

DEVELOPMENT CONTROL COMMITTEE

SPECIAL MEETING

Wednesday,

30 May 2007

10.00 a.m.

Council Chamber,
Council Offices,
Spennymoor

AGENDA AND REPORTS



This document is also available in other languages, large print and audio format upon request

العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear later in the agenda in which you may have an interest. (Pages 1 - 4)

3. APPLICATIONS - BOROUGH MATTERS

In accordance with the decision of the Committee at its meeting on 27th April 2007, to consider the following application and inspect the site:-

Modifications to elevations, erection of rear extensions incorporating a granny annex, erection of canopy to front elevation and erection of triple garage to rear, The Larches, Thorpe larches , Mr M Mehra 39 The Leas Sedgefield Plan Ref 7/2006/0737/DM.

The recommendations of the Head of Planning Services is attached.

Following a preliminary discussion of the application members will proceed to the site.

Following completion of the site inspection the Committee will reassemble in the Council Chamber, Council Offices, Spennymoor to consider its decision.

(Pages 5 - 12)

B. Allen
Chief Executive

Council Offices
SPENNYMOOR
21st May 2007

Councillor A. Smith (Chairman)
Councillor B. Stephens (Vice Chairman) and

All other Members of the Council

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact
Liz North 01388 816166 ext 4237 email:enorth@sedgefield.gov.uk

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Item 2

MEMBER'S DISCLOSURE OF INTEREST

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

MEMBER'S NAME:	
MEETING OF:	
DATE OF MEETING:	

❖ I disclose for the information of the meeting that I have a personal interest in _____
(1)
which will be the subject of consideration by the meeting.

(2)

The nature of that interest is _____

AND (3) [Delete if not applicable] (4)

❖ The personal interest is a prejudicial interest and I shall withdraw from the chamber.

OR (5) [Delete if not applicable]

❖ The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge [or reserve the right to judge] the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not] [Delete as applicable] be also withdrawing from the chamber.

SIGNED:

Dated

❖ To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE ADMINISTRATOR DURING THE MEETING.

- (1) State details of the item (agenda item, planning application number, etc.)
- (2) State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).
- (3) State only if this is a prejudicial as well as a personal interest
- (4) You may regard yourself as not having a prejudicial interest in certain circumstances (see *overleaf*) and there are further specific exemptions relating to exercising a scrutiny function. It is a matter for you to consider whether or not you feel it is right to make use of an exemption in the circumstances and, if so, whether you want to explain that to the meeting.

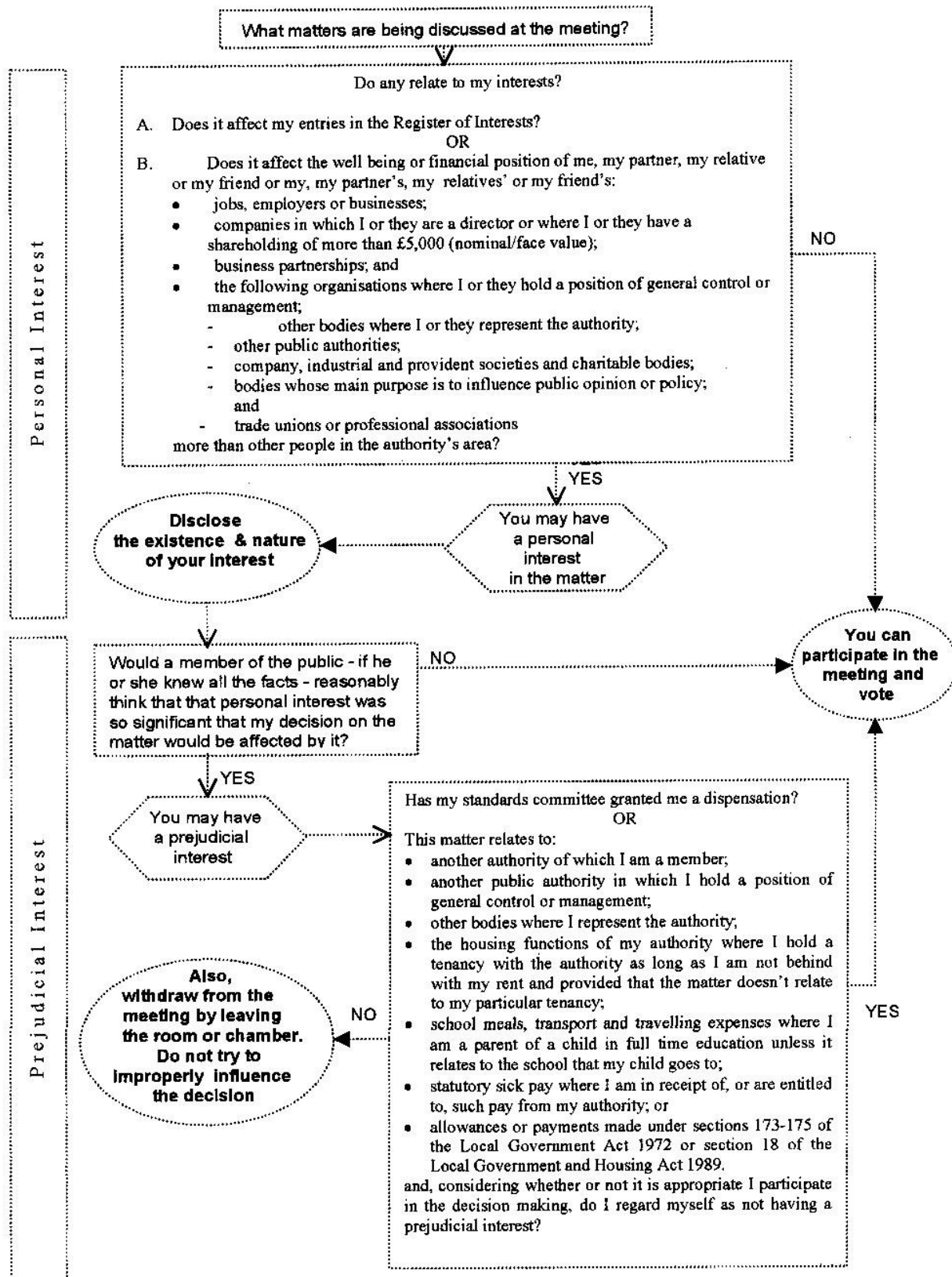
A Member with a prejudicial interest in any matter must also:

- withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless the Code permits participation or s/he has obtained a dispensation from the Standards Committee;
- not exercise executive functions in relation to that matter; and
- not seek improperly to influence a decision about that matter.

- (5) State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF (Non-Overview and Scrutiny Meetings)



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Item 3

SEDGEFIELD BOROUGH COUNCIL

PLANNING APPLICATIONS - TO BE DETERMINED

1. 7/2006/0737/DM APPLICATION DATE: 17 November 2006

PROPOSAL: **MODIFICATIONS TO ELEVATIONS, ERECTION OF REAR EXTENSIONS INCORPORATING A GRANNY ANNEX, ERECTION OF CANOPY TO FRONT ELEVATION AND ERECTION OF TRIPLE GARAGE TO REAR**

LOCATION: **THE LARCHES THORPE LARCHES SEDGEFIELD STOCKTON-ON-TEES TS212AG**

APPLICATION TYPE: Detailed Application

APPLICANT: Mr M Mehra
39 The Leas, Sedgfield, Stockton on Tees

CONSULTATIONS

1. SEDGEFIELD TC
2. Cllr. Mr. J. Robinson
3. Cllr D R Brown
4. Cllr. J Wayman J.P.
5. ENGLISH NATURE
6. BUILDING CONTROL
7. WILDLIFE TRUST 6
8. ENGINEERS
9. DESIGN
10. SEDGEFIELD TC

NEIGHBOUR/INDUSTRIAL

Aingarh
Newlands
Greenacres
Greensides
Kenholme
Brackendale
Midway Grange
Eaton Brae
Glendale Bungalow
The Briars
Ellerby
The Willows
Moontree Cottage
Five Oaks
Beechgrove
The Bungalow
Ellerby

SEDGEFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED

BOROUGH PLANNING POLICIES

H15	Extensions to Dwellings
D5	Layout of New Housing Development
T7	Traffic Generated by New Development
D13	Development Affecting Watercourses

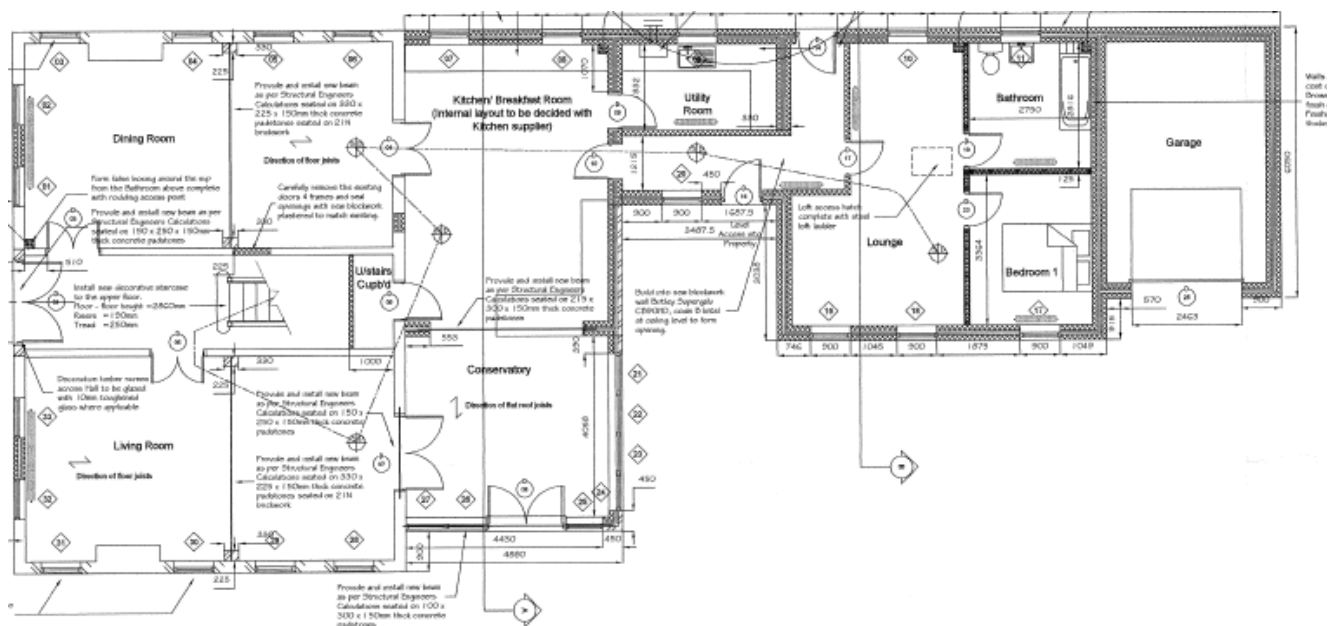
This application would normally be dealt with through the approved scheme of delegation but has been referred to committee at the request of a Ward Member owing to widespread public concern.

THE PROPOSAL

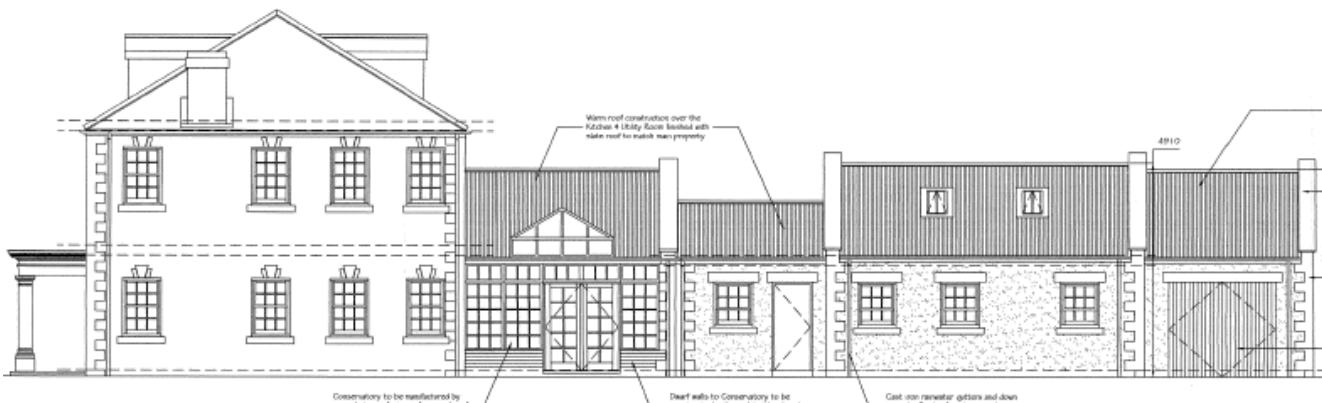
Planning permission is sought for a variety of works to improve and extend a residential property known as The Larches located in the hamlet of Thorpe Larches. The various elements of the proposal are as follows:

- The erection of a front porch/canopy. This takes the form of an enclosed canopy supported by a series of ornate columns.
- A single storey rear kitchen extension measuring 7 metres by 5 metres
- A conservatory measuring 5 metres by 4.5 metres and taking the form an 'orangery' with a glazed roof lantern.
- A utility room measuring 3.5 metres by 4 metres.
- A single storey granny annex with attached single garage. The granny annex measures 7 metres square and incorporates a lounge, bathroom and bedroom.

The drawings below show the proposed arrangement of the various extensions.



SEDFIELD BOROUGH COUNCIL
PLANNING APPLICATIONS - TO BE DETERMINED



The applicants have already undertaken extensive works to improve the property which had been vacant and in need of renovation. These works have included the insertion of dormer windows to the front and rear of the property, the replacement and insertion of new windows, and the introduction of architectural stonework detailing. These works amount to permitted development which does not require the benefit of planning permission. In addition the applicants also propose to erect a detached triple garage which due to the size of the site and the location and height of the garage can be built under permitted development rights.

The application site has been subject to previous and current complaints regarding unauthorised works and this application has been submitted with a view to resolving any outstanding matters.

A previous application (7/2006/0496/DM) was withdrawn in order for protected species surveying on the site to be undertaken. Natural England has subsequently confirmed that they have no objections to any extensions to the dwelling.

SITE AND ITS SURROUNDINGS

The Larches is a 5 bedroomed detached dwelling set within 5 acres of spacious garden and paddock areas, including a hardstanding providing ample parking and a range of former agricultural buildings in various states of repair.

The application site lies within the hamlet of Thorpe Larches, which lies in the south east of the Borough on the boundary with Stockton and consists of 2 industrial units and mainly detached properties with extensive curtilages. Access to the site is via the busy A177 which brings traffic through the middle of the hamlet.

CONSULTATION AND PUBLICITY

Sedgefield Town Council have made no comment to date.

Natural England- Advises that from the results of the survey the above proposal is unlikely to have an adverse effect in respect of species especially protected by law subject to the imposition of an appropriately worded mitigation condition.

Sedgefield Borough Council Tree Officer- has stated that with the works already undertaken by the applicant to restore the property, and the building works carried by the occupant of the neighbouring property 'Ellerby', the rare black popular tree in the hedge line dividing the two

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PLANNING APPLICATIONS - TO BE DETERMINED

properties is already condemned, will soon die, and subsequently he has no objections to the scheme.

Local Residents- There have been three letters of objection and one letter of support for the originally submitted application and there have been three objections as a result of the reconsultation process for the revised scheme.

The objections can be summarised as:

- The extension is too large in relation to the existing dwelling.
- The extension is out of character with the area.
- The granny annex appears to represent a further property rather than an extension. It will add to the sewage and will also place more demand on the access.
- The extension will be visible from neighbouring properties.
- The proposal will result in the loss of light and privacy.
- Some works have been undertaken without the benefit of planning permission.
- The newt survey by Natural England was inadequate.
- The drainage arrangements are insufficient and will significantly add to the risk of local flooding. (Whilst this matter will need to be addressed through the corresponding Building Regulations application it is considered that it would be advisable to impose a foul and surface water drainage condition in the event that planning permission is granted.)
- There has been damage to the local environment and the extension will affect trees.
- Concerns that with all the planning delays the building works will never be finished and the property will become derelict again.
- The proposal will have an adverse impact upon a range of trees

The letter of support gives tribute to the owners for the restoration of the house in taste and quality of materials. It goes on to state that the authors and the people who reside in the hamlet will be proud of the restoration, and give credit to the restorers.

It is also worthy of note that despite their concerns the three objectors welcome the occupation of the property after it remaining derelict.

PLANNING CONSIDERATIONS

The rear extensions on the property are subject to Policy H15 in the Sedgefield Borough Council Local Plan and the guidance contained within the Residential Extensions Supplementary Planning Document.

Policy H15 states that extensions to dwellings will normally be approved provided the proposals are of a scale compatible with the property and there is no adverse effect on:

(A) The amenity and privacy of surrounding properties contrary to Policy D5

(B) The general character of the area

(C) Highway safety contrary to Policy T7

Policy H15 (Extensions to Dwellings) states that the design of all extensions should be of a size and scale that is in keeping with the existing dwelling. Originally the applicant had applied for a

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PLANNING APPLICATIONS - TO BE DETERMINED

conservatory, kitchen extension and a large dormer games room on top of an attached triple garage (measuring 11m x 20m x 6m in height) which was considered excessive in scale for a standard householder extension with no special justification. However after listening to the applicants concerns, and taking into account their personal circumstances, it was established that the best solution was a for the scheme to be reconfigured to incorporate a 'granny annex'. The term 'Granny Annex' is normally applied to a subsidiary addition to an existing dwelling and sited and designed so that it can be incorporated into the main dwelling when no longer required for occupation by a dependant relative.

The reason for the annex is so the applicants can provide round the clock care when needed for members from both sides of immediate family who are registered disabled and/or elderly and therefore need the annex to provide the level of care needed. The applicant has submitted documentary evidence to this effect and has stated that the proposal will provide a level access to the site which will enable relatives to visit and stay for short durations.

The SPD in paragraph 1.6 states that personal circumstances such as a disability make it difficult to provide certain facilities within the standards set out. It also highlights that '*Sedgefield Borough Council will interpret these standards flexibly in such circumstances*'.

Nevertheless, following protracted negotiations, the size of the granny annex has been gradually reduced to a point where it can be regarded as being ancillary to the main house in terms of its scale and form. The resultant development including the kitchen extension and conservatory now meets the requirements of the Policy H15 and the Residential Extensions Supplementary Planning Document.

Due to 'The Larches' standing in its own generous grounds the only property that the extension could have an adverse effect on is the adjacent 'Ellerby'. However 'The Larches' is set back by a distance of approximately 15m from the property therefore as a result the rear extensions are a minimum of 25m from 'Ellerby' and therefore will have no effect on privacy or the amenity of the occupier. A site meeting with the occupier of 'Ellerby' also confirmed that the rear extension on 'The Larches' will be barely visible from inside of the property. In addition the owner/occupier of Ellerby also has planning permission for large double garage that is currently under construction which will completely block out the view of the extension from inside 'Ellerby'. The curtilages are also separated by a 2m high boundary fence with a mixture of mature trees and hedgerow providing additional screening.

The Council also seeks to impose a maximum limit of a 50% increase in the volume of the proposed extension upon the original host dwelling. The proposed extensions at the Larches do exceed the 50% limit however it is considered that the personal circumstances of the applicant provide sufficient justification for a departure from this policy to be acceptable.

In terms of according with the rear extension element of the SPD due to the relatively isolated nature of the host dwelling the 45 degree code rule is not applicable, and as highlighted there are no problems of unreasonable over shadowing, over dominance, loss of privacy or loss of daylight to the adjacent property. There could have been a slight impact on a nearby rare Black Poplar tree, although the Tree Officer has stated that as a result of the works already undertaken by the applicant to restore the property, and the building works carried by the occupant of the neighbouring property 'Ellerby', the rare black poplar tree in the hedge line dividing the two properties is already condemned, will soon die, and subsequently he therefore

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has no objections to the scheme. As a result, while regrettable, it is considered that the moribund tree is not a material planning consideration.

In terms of the general character of the area, Thorpe Larches is a sporadic group of dwellings and farmsteads (including an unsightly industrial unit) which mainly front onto the busy A177. As result of the diversity of house types it is considered the hamlet has no obvious characteristic architectural style. In addition it is considered that the improvements, which include new windows and attractive stonework detailing, improve the overall appearance of the hamlet.

The Residential Extensions Supplementary Planning Document also seeks to ensure that extensions take into account the character and appearance of both the existing dwelling and the surrounding streetscape. As has been established above the dwelling has no negative impact on the surrounding streetscape as Thorpe Larches is characterised by a variety of house types and design set in generous grounds.

Government Planning Policy Statement 7 (Rural areas) seeks to broadly restrict development in the countryside, in relation to dwellings, to allow reasonable levels of householder development providing that it does not give rise to a visually harmful impact. The extension at 'The Larches' is considered reasonable, taking account of the applicants personal circumstances and it will not be prominent when viewed from the A177 or any other prominent public vantage point.

The SPD also covers Rural Extensions that mainly seeks to preserve the original character of farm buildings, although 'The Larches' does not come under the definition of a farm building. Before the applicants started to renovate the property it had constituted a characterless and run down dwelling house of the kind found in many 1930's residential suburbs. Therefore there is no original character to preserve, and as discussed, the extension will not be intrusive or undermine the dominance of the landscape. It is also considered that the overall development is being carried out to a very high standard in terms of design and materials and is a welcome improvement in terms of visual amenity from what was existing previous to the applicants purchasing the property.

Finally, in terms of its impact upon protected species, English Nature have confirmed that the proposal is unlikely to have an adverse effect in respect of species especially protected by law. English Nature have however recommended the imposition of an appropriately worded mitigation condition and it is therefore proposed to impose such a condition should members be minded to approve the application.

CONCLUSION

In conclusion, the proposal is considered to be satisfactory in terms of its impact on adjoining and surrounding properties, its overall form and layout and its impact on the area in general. As such the proposal is considered to accord with Policies H15 of the Borough Local Plan and the Residential Extensions Supplementary Planning Document. In considering the proposal regard has been given to all of the points of objection submitted by the occupiers of surrounding properties and it is felt these have been addressed within the text of the planning considerations.

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PLANNING APPLICATIONS - TO BE DETERMINED

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

HUMAN RIGHTS IMPLICATIONS

It is considered that in general terms, the provisions of the Human Rights Act 1998 have been taken into account in dealing with the above application.

RECOMMENDATION

It is recommended that planning permission be granted subject to the following conditions.

1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out only in accordance with the submitted application, as amended by the following document(s) and plans: plans received ## ## ## ## ## ##

Reason: To ensure that the development is carried out in accordance with the approved documents.

3. Notwithstanding any description of the materials in the application, no development shall be commenced until details of the materials and detailing to be used for the external surfaces, including the roof and render colour, of the building have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details to the satisfaction of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control details of the development in the interests of visual amenity, and to comply with Policy D1 (General Principles for the Layout and Design of New Developments) of the Sedgefield Borough Local Plan.

4. No development shall take place unless in accordance with the precautionary working method statement detailed in Appendix 1 of the protected species report (survey for the great crested newts at 'The larches' Thorpe larches by E3 Ecology Ltd, 22 September 2006 including, but not restricted to adherence to precautionary working methods.

Reason: To conserve protected species and their habitat

5. The development hereby approved shall not be occupied until such time as surface water and foul drainage systems have been installed in accordance with a detailed specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and to comply with Policy D13 (Development affecting watercourses) of the Sedgefield Borough Local Plan.

SEDGEFIELD BOROUGH COUNCIL

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6. The development hereby approved shall not be used otherwise than as an extension to the existing living accommodation to the main dwelling house. At no time shall it be occupied other than for purposes ancillary to the residential use of the dwelling known as Thorpe Larches.
Reason: In order to ensure that the development does not become a separate residential unit and in the interests of residential amenity.

INFORMATIVE: REASON FOR GRANT OF PLANNING PERMISSION

In the opinion of the Local Planning Authority the proposal is acceptable in terms of its scale, design and its impact upon privacy, amenity, highway safety and the general character of the area.

INFORMATIVE: LOCAL PLAN POLICIES RELEVANT TO THIS DECISION

The decision to grant planning permission has been taken having regard to the key policies in the Sedgefield Borough Local Plan as set out below, and to all relevant material considerations, including Supplementary Planning Guidance:H15 Extensions to dwellings.H16 Extensions to the Front of DwellingsSupplementary Planning Guidance Note 4: The Design of Extensions to Dwellings.