
APPLICATION DETAILS

Application No:	17/0532/FUL
Location:	Land Between Oakfield House & 1 Oakfield Gardens Ormesby Road Middlesbrough TS7 9RH
Proposal:	Erection of 1no bungalow
Applicant:	Mr Dennis Carvell
Company Name:	
Agent:	Mr Dennis Carvell
Company Name:	
Ward:	Park and Beckfield
Recommendation:	Approve with Conditions

SUMMARY

This application seeks consent for the erection of a bungalow. The application site is a plot of land to the north of Normanby Road which does not have a specific allocation in the Housing Local Plan.

Following a consultation exercise one objection and one neutral comment was received by neighbouring residents.

It is considered that the proposed bungalow will not have a significant detrimental impact on the amenities of the surrounding properties, and will not detract from the visual amenity, character and appearance of the area. The development meets the requirements of the relevant planning policies, specifically H11, CS4, CS5 and DC1. The recommendation is for approval of the application subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a plot of land on the north side of Normanby Road, west of the junction with Oakfield Gardens and the Spencerbeck Boundary with Redcar and Cleveland. The site is in a residential area with a mix of two-storey houses and bungalows.

Permission is sought for the erection of a bungalow with rooms in the roof space. The proposed dwelling is set towards the rear of the site. The bungalow measures 10m by 8m

with a height of 2.9m to the eaves and 6.5m to the ridge. The site is accessed from the existing vehicle access on Normanby Road.

PLANNING HISTORY

There is an extensive history on the site itself and the wider area including applications refused and approved for residential development. The historic applications range from 1951 to 1999. Given the substantial length of time that has passed (nearly 20 years), and the significant changes to planning policy in this time, the historic applications are no longer considered to be relevant to the consideration of the current proposals. Relevant applications are detailed below.

M/FP/0046/16/P Erection of 1no dormer bungalow Refused
9th September 2016

Reason for Refusal

The proposed development is considered unacceptable and if implemented would appear excessive in relation to the plot size. This, together with the contrived design, would result in a development in conflict with Policies DC1 (test b - layout/design and test c - amenities of nearby occupiers) and CS5 (test c - standard of design/integration I the wider context) of the Councils Development Plan.

In reaching this decision the Planning and Development Committee were mindful of the particular circumstances of this application. Having carried out a Committee site visit, Members were fully conversant with the details of the proposed development and having examined the setting out of the proposed position of the dwelling on the site, it was considered unacceptable. This was by reason of the excessive form of development in relation to the available site area, which would appear cramped, have a contrived design and be detrimental to the living conditions of nearby occupiers owing to proximity if it was to be constructed as shown.

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to 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.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014)*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only)*

- *Regeneration DPD (2009, policies which have not been superseded/deleted only)*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)*
- *Middlesbrough Local Plan (1999, Saved Policies only) and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

The overarching principle of the National Planning Policy Framework (NPPF) is to support sustainable development, and that it should go ahead without delay. It defines the role of planning in achieving economically, socially and environmentally sustainable development and recognises that each are mutually dependent. The NPPF requires local planning authorities to approach development management decisions positively, utilising twelve core planning principles, which can be summarised as follows:

- *Being plan led*
- *Enhancing and improving areas*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside*
- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables*
- *Contribute to conserving and enhancing the natural environment*
- *Encourage the effective use of land*
- *Promote mixed use developments*
- *Conserve heritage assets in a manner appropriate to their significance*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

DC1 - General Development
 CS4 - Sustainable Development
 CS5 - Design
 H11 - Housing Strategy
 UDSPD - Urban Design SPD
 HGHDC - Highway Design Guide

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Following a consultation exercise one objection and one neutral comment (neither for nor against the application) have been received from residents, these are summarised below.

Objection received from Oakfield House:

- a) In conflict with Policies DC1 tests b and c, and CS5 test c;

- b) Excessive form of development in relation to the available site area. The limitations which this site poses should not be allowed to override the effect on the amenity of neighbouring occupiers;
- c) The cramped site results in a contrived design which would be detrimental to the amenity and living condition of neighbouring occupiers;
- d) Size and scale is large and obtrusive for the size of the site and would be detrimental to the amenity of neighbouring occupiers;
- e) Been used as a vegetable garden / horticultural use since the 1970's, no buildings have ever been erected. The development would create an undue impact on the appearance and character of the area; and,
- f) Appreciate this is not a material planning consideration, there are a number of restrictive covenants on the land including (i) that no building or structure shall be erected on the land, and (ii) that the land shall not be used for any purpose other than as horticultural land.

Neutral comment received from 1 Oakfield Gardens:

- a) There are no sewerage plans in the application; and,
- b) Ensure there is no flooding, there is a natural water course at the North end of the site which runs through my garden in a north easterly direction.

MBC - Planning Policy

No objection

Subject to Development Control considerations the proposed development accords with relevant planning policies.

MBC - Highways

No objections

Access to the proposed dwelling is via an existing vehicular access onto Normanby Road. Parking and turning within the site curtilage has been provided in line with the authorities standards.

MBC - Environmental Health

No objections

MBC - Waste Policy

No comment, the site is located in a residential area between existing residential dwellings.

Cleveland Police - Secured by Design

I recommend applicant actively seek to develop to accredited Secured by Design standards. Even if this is not to be the case the applicant can still contact me for any advice, guidance I can offer in relation to designing out opportunities for crimes to occur in the future.

Ward Councillor

Requested application is considered by Members at the Planning and Development Committee.

Public Responses

Number of original neighbour consultations	9
Total numbers of comments received	2
Total number of objections	1
Total number of support	0

PLANNING CONSIDERATION AND ASSESSMENT

1. The application before Members is a full application for the erection of one bungalow and associated parking provision. The principle issues to be considered in respect of this application centre upon the appropriateness of residential use on the site, the details of the site layout, access, parking, design, the impact on the amenity of the neighbouring properties and the character and appearance of the area.
2. The site was formally attributed to Oakfield House for horticultural purposes, there is a covenant on the site relating to the use of the land. This is a civil matter, it is not a material planning consideration and will not form part of the analysis of this application and does not prevent the Local Planning Authority from granting planning permission on a site. Other non-material planning considerations include the lack of sewerage plans which are dealt with under Building Regulations.
3. During the application process revised plans were submitted and residents were re-consulted, no further comments were received from residents. This analysis is in relation to the revised plans, those comments originally received from residents will be considered in relation to the revised details.

Policy

4. The application site is not allocated for a specific use within the Housing Local Plan. Although there are no site specific policies it is necessary to consider the application in relation to general policies within the Local Development Plan.
5. Policy H11 seeks to increase the supply of housing to meet the aspirations of the economically active population and to provide a wider range of housing types. In East Middlesbrough, policy seeks to diversify tenure and mix to create a more balanced housing stock. Given that this site is within an existing residential area and that it will add to the mix of housing stock, with bungalows being sought after, the principle of residential development on the site is considered to be in accordance with policy.

Amenity and Spacing

6. In relation to the previous refusal, the proposed bungalow is smaller in length and width, has a lower height and does not include any dormers. It also sits further back on the site which is considered results in a better relationship with properties either side.
7. The proposed bungalow is located to the rear of the application site. The separation distance to the existing residential dwellings to the south is in excess of 70m, preventing any undue impact on light or privacy to these properties.
8. The bungalow sits in line with the building line at 1 Oakfield Gardens to the east, and runs parallel to it. It is not as long as 1 Oakfield Gardens and therefore does not project past the rear elevation. The side elevation of the bungalow is 1.5m from the boundary and 3m from the blank side elevation at 1 Oakfield Gardens.
9. To the north, the rear elevations of existing two-storey dwellings are in excess of 21m away. The proposed bungalow is positioned facing the gap between the two properties to the rear and sits behind existing outbuildings adjacent to the northern site boundary. Spacing from these properties is in accordance with the Councils spacing guidelines.
10. Properties lie either side of the proposed bungalow, with abutting boundaries. In respect to Oakfield House to the west, the proposed bungalow would be set back

over 10m from the front elevation and projects approximately 8m from the rear elevation. The proposed bungalow is located approx. 3m from the western site boundary and over 5m from the side elevation of Oakfield House. Within its side elevation, Oakfield House has a window at first floor level and 3 windows and a door at ground floor level. There is also a roof light in the side single storey roof slope.

11. The proposed bungalow has been designed with a gable roof with main windows in the gable elevations facing north and south. The design is such that the lowest parts of the roof are on the east and west elevations nearest to the adjacent properties which has the result of minimising the impact of the proposed bungalow on these properties. The bungalow is small scale and set off the boundaries with the neighbouring dwellings. The scale and its position reduce the visual appearance of the bungalow when viewed from neighbouring properties. It is considered that the bungalow would become a dominating feature in relation to the surrounding properties.
12. With regards to light, the proposed dwelling faces south. Properties either side also face south and have their main garden areas in this location. As such, the impacts on sunlight on the southern side gardens will be negligible. There will be a greater impact of the proposed bungalow on the sunlight associated with the rear garden of Oakfield House, and across the front of 1 Oakfield Gardens although given the spacing of the properties and the proposal being a bungalow, it is considered that this impact on sunlight would not be significant.

Privacy

13. With regards to privacy standards the Urban Design SPD guides towards 21m separation distance between principal room windows which face each other where buildings exceed single storey and 14m separation distance between principle room windows where the buildings are single storey.
14. Although the bungalow does have rooms in the roof space, with windows on the front and rear gables, the bungalow has been designed to present a single storey appearance adjacent to the existing properties on either side. The proposal details secondary windows on the west side elevation which serve the open plan living / dining / kitchen area, and an obscure glazed bathroom window. Due to the location of the bungalow set back from the site, one of the secondary windows is located opposite an existing window on the side elevation of Oakfield House. The existing window appears to serve a room which is also served by a roof light and a larger window on the rear elevation. Para. 4.10 of the Council's design guide suggests the overlooking between such windows can be prevented where they are high level or are obscurely glazed and controlled by condition where appropriate. In this instance, there is a high hedge in place which will prevent undue impacts on privacy from the windows within the side elevation of the proposed dwelling. However, were this hedge to be removed, due to the proposed internal floor level, these windows could allow some view over a 2m high boundary treatment which would normally form the boundary between two properties in such a position and which would be 'Permitted Development'. Given the southern most window in the proposed side elevation would closely align to a window in the neighbouring property, it is considered appropriate to require this to be obscurely glazed in perpetuity to align with the principles of the Urban design Guide. A condition is recommended to achieve this.
15. The proposed window to the bedroom in the roof space on the north elevation faces the gap between properties and existing outbuildings whilst roof lights on the eastern roof slope will face the blank elevation of 1 Oakfield Gardens. As a result the bungalow will not have a detrimental impact on the privacy of any of the neighbouring properties.

16. The proposed bungalow is considered to be in accordance with the requirements of Policy DC1 tests b and c, and the Urban Design SPD.

Design/Streetscene

17. The bungalow consists of a large open plan living space, a bedroom and a bathroom on the ground floor with two further bedrooms and a bathroom in the roof space. The layout of the bungalow is functional and allows for access from the front, rear and east side elevation. There is suitable external space for the storage of bins and bicycles.
18. The proposed materials consist of bricks and tiles consistent with the surrounding dwellings. The south elevation will be visible from the streetscene, it incorporates bi-fold doors and a feature window to the front bedroom in the roof space.
19. The simple and unassuming design, the small scale, and the location of the building to the rear of the site will ensure that the bungalow will not have a significant impact on the character and appearance of the area and will not form a dominant feature in the streetscene. The building sits between larger two-storey dwellings to both sides.
20. The site is currently in an unkempt state it is considered that the development of the site for residential use will lift its visual appearance to enhance the visual amenity of the area.
21. The development is considered to be in accordance with the requirements of policy CS5 particularly tests c and f, and the Urban Design SPD.

Highways

22. The application utilises the existing vehicle access to Normanby Road and provides ample parking provision and turning space within the curtilage for a three bed bungalow, in line with the authorities standards. The erection of one bungalow will not have an impact on the capacity of the local highway network.
23. The site is in a sustainable location with good access to local facilities including shops and schools. It is also located in close proximity to public transport networks
24. The Local Highway Authority has considered the application in relation to the impact on the capacity and safety of the local highway network, and confirmed they have no objections. The development is considered to be in accordance with the requirements of policies CS4, DC1 and the Local Authorities Design Standards.
25. Environmental Health have considered the application in relation to noise from the adjacent road and the impact on the future residents and confirmed that they have no objections to the development.

Flood Risk and Drainage

26. The application proposes one dwelling and associated hardstanding to provide parking provision. The application has been considered by the Local Flood Authority who have no objections subject to conditions requiring details of a sustainable drainage scheme and the surface water drainage to be submitted for approval.
27. The application is considered to be in accordance with the requirements of policy CS4 and DC1.

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications detailed below and shall relate to no other plans:

- a) Location Plan, received 31st August 2017;
- b) Proposed Site Plan, rev. A, received 17th May 2018;
- c) Proposed Bungalow on land adjoining Oakfield House, drawing no. DC-200817/1 rev. B; and,
- d) Plans and Elevations Drawing Notes, drawing no. DC-200817/2 rev. 0.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. Samples of Materials

The development shall only be carried out using finishing materials of which samples have been submitted to and approved by the Local Planning Authority prior to commencement of the development.

Reason: To ensure the use of satisfactory materials.

4. Boundary Treatments

No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced or before the building(s) is/are occupied or in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of the area.

5. Removal of PD Rights for Enlargement or Extension

Notwithstanding the provisions of the Town & Country Planning General Permitted Development Order 1995 (or any order revoking or re-enacting that Order), no alterations, enlargement or extension shall be made to the external elevations of the residential dwellings hereby permitted, including any additions or alterations to the roof, without the specific written consent of the Local Planning Authority.

Reason: In order that the local planning authority may protect the interests of the visual amenities of the area

6. Surface Water Drainage

A plan showing the surface water drainage that has been designed to prevent this water from flowing onto the highway to the detriment of all highway users must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and highway safety.

7. SUDS Drainage (minors)
Before the construction of the buildings hereby approved commences a scheme for a Sustainable Drainage System (SuDS), which shall sustainably drain surface water, minimise pollution and manage the impact on water quality, shall be submitted to and approved in writing by the Local Planning Authority and thereafter to be fully implemented in line with the agreed programme of works to the satisfaction of the Local Planning Authority.

Reason: In the interests of a sustainable development.

8. Protect Footpath/verge
Details of measures to protect any existing footpaths and verges shall be submitted to and approved in writing by the Local Planning Authority and implemented upon commencement of construction and thereafter these measures should be removed on completion of the works.

Reason: In the interest of highway safety

9. Obscure Glazing and Restricted Opening
The most southerly window on the west elevation must be obscure glazed to a minimum of level 3 with restricted opening preventing the opening of the top third of the window, and shall be installed before the use of the rooms commence. Thereafter the obscure glazing and restricted opening shall be retained in perpetuity.

Reason: In the interests of the amenities of the neighbours.

REASON FOR APPROVAL

The proposed development of a bungalow on the site is considered to be appropriate for both the application site itself and within the surrounding area, in that the proposal is in accordance with relevant planning policies and guidance.

The relevant policies and guidance is contained within the following documents: - National Planning Policy Framework 2012 - Middlesbrough Local Development Framework (LDF) - Core Strategy (2008); Regeneration DPD and Proposal Map (2009) - Middlesbrough Housing Local Plan, Housing Core Strategy and Housing Development Plan Document (2014)

In particular the proposal is for a bungalow that would not be out of scale and character within the surrounding area, and would not be detrimental to the local and residential amenities of the area. Issues of principle regarding development, the layout and design of the bungalow and the site, and the generation of traffic, have been considered fully, including those set out in the representations made by nearby residents, and are not considered, on balance, to give rise to any inappropriate or undue affects. Accordingly, the Local Planning Authority considers that there are no material planning considerations that would override the general assumption that development be approved unless other material factors determine otherwise.

INFORMATIVES

Under the Town & Country Planning (Fees for Applications and Deemed Applications)(Amendment)(England) Regulations 2010, the Council must charge a fee for the discharge of conditions. Information relating to current fees is available on the Planning Portal website

(<http://www.planningportal.gov.uk/england/public/planning/applications/feecalculator>). Please be aware that where there is more than one condition a multiple fee may apply.

Discharge of Surface Water

The applicant is advised that any discharge of surface water into a watercourse or culverted watercourse requires consent from the Local Authority.

Building Materials on Highway

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority

Interference or Alteration of the Highway

Interference or alteration of the highway requires a licence under the HA 1980. Connections to public sewers in the highway require a licence under NRSWA 1991. The applicant should contact the Highway Authority (tel: 01642 728156) before any work commences on site, allowing a minimum of 7 days notice, or 30 days in the case of a NRSWA licence, if either or both of these licences are required.

Mud and Debris on Highway

The applicant is reminded that it is the responsibility of anybody carrying out building work to ensure that mud, debris or other deleterious material is not deposited from the site onto the highway and, if it is, it shall be cleared by that person. In the case of mud being deposited on the highway wheel washing facilities should be installed at the exit of the development.

Deliveries to Site

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public.

Name and Numbering

Should the development require Street Names, Numbers and/or Post Codes the developer must contact the Councils Naming and Numbering representative on (01642) 728155

Case Officer: Shelly Pearman

Committee Date: 6th July 2018

