safety (TR2)

Consultations

4. County Highways Development Control Officer- The proposed property does not have direct vehicular access to the public highway nor is the track that separates it from the public highway in the apparent ownership or control of the applicant. I am given to understand that the track is in fact owned by the owner of no.16 Front Street. Giving credence to my concerns is my belief that this track owner has not given consent to

additional vehicular movements arising from a new dwelling, from crossing their land. In the absence of this land being brought under the control of the applicant, or a written agreement between the applicant and the track's owner, it creates potential for vehicles associated with the proposed dwelling being parked at some future date on the adjacent A68 highway. I therefore recommend that the application is refused.

5. Northumbrian Water objects to the proposed development on the following grounds.

- A public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to the sewer. We require diversion of the sewer at the applicant's expense or redesign of the proposal to avoid building over.
- All connections to public sewers must be carried out by Northumbrian Water.
- New discharges of foul and surface water must be on separate systems.
- Surface water must be prevented from entering combined or surface water sewers. Alternative means of discharge must be investigated.

6. Neighbours have been consulted and a site notice posted and two letters of objection have been received from the occupiers of 16 Front Street and 18 Wharnley Way, their concerns are summarised as follows:

- As we understand the application it is for the building of a detached house and separate detached double garage. It is proposed that the garage be adjacent to the unadopted roadway between 15 and 16 Front Street, to the south east of 16 Front Street. First of all we object to the garage because it could be developed further into a domestic property, which is likely to have doors and windows that would face directly into my property.

Comment: The detached double garage is not part of this application and is not contained within the red line boundary of this application. It is understood that a separate application will be submitted for this in due course.

- Secondly, the unadopted roadway is owned by us and has been maintained entirely by the owners of 16 Front Street for many years. We paid for the laying of tarmac upon the roadway. It is our understanding that there is a right of way for 15 Front Street (only), but we have not been approached for agreement to extend or vary the right and nor are we prepared to agree to it.
- For some months 15 Front Street has been operated as a guesthouse. Significant amounts of traffic already use the access way therefore.
- We own the land to the rear of 16 Front Street, which itself may have the potential for development in the future. It is our understanding from enquiries from the Highways Department that were the development to be allowed, it would mean that it is highly possible that any future

planning application would be refused because of the number of dwellings then using the access road.

- I feel that if this proposal was passed it would be detrimental to the outlook from my residence and de-value my property.

Comment: impacts upon property value is not a material planning consideration.

Officer Assessment

7. The applicant seeks outline planning permission for the erection of a single dwelling on garden land to the north east of 14 and 15 Front Street, Castleside. The proposed site is surrounded by properties to the north and south and there are rear gardens to the east of the site. The site would be accessed along a private road to the west of the site.
8. As this is an outline application, permission is sought to agree siting of a two storey property and the use of the access road with all other matters reserved. Garden land is considered brownfield land and the site for the proposed dwelling would satisfy the criteria of Policy HO5 as it would be appropriate to the existing pattern and form of development and it would not extend beyond the existing built up area of the settlement. The application is considered to be acceptable in principle.
9. In terms of protecting neighbouring privacy in accordance with Local Plan Policy GDP1, as the site is surrounded on three sides by existing dwellings and gardens it does have some constraints which must be dealt with. Only the front and rear elevations incorporate windows to principal rooms and they would not face onto any other dwellings, however the living room to the rear would provide views into the rear garden of 13 Front Street therefore suitable screening should be erected to prevent views into the neighbouring garden, this could be made subject to condition. There would be approximately a minimum 12.5m distance between the gable end of the proposed dwelling and the rear elevations of number 18 and 20 Wharnley Way. Subject to strictly complying with these distances the proposed dwelling would not be detrimental to neighbouring amenity. Whilst the comments of the objector from 18 Wharnley Way are noted It is not considered that the proposed dwelling would have an unacceptable impact upon their outlook given that the proposed property would not be directly in front of but set back from their property.
10. Local Plan Policy TR2 seeks to ensure that development incorporates a clearly defined and safe vehicle access and exit and manoeuvring, turning and parking space. Two parking spaces are proposed for the development which is a satisfactory amount of parking for this 2 bedroomed property. With regards to the suitability of the access the lane providing access to the site already serves two properties. The County Engineer has objected to the application on the basis that as the applicant neither owns the access nor is in possession of an easement for the access there is no guarantee that the applicant would be allowed access over this land which

creates potential for vehicles associated with the proposed dwelling being parked at some future date on the adjacent A68 road which would be detrimental to highway safety. Whilst the Highways Officer's concerns are noted it is considered that this is not a planning consideration and is a Civil matter to be dealt before any construction begins. It would not be appropriate to refuse this application on this matter which may be resolved ,and, in any case it is considered unlikely that the situation of on-street parking would occur as until such access issues are resolved the planning permission would be unable to be implemented.

11. Northumbrian Water have objected to the application on the grounds that a sewer would need to be diverted to accommodate the development and surface water discharge arrangements need to be addressed. The applicant has stated that they will be willing to cover detailed issues such as this at full planning application stage at a later date once the principle of the development has been established. The applicant would need to agree the sewer diversion with Northumbrian Water and would be responsible for the payment of any associated costs. In addition a condition could be imposed to agree surface water discharge.
12. The proposal is considered to be acceptable and in accordance with policies HO5 and TR2 of The Derwentside Local Plan and SPG7 and approval is therefore recommended.

Recommendation

13. Conditional Permission
 - Approved Plans (ST)
 - Outline Permissions (OTL)
 - Reserved Matters (RMTL)
 - Standards for housing layout (RM03)
 - Drainage (D01)
 - Screening (C14)

Reason for Approval

14. The proposed residential development is considered to comply with Policy H05 of the District Local Plan and Supplementary Planning Guidance Note No.7 on the layout of new housing and there are no other material considerations which outweigh the decision to approve the application.

Report Prepared by Louisa Fleming, Area Planning Officer

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220.2m

BM 221.36m

● Objectors

Application site

Spencer House

Deneside

Cherryhurst

FRONT STREET
225.5m

Lincoln Lodge

Lincoln House

PCs

WHARNLEY WAY

Field Heads Farm

HILLCREST

The Smelters Arms (PH)

BM 230.09m

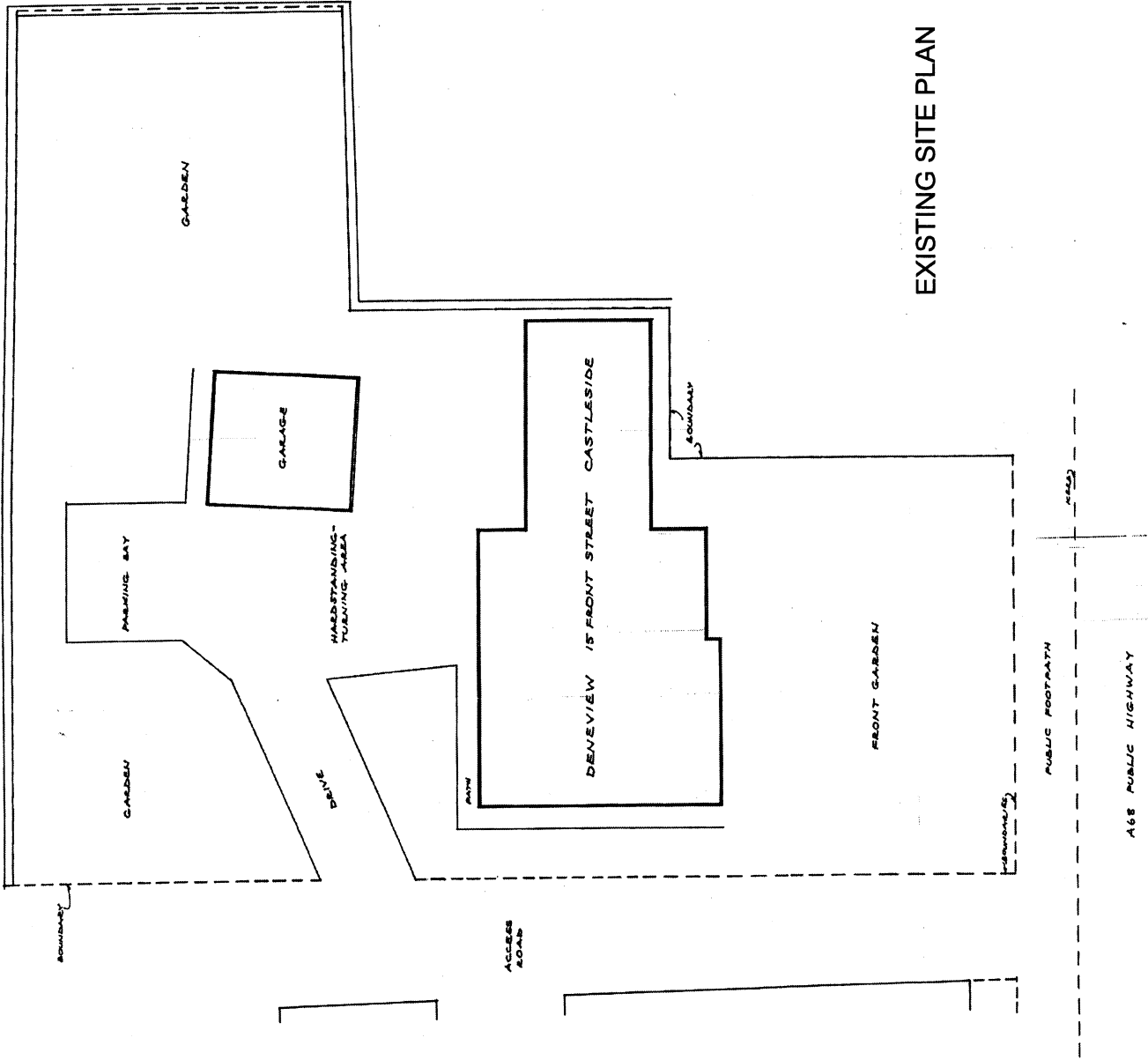
St John's Church

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Scale metres
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Erection of one dwelling (outline)
15 Front Street
Castleside

07/044





EXISTING SITE PLAN

Erection of one dwelling (Outline)
15 Front Street
Castleside
07/044