
APPLICATION DETAILS

Application No:	22/0539/FUL
Location:	8, Hemlington Road, Middlesbrough, TS8 9AJ
Proposal:	Retrospective application for the erection of two storey dwelling with detached double garage (demolition of existing bungalow)
Applicant:	Mr Stephen Watson
Agent:	Mr Andrew Riley
Ward:	Stainton And Thornton
Recommendation:	Approve with conditions

SUMMARY

This application seeks retrospective permission for alterations to a previous planning approval that granted permission for the demolition of a bungalow and the erection of a two-storey dwelling and detached double garage at 8 Hemlington Road. The previous application was approved at planning committee in November 2020 (20/0376/FUL).

The application site is located on a corner plot at the junction of Hemlington Road and the modern housing development at Glebe Gardens. The dwelling frontage faces towards Hemlington Road with the access road for Glebe Gardens located along the side boundary. The vehicle access to the property is from Hemlington Road with a detached garage located within the rear garden.

Following a consultation exercise 1 neighbour objection has been received, an objection from Stainton and Thornton Parish Council and objections from the local ward Councillors Christopher Dean and Angela Cooper.

The objections relate primarily to the build not being in accordance with the previously approved revised drawings (October 2020) which reduced the height/ size of the dwelling, loss of privacy to the residential properties on Glebe Gardens, highway and pedestrian safety and the reduction of the grass verge.

The applicant is seeking retrospective consent for alterations to the previous planning approval which include the following :-

- Increase in the overall height of the dwelling
- Alteration to the location of the detached garage within the rear garden
- Alterations to the height of the approved window on the first-floor front elevation
- Alterations to the approved windows and doors on the first-floor rear elevation

- Installation of solar panels on the rear elevation

The revisions to the previously approved French doors/Juliet balcony and the first-floor windows on both the front and rear elevations are considered to have no additional impact in terms of loss of privacy or amenity to the neighbouring properties. The position of the windows/door and the separation distances relative to the neighbouring properties is considered to ensure the privacy and amenity of the neighbours will not be significantly affected, subject to a condition being imposed preventing the use of the area as a balcony.

The overall height of the building is approximately 0.47 metres higher than the previously approved scheme, given the site levels appear not to have been lowered sufficiently prior to the commencement of the build. However, the impact of the additional 0.47 metres is not considered to have any significant impact in terms of the character and appearance of the street scene and the Stainton and Thornton Conservation area or in terms of having an overbearing impact on the neighbouring residential properties.

The detached garage repositioning closer to the side boundary and set closer to the rear boundary of the site and Glebe Gardens will not impact on highway visibility at this corner junction given it's set back position.

The photovoltaic panels have been installed within the rear/side elevations of the roof to reduce the visual impact on the appearance of the building and are therefore not considered to have a significant impact on the character and appearance of the existing street scene or the Thornton and Stainton Conservation area.

The development is considered to be in accordance with Policies DC1, CS4, CS5, UDSPD and Stainton and Thornton Conservation Appraisal and Management Plan and is recommended for approval subject to conditions.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The applicant is seeking retrospective consent for the following alterations to the previously approved plans:-

- The site levels were to be reduced by 0.47 metres towards the boundary with 10 Hemlington Road and by 0.6 metres towards Glebe Gardens. The building itself is the same height as was previously approved, but the site levels appear not to have been reduced to the required levels at the point closest to 10 Hemlington Road. The result is the overall height of the building is 0.47 metres higher.
- Replacement of the French doors and Juliet balcony with two separate windows on the first floor of the projecting two storey rear elevation.
- Replacement of the triple pane window with a door and side window on the first-floor rear elevation resulting in a 0.3m increase in the height of the opening.
- The side elevation of the garage was to be 4.7 metres at the closest point from Glebe Gardens and the rear elevation was 1.5 metres from the boundary. The garage has been built 2.6 metres from the side boundary and 2.2 metres from the rear boundary.
- Solar panels on the rear and side elevations of the roof

- Increase in the height of the window on the first floor front elevation by 0.3 metres

PLANNING HISTORY

20/0376/FUL- erection of two Storey dwelling with detached double garage (demolition of existing bungalow), approved November 2020

21/0418/FUL- change of use of land to residential curtilage, approved November 2021

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 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:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- 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).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for

sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

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

CS4- Sustainable Development

CS5- Design

DC1- General Development

UDSPD- Urban Design SPD

Stainton and Thornton Conservation Appraisal and Management Plan

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

The following comments have been received from the statutory consultees :-

MBC Highways

The changes from the original application with regards to highway considerations are limited and have no material change therefore we have no objections.

MBC Environmental Protection

No comments

MBC Waste Policy

No comments

Northern Gas Networks

No objections to the proposals, however there may be operators in the area that may be at risk during construction works and should the planning application be approved, then we require the promotion of these works to contact us directly to discuss our requirements in detail. Should diversion reworks be required these will be fully chargeable.

Cleveland Police

With regards to this application, I recommend applicant actively develop to Secured By Design standards. Full guidance is available within the SBD Homes 2019 Guide at www.securedbydesign.com

In any event, they are encouraged to contact me for any advice, input I can offer in relation to designing out opportunities for crime to occur.

Councillor Christopher Dean

As both a parish councillor and a private resident I wish to object to this planning application on the grounds that it has not been adhered to it is bigger than projected and it is in the wrong place the parish council has objected this all along and Middlesbrough Council has taken very little notice of our objections

Councillor Angela Cooper

I wish to make my objections to the building of the above property known. The size and height of the new dwelling and the repositioning the detached garage is not as appeared in the approved revised plans. Instead, the development appears to have been built in accordance with the original plans submitted and rejected by the planning department and objected to by residents.

What steps are being taken to rectify the matter?

Stainton and Thornton Parish Council (comments 19th November 2022)

On behalf of Stainton and Thornton Parish Council regarding the changes to the plans at 8 Hemlington Road Stainton referenced above, I would like to submit our continued objection to the plans.

From the initial submission of plans in 2020 (ref20/0367/FUL), the prime objection has been the size and height of the proposed development.

The original dwelling was a 1930's style dormer bungalow on a slightly raised site and the plans submitted in June 2020 were to demolish the bungalow and build a two storey dwelling and a pitched roof double garage.

Following consultation with the residents etc revised plans were submitted to take into account those objections raised by residents, reducing the overall height of the build etc and it was these plans that were approved by the planning committee. The approved plans resulted in the overall height of the dwelling being reduced to the same as adjacent properties and the door to the walk on terrace had been replaced by a Juliet balcony.

Looking at how the property has been built now, the overall height of the dwelling has been built to what appears to be the original June plans rather than the approved October plans AND the Juliet balcony has been replaced with walk-on/walk-out French doors allowing access to the terrace. Despite the objections and concerns raised by the local residents, it would appear that the owner has built the property the way he wanted and expects the planning department to approve this retrospective application.

I trust the planning department and planning committee will take the appropriate action and reject this retrospective application and enforce the conditions of approval given when the approval for the build was granted?

Stainton and Thornton Parish Council (comments 12th September 2022)

In July 2020 an application was made to the council under ref 20/0376/FUL for the demolition of the existing bungalow and the erection of a two storey dwelling with a detached double garage. There were a number of objections from local residents relating to the size and height of the proposed new dwelling and so following consultation with the residents, revised plans were submitted in October 2020 effectively reducing the overall height/ridge line and repositioning the detached garage.

The revised plans were submitted to the council and a decision was taken by the council/planning committee to approve the development subject to conditions. These conditions were that the revised drawings/plans dated October 2020 were used in the development.

The development has clearly NOT been built in accordance with these conditions, but appears to have been build in accordance with the original plans submitted in July.

Residents objected to the height/size of the proposed development and accepted the revised plans, but have ended up with a development that they objected to in the first place. This is clearly wrong and highlights the ineffectiveness of the planning/enforcement department within Middlesbrough Borough Council. Building Control should have picked up on this as the development progressed and not allowed the development to continue.

Public Responses

Number of original neighbour consultations	18
Total numbers of comments received	1
Total number of objections	1
Total number of support	0
Total number of representations	0

Following their neighbour consultation and the press and site notices there has been one letter of objection received. The neighbour objection is summarised below:

Privacy and Amenity

Limited size of the rear garden at No 8 means access to the roof area will provide views into windows at Glebe Gardens.

Do not believe should be allowed to build an elevated platform where the main benefit is to reduce privacy of others.

Highway Safety

Repositioning of the garage in spite of concerns raised with regards to a tight and blind corner on Glebe Gardens and safety of this corner, visibility and ability to hear on-coming traffic has been reduced even further.

Movement of the hedge nearer the road on Glebe Gardens has reduced the width of the verge and reduced highway visibility further along with the erection of a solid fence behind the hedge.

Objection comments received from :
5 Glebe Gardens

PLANNING CONSIDERATION AND ASSESSMENT

The main considerations with this proposal are the impact on the character and appearance of the street scene and the Stainton and Thornton conservation area, the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety.

Impact on street scene and the Stainton and Thornton Conservation Area

The Council's Core Strategy Policy CS5 (k) comments that all new development should enhance both the built and natural environment. Policy DC1(b) comments that 'the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials will be of high quality'.

The Council's Core Strategy Policy CS5 (h) comments that all development proposals should ensure the 'preservation or enhancement of the character and appearance of conservation areas and other areas of special interest and character'.

The Stainton and Thornton Conservation Area Character Appraisal and Management Plan, adopted in 2008 identifies Stainton village as having medieval origins with the application site being located within the central medieval core of the village. The Stainton and Thornton Conservation Character Appraisal and Management Plan identifies the development of Stainton as a mix of architectural styles and materials which reflect historic influences with traditional and vernacular styles with predominantly pitched roofs with pan tiles or slate, plain eaves and vertical windows with little ornamentation.

Within the immediate vicinity of the application site are a mixture of house types and designs. To the east at 10,12 and 14 Hemlington Road are individual cottage designed terraced properties set back from the main road with small front garden areas. These terraced properties have varying front elevation widths and roof heights with a relatively uniform front building line.

In contrast, opposite the site are two large semi-detached properties at 31 and 33 Hemlington Road that front directly onto the pavement with modern detached properties located to the west and south within Glebe Gardens.

The principle of a two-storey dwelling and detached garage on the plot as a replacement for the original bungalow was considered to be acceptable and approved at planning committee in November 2020 (20/0376/FUL). This revised retrospective application is therefore considering the alterations which have been built from the previously approved plans and include the increase in the height of the building, alterations to the windows and doors and the location of the garage and the impact these alterations have on the character and appearance of the street scene and the Stainton and Thornton Conservation area.

Objection comments have been received that the dwelling has not been built in accordance with the previously approved plans in terms of the height and size of the dwelling and that the applicant has completed the build in accordance with an original scheme which was objected to by residents.

Ridgeline roof height

The overall height of the ridgeline of the built dwelling is approximately 0.47 metres higher than was detailed on the 2020 approved plans. The building height itself at 8 metres is the same as approved however, the approved plans showed the site levels would be lowered across the site which has resulted in the increase in the finished ridgeline roof height of the build.

An assessment has been made of the impact associated with the increase in the overall height of the property (as a result of being built at a higher level) and this consideration is relative to the overall character and appearance of this section of Hemlington Road in the context of the existing properties. The application site is located on a corner plot at the end of a row of existing cottage style terraced properties to the east with a modern detached property to the west at 1 Glebe Gardens. The cottage style terraced properties immediately to the east of the application site have varying ridgeline roof heights which increase in height towards the application site. In this context, the increase of 0.47 metres in the finished height of the property is considered to not have a significant impact on the overall character of the street scene as it reflects the current varying roof heights and ground levels associated with properties all around the site. Furthermore, the overall height is a similar height to the modern detached property to the west at 1 Glebe Gardens.

Front elevation window

The first-floor window on the front elevation positioned within the eaves is larger than was originally approved. The previously approved plans showed the window would be the same proportions as the windows on the remainder of the first-floor front elevation. This has resulted in the flat roof section above the window being approximately 0.3 metres higher than was originally approved. Whilst the previously approved window proportions would have provided an element of symmetry between the first-floor windows, the increase in the overall height of the window is considered to be minimal and given this is a unique window detail on the front elevation of a unique property, the increase in the proportions of the window is considered to not have any significant impact on the character and appearance of the street scene or the Conservation area. It remains to be in keeping with the host property.

Rear elevation alterations

The previously approved plans included a set of French doors and Juliet Balcony detailing on the first floor of the two-storey off-shoot. The French doors have been replaced with two individual windows. The two windows are the same proportions, four pane windows design and sash detailing as the windows on the rear elevation that were approved as part of the original scheme. Given the design and materials for the replacement windows they are considered to have no significant impact on the overall character and appearance of the dwelling or the existing street scene.

The previously approved plans showed a window detail above the single storey off-shoot to the rear of the dwelling. The build has replaced the window with a single door and side window. Given the design detail with the door being positioned within the eaves this has resulted in an increase in the overall height of the flat roof above the door by approximately 0.3 metres. The door and window opening has retained the existing architectural design detail by providing an opening within the eaves of this section of the roof. The overall increase in the height of this window opening is considered to be minimal and does not affect the overall design of the dwelling.

The design and materials of the door and window does differ from the existing windows on the first floor of the dwelling as they are Upvc and not the traditional four pane window design or sash detailing, which has been provided within the remainder of the house. However, the previous approval did include full glazed windows on the proposed first floor French doors and the dwelling does include full glazed windows on the ground floor bi-folding doors. On balance, whilst the original design was considered to be more in keeping with the overall building design, the built door and window is considered to not have a significant detrimental impact on the character and appearance of the street scene or the Stainton and Thornton Conservation area.

Solar panels

The revised plans include solar panels which have been installed on the rear and east side elevation of the dwelling. The installation of solar panels would normally be permitted development and not require planning permission. However, the original planning approval in 2020 removed permitted development rights for any external alterations to the dwelling which included roof alterations without the prior approval of the Local Planning Authority.

The solar panels have been located on elevations which will have the least impact in terms of any impact on the character and appearance of the street scene and face towards the terraced property to the side and the modern detached dwellings to the rear. Given the solar panels would normally be permitted development and the fact they have been positioned where there is limited impact on the character and appearance of the street scene or the Stainton and Thornton Conservation area, the solar panels are considered to be acceptable.

Detached garage location

The design and scale of the detached garage is in accordance with the previously approved plans. The alteration to the previously approved plans is in the location of the garage within the plot.

The garage has been positioned 2.1 metres closer to the side boundary with Glebe Gardens and 0.7 metres further from the rear boundary with Glebe Gardens than on the previous approval. In terms of the appearance of the garage, the design and scale is the same as previously approved. The garage has been located closer to the eastern side boundary fence with Glebe Gardens.

The garage is set back from the main highway along Hemlington Road within the corner of the rear garden. There is a section of verge which remains between the application site and the highway which provides an element of openness and still views available from Hemlington Road towards the properties in Glebe Gardens. As the garage is set back from the main highway along Hemlington Road, the repositioning of the garage is considered to not be a significant impact in terms of the character and appearance of the Stainton and Thornton Conservation area.

Objection comments have been received regarding the reduced width of the grass verge between Glebe Gardens highway and the application site boundary and the fact a solid fence has been installed behind the hedge. A planning application for the change of use of the land and grass verge to the side of the application site in November 2021 (21/0418/FUL). The approval included the additional hedge and the location and height of the boundary fence, which is in accordance with the approval. The applicant has been made aware that aspects of two of the conditions on the approval are outstanding, in relation to the painting of the fence green and the planting of additional trees. The applicant has confirmed these conditions will be implemented.

The proposed alterations to the previously approved plans are considered to have no significant impact on the overall character and appearance of the Stainton and Thornton Conservation area and are considered to be in accordance with the guidance set out within Core Strategy Policies CS5 (h & k) and DC1 (b).

Impact on the privacy and amenity of the neighbouring properties

Core Strategy Policy DC1 (c) comments that all new development should consider the effects on the amenities of the occupiers of nearby properties both during and after completion.

The application site is located on a corner plot with residential properties surrounding the site. The dwelling is orientated so the front elevation faces towards Hemlington Road and the rear elevation towards properties within Glebe Gardens.

The alterations to the window on the first-floor front elevation relate solely to the size of the window opening. The separation distance between the window and the neighbour's opposite at 27 and 29 Hemlington Road remains the same as previously approved at 20 metres. Given the separation distances are the same and the increase in the window height is minimal, the revised front window detail is not considered to have any significant impact in terms of loss of privacy to the occupants opposite at 27 and 29 Hemlington Road.

Objection comments have been received regarding the loss of privacy and overlooking to the properties to habitable room windows of the properties along Glebe Gardens with the replacement of the window with a door providing access to the flat roof area, particularly given the applicant's limited garden space.

The two first floor individual windows which have been built on the rear of the two-storey off shoot have replaced the previously approved set of French doors and Juliet Balcony in the same location. There will remain a minimum separation distance of 28 metres from the properties to the rear of Glebe Gardens, which accords with the 21 metre privacy distances set out within the Council's UDSPD.

The door and window on the first-floor rear elevation above the single storey off-shoot will be located a minimum of 33 metres from the neighbours to the rear at Glebe Gardens, which accords with the 21 metre guidance set out within the Council's UDSPD. Concerns have been raised that the door will provide access onto the flat roof area of the single storey off shoot. The access to the flat roof area of the single storey extension will be conditioned to be for maintenance and repair purposes only and not for private use as an outdoor space. This is considered to be adequate to prevent unsuitable use of the space which would adversely affect privacy of surrounding properties.

Consideration has been given to the potential overbearing impact and potential loss of light to neighbouring properties from the increase in the overall ridgeline roof height. The overall ridgeline roof height is now approximately 0.47 metres higher than previously approved. There is a separation distance of approximately 4.9 metres between the applicant's dwelling and the side elevation of the neighbour's property at 10 Hemlington Road with the application site being located to the west of these neighbours. There remains separation distances of over 19 metres to the other properties within Hemlington Road and Glebe Gardens. Given the separation distances which exist, the raised position of the property by 0.47 metres is not considered to have any significant impact in terms of potential overbearing or loss of light to the neighbouring properties.

The relocation of the garage within the south-west corner of the garden has been moved slightly closer to the detached property at 1 Glebe Gardens but further away from the properties to the rear at 3, 4 and 5 Glebe Gardens. There remains a minimum separation distance of approximately 13.5 metres to the nearest property at 1 Glebe Gardens. The relocation of the garage is not considered to have any significant impact on the privacy or amenity of the neighbouring properties.

The proposal is considered to accord with the guidance set out in Core Strategy DC1 (c).

Highway issues

The garage has been built in accordance with the design and measurements which were previously approved in 2020 (20/0376/FUL). The location of the garage does differ from the previously approved plan. The side elevation of the garage has been moved 2.1 metres closer to the eastern side boundary fence with the rear elevation of the garage having been set in a further 0.7 metres from the rear boundary fence at the nearest points.

Objection comments relate to the impact of the relocation of the garage, installation of a solid side boundary fence to the side boundary and reduction in width of the grass verge on highway safety. Specifically in relation to visibility and the ability to hear traffic due to the corner location of the site.

The Council's Highway Engineers have considered the revised location of the detached garage and consider the changes are limited with no material change in terms of the highway impacts with no objections raised.

Residual matters

Objection comments have been received that the inefficiency of the planning/building control department has meant this development has progressed and should have been picked up and not allowed to continue. The planning department has followed the required planning procedures when notification has been received of development not being completed in accordance with the approved plans. When the initial reports of the potential inaccuracies with the build were highlighted the planning department completed a site visit and the applicant was advised that a further planning application would be required for any alterations not in accordance with the approved plans and works should cease unless they were in accordance with the approved plans. This revised application was then submitted for consideration.

Conclusion

The changes to the approved scheme have been considered against their potential for harming the character and appearance of the host property, the surrounding area, the Conservation Area and the amenity and privacy of nearby properties. Whilst the changes being sought are not considered to be positive changes above the previously approved scheme, it is considered that on balance, the nature of the changes are not so significant as to warrant refusal of the application given the properties position, design and relationship with surrounding properties.

RECOMMENDATIONS AND CONDITIONS

Approve with conditions

1. Approved Plans

The development hereby approved shall be carried out in complete accordance with the following plans:

- a. Proposed site plan drawing 200 REV A dated 5th August 2022
- b. Proposed elevation plan 02 REV D dated 8th November 2022
- c. Proposed ground and first floor plan drawing 01 Rev B dated 5th August 2022
- d. Proposed street view drawing 03 Rev E dated 29th November 2022

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

2. **Access**

Notwithstanding the submitted plans, the flat roof above the single storey section of the property shall not be used as a balcony or other outdoor seating area or similar form of private outdoor space unless there has been formal written agreement by the Local Planning Authority to do so.

Reason : To protect the interests of resident's amenity having regard for policies DC1.

Reason for approval

This application is satisfactory in that the alterations to the previously approved scheme accord with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraph 38 of the NPPF (2018). In addition, the alterations to the previously approved scheme accord with the local policy requirements (Policies CS4, CS5 & DC1 of the Council's Local Development Framework). In particular, the alterations to the previously approved scheme are designed so that their appearance is complementary to the existing building and so that they will not have a detrimental impact on the amenity of any adjoining or nearby residents. The alterations to the previously approved scheme will not prejudice the character and appearance of the street scene or the Stainton and Thornton Conservation area and do not significantly affect any landscaping nor prevent adequate and safe access to the site. The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

INFORMATIVES

None

Case Officer: Debbie Moody

Committee Date: 16th December 2022

