

PLANNING AND DEVELOPMENT COMMITTEE

A meeting of the Planning and Development Committee was held on 2 October 2020.

PRESENT: Councillors J Hobson (Chair), D J Branson, D P Coupe, C Dodds, L Garvey, M Nugent, J Platt, J Rostron, J Thompson and G Wilson

OFFICERS: A Glossop, D Johnson, C Lunn, G Moore, S Pearman and A Perriman

DECLARATIONS OF INTERESTS

There were no Declarations of Interest made by Members at this point in the meeting.

20/13 **WELCOME AND INTRODUCTION**

20/14 **MINUTES - PLANNING AND DEVELOPMENT COMMITTEE - 4 SEPTEMBER 2020**

The minutes of the previous meeting of the Planning and Development Committee, held on 4 September 2020, were submitted and approved as a correct record.

20/15 **SCHEDULE OF REMAINING PLANNING APPLICATIONS TO BE CONSIDERED BY COMMITTEE**

The Head of Planning submitted plans deposited as applications to develop land under the Town and Country Planning Act 1990.

SUSPENSION OF COUNCIL PROCEDURE RULE NO 5 - ORDER OF BUSINESS

ORDERED that, in accordance with Council Procedure Rule No 5, the committee agreed to vary the order of business.

ORDERED that the following applications be determined as shown:

20/0088/FUL Single storey extensions at rear and side, first floor only extension at rear, and raising of roof of existing house at 82 St Mary's Walk, Middlesbrough for Mr S Ditta

The Development Control Manager advised that the application was one of two applications submitted to extend a pair of semi-detached houses.

The application related to a semi-detached 2 storey house on St Mary's Walk, an area predominantly made up of other 2 storey semi-detached dwellings laid out along the western side of the road, with the opposing side being occupied by the Mill Hill Recreation Ground, an open grassed area located to the rear of Acklam Hall. The street was largely defined by properties building lines and the openness on the eastern side of the road as well as the trees lining the street.

Members were shown a number of images displaying the exact location and elevations of the dwelling. It was added that the structure at the end of the garden was a garage for the host property, which was within the application site. Members were also shown images of the existing dwelling and the proposed scheme.

Planning permission was sought for the erection of several extensions to the dwelling. In its current form, the property had a 2 storey main section with a long outshoot to the rear (part 2 storey part single storey) and also a conservatory which projected to the side of a former extension.

The initial proposal submitted was to:

- extend to the rear of the property by 6.2m ground floor and 3.9m at first floor;
- extend above the existing single storey outshoot section (5.5m x 4.2m);
- replace the conservatory to the side with a single storey extension measuring approx.

- 7.7m x 4m; and
- raise the roof, putting roof lights in the front slope and a dormer in the rear.

Following consultation with the Local Planning Authority and concerns expressed by officers, the scheme now proposed to:

- extend to the rear of the property by 6.2m at ground floor and 3.9m at first floor;
- extend above the existing single storey outshoot section (4m x 4.2m) - reduction of 1.5m from initial proposal;
- replace the conservatory to the side with a single storey extension measuring approx. 5.8m x 2.7m - 50% reduction in floorspace initially proposed; and
- raise the roof, putting roof lights in the front, side and rear roof slope - removal of dormer window initially proposed.

The proposal had initially showed a new driveway to the front of the site which would have provided parking sufficient for 4 vehicles. However, the Council's Highways Officer had expressed concerns in respect of the impact of the proposal on highway safety, as the proposed driveway would have led directly onto St Mary's Walk at a position in close proximity to its junction with Coniston Grove.

Permitted Development Rights existed for the property, which allowed its owners to provide a drive either at the front or rear of the site. Whilst the Local Planning Authority could not prevent additional parking spaces being created, it was considered appropriate, through the permission, to ensure they were provided in the most appropriate place in order prevent undue impact on highway safety. A condition was therefore recommended, which required 3 additional parking spaces to the garage to be provided to the rear of the site.

It was recommended that the application be approved, subject to conditions and inclusion of an additional condition relating to the revised parking scheme. The Development Control Manager advised that the 4 parking spaces would be retained for use in perpetuity.

Reference was made to the three objections received from neighbouring properties, which were detailed within the submitted report. In summary, the objections referred to the increasing number of cars associated with the dwelling, the overdevelopment of the site, unacceptable levels of noise, loss of privacy, impact on amenity and impact on the character of the area.

In response to a Member's query regarding the additional scale and occupancy potential for the property, the Development Control Manager advised that the property would remain to be a residential dwelling, in a residential area. Should undue noise be generated at the property, then that would be a matter to consider under Statutory Nuisance legislation rather than planning guidance. It was added that the property was well spaced from surrounding properties and had sufficient outdoor amenity space for a property of the scale proposed.

In response to a Member's query regarding the loss of sunlight for 125 Coniston Grove, the Development Control Manager advised that the additional roof height and extensions would have some impact on sunlight towards the property to the rear, however, in view of the orientation of the plots and the relative openness of them, as well as the limited additional height being proposed, it was considered that it would not be a significant impact and would in any case only affect sunlight during a relatively short part of the day.

In response to a Member's query regarding future use of the property as a care home, the Development Control Manager advised that such a permission for Change of Use would need to be approved by the Local Planning Authority.

A discussion ensued and a number of Members commented that the proposed development would not unduly impact or dominate the character of the area and would maintain suitable levels of privacy or amenity for surrounding properties.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report and subject to the inclusion of the additional condition detailed below:

Approved Plans

The development hereby approved shall be carried out in complete accordance with the plans and specifications as detailed below:

Plan 04 Rev F as received on the 21st September 2020.

Plan 05 Rev F as received on the 21st September 2020.

Plan 06 Rev F as received on the 21st September 2020.

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

20/0087/FUL Single storey and two-storey extensions at rear, raising of roof of existing house, and new detached garage at 84 St Mary's Walk, Middlesbrough for Mr S Ditta

The Development Control Manager advised that planning permission was sought for a two storey rear extension, an increase in roof height (including roof lights) and replacement of the existing single garage with a double garage.

The application was the second of two applications submitted to extend a pair of semi-detached houses.

Members were shown a number of images displaying the exact location and elevations of the dwelling and indicating the proximity of 125 Coniston Grove. Members were also shown images of the existing dwelling and the proposed scheme.

In view of the property being a semi-detached dwelling and it proposing a raising of the roof height - in order to prevent a highly visible unbalance to the pair of semi-detached dwellings, a condition was recommended that only allowed the increase in roof height to take place in the instance that both properties undertake the same. A condition was recommended accordingly.

The proposed extensions as initially submitted were considered by officers to have an undue impact on privacy associated with the property to the rear and had been revised to remove a dormer window in the rear roof slope and reposition a window from the rear elevation to the side elevation, thereby limiting the proximity and number of windows facing the side elevation of the property to the rear.

The proposed scheme would provide a double garage (in length) as well as having 2 reasonably usable spaces on the existing driveway. Adequate parking was therefore considered to be provided as part of the scheme. The Council's Highways Officer had recommended that a condition be imposed preventing the garage from being converted in order to retain adequate provision on site in perpetuity.

The proposed development was considered to be of a scale and design that was in keeping with the host property and the associated plot and would not unduly affect or dominate the character of the area. It was also considered to maintain suitable levels of privacy and amenity for surrounding properties. In addition, adequate parking could be achieved at the site for the proposed development and, subject to controlling conditions, could meet the relevant requirements.

In view of all material matters, it was recommended that the application be approved, subject to the conditions contained within the submitted report.

One letter of objection had been received from the occupier of the property to the rear of the site (125 Coniston Grove). The objection was detailed in full within the submitted report. A Member raised concerns about the loss of privacy. The Development Control Manager advised that following discussion with the objector, the objector had conveyed that roof lights were preferable to a rear dormer. Following liaison with the Applicant, the rear dormer had been replaced with roof lights. Members were informed that, once notified of the revised scheme, the objector wished to make no further comments.

ORDERED that the application be **Approved on Condition** for the reasons set out in the report.

20/16 **APPLICATIONS APPROVED BY THE HEAD OF PLANNING**

The Head of Planning submitted details of planning applications which had been approved to date in accordance with the delegated authority granted to him at Minute 187 (29 September 1992).

A Member sought clarification regarding decisions reported on trees. Many trees were protected by tree preservation orders. The Development Control Manager advised that an applicant may have a single tree or several trees they may wish to prune or fell. The applicant would arrange for an arborist to review the trees in order to ascertain whether they were dead, dying or dangerous. Following assessment of the tree/s, the arborist would then make a recommendation that may involve several aspects. Therefore, in the case where an application had been part approved and part refused, essentially the Local Planning Authority had granted permission for some of the works but not all of the works. The decision was not based on the species of the tree but the its condition.

A Member queried the meaning of a decision to refuse and enforce, the Development Control Manager advised that if a change had been made to a property that required planning permission and approval had not been granted, a retrospective planning application needed to be submitted for the work that had already been carried out. If the application was refused, then an enforcement notice would be issued by the Local Planning Authority.

NOTED

20/17 **PLANNING APPEALS**

Appeal Ref: APP/W0734/D/19/3240568 - 62 Roman Road, Middlesbrough TS5 5QA

Appeal Part Dismissed (hardstanding drive) and Part Allowed (fence)

The development was originally described as a "hardstanding drive and fence".

The main issue was whether the development preserved or enhanced the character or appearance of the Linthorpe Conservation Area.

Appeal Ref: APP/W0734/W/19/3236913 - 123 Victoria Road, Middlesbrough, Cleveland TS1 3HX

Appeal Allowed

The development proposed was described as a change of use from a retail display shop to proposed take-away (naan bread bakery outlet) with ducting to the rear.

The main issue was whether the proposal would affect the character of the area, in particular through loitering.

APP/W0734/D/19/3237945 - 80 Roman Road, Middlesbrough, Cleveland TS5 5QE

Appeal Allowed

The development proposed was to erect a fence on boundary in addition to low brick wall.

The main issue was whether the development preserved or enhanced the character or appearance of the Conservation Area.

The appeal was allowed, subject to a condition stipulating that the hedge along the boundary fronting onto both Green Lane and Emerson Avenue needed to be retained at a height of no less than 2 metres in perpetuity.

Appeal Ref: APP/W0734/D/19/3241671 - 505 Acklam Road, Middlesbrough TS5 7HJ**Appeal Dismissed**

The development proposed was a first floor extension to side of house.

The main issues were the effect of the proposal upon 1) the character and appearance of the host dwelling and streetscene and 2) the living conditions of occupants of no. 507 Acklam Road.

Appeal Ref: APP/W0734/D/20/3250626 - 31 Thornfield Grove, Middlesbrough TS5 5LG**Appeal Dismissed**

The development proposed was a two storey extension to side and rear.

The main issues were the effect of the proposal on:

- the living conditions of residents of 29 Thornfield Grove with regards to outlook and light;
- the character and appearance of the area; and
- highway safety with regards to parking provision.

Appeal Ref: APP/W0734/D/20/3252656 - 19 Maltby Road, Middlesbrough TS8 9BU**Appeal Allowed**

The development proposed was a single storey side extension.

The main issues were the effects of the proposed development on:

- the character and appearance of the surrounding area and the host property; and
- the living conditions of occupiers of 17 Maltby Road, with particular regard to daylight and outlook.

In respect of each appeal, the Development Control Manager provided Members with details of the issues raised by the Planning Inspectorate.

In respect of the appeal for 123 Victoria Road, a Member referred to the comments of the Planning Inspectorate. The Planning Inspectorate had acknowledged that the Council had an emerging Local Plan but as the plan was yet to be submitted for examination, it was only afforded very limited weight. The Member highlighted the importance of finalising and adopting a new Local Plan.

A Member expressed concern that the appeal for 19 Maltby Road had been allowed, given the detrimental impact on the neighbouring property and the loss of light. The Development Control Manager advised that in circumstances, such as those, each site needed to be considered on its own merits.

NOTED