
APPLICATION DETAILS

Application No:	22/0259/FUL
Location:	20, Fountains Drive, Middlesbrough, TS5 7LJ
Proposal:	Erection of 1no. detached dwelling
Applicant:	Mr John Bradley
Agent:	Mr Sean Mclean
Ward:	Acklam
Recommendation:	Refuse

SUMMARY

This application seeks the erection of a three bedroomed two-storey dwelling on the section of residential garden located immediately to the north of 20 Fountains Drive in Acklam. The vehicle access for the property is shown as being provided directly from Sledmere Drive.

The application site is located on a corner plot at the junction of Sledmere Drive and Fountains Drive in a predominantly residential area of Acklam. The design of the property has a double frontage with the main front entrance facing towards Sledmere Drive with a section of two-metre-high fence positioned along part of the side boundary along Sledmere Drive.

This proposal will include the demolition of the existing detached garage, relocation of the existing entrance door and first floor bedroom window from the side elevation to the front elevation and installation of a front driveway at the host property at 20 fountains Drive, all of which falls within the permitted development regulations and does not require planning permission.

The application site has been granted permission previously for a detached 2 storey property (2012) and a separate application for a dormer bungalow on the site (2015). The site lies within the limits of development and within a residential area.

A recent planning application for a two-storey dwelling was refused at planning committee in September 2021 on the grounds that the scale, design and position of the proposed property would have a detrimental impact on the open character of the area and on the amenity of the adjacent properties, contrary to Local Plan Policy DC1.

The refusal decision was upheld by the planning inspector in January 2022. The inspector commented that the proposed dwelling would occupy a large proportion of the open garden at the side of the host dwelling (20 Fountains Drive) with the property having similar proportions to the neighbouring houses and similar materials. The inspector commented that whilst the new dwelling would fall in line with established front building line it would have a significantly

deeper floor plan which meant at the rear it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit it only 2.5 metres would be two storeys. The inspector concluded that by virtue of its scale, bulk and almost featureless gable wall the dwelling would be dominant and incongruous in this prominent corner location and would be harmful to the character and appearance of the surrounding area, contrary to Policy DC1.

Following a consultation exercise there have been 41 objections received from neighbours and an objection from councillor Sheila Dean and councillor Eric Polano. The objections relate primarily to loss of privacy, light and outlook, overbearing impact, noise and disturbance, pollution, dust, overdevelopment, out of keeping with the area, covenant in place that no development on corner plots, precedent, previous application refused at committee and upheld at appeal, contrary to Middlesbrough's green policy, highway and pedestrian safety issues with loss of visibility on the corner will create a blind spot, parking issues both during and after construction and there is no requirement for the development as sufficient housing supply.

The revised design and reduced scale of the proposed dwelling from the previous submitted scheme in 2021 are considered to achieve a property which is in keeping with the scale, design and character of the existing semi-detached two-storey properties along Fountains Drive. The separation distances, location of the dwelling and the position of the windows/doors in relation to other properties are considered to ensure the privacy and amenity of the neighbouring properties will not be significantly affected. The proposed vehicle access to the rear of the property taken from Sledmere Drive is sufficient distance from the junction to ensure no impact on the existing visibility splays, whilst providing adequate parking provision for the proposed dwelling with no notable additional impacts on highway safety. The revised plans are considered to accord with Local Plan Policies DC1, CS4, CS5 and H11.

Notwithstanding the above, the proposal has failed to provide any mitigation measures or secure the required mitigation credits to address the increase in nutrients provided from the proposal and is therefore considered contrary to Local Plan Policies CS4(J) and DC1(a), the NPPF and the legal requirements of the Conservation of Species and Habitat Regulations 2017.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is an area of residential garden located to the north of the existing dwelling at 20 Fountains Drive. The site is located on the corner of Fountains Drive and Sledmere Drive. To the east of the site is a bungalow at 22 Sledmere Drive and to the north are bungalows located at 27 and 29 Sledmere Drive and 18 Fountains Drive. Directly opposite to the west are bungalows at 1 North Wood and 15 Fountains Drive.

The proposal is for a detached three bedroomed dwelling with a driveway for three cars and garden space. The main entrance to the dwelling and the driveway access will be off Sledmere Drive. The dwelling will be two-storey with a pitched roof design and maximum ridgeline roof height of 7 metres. The design of the dwelling includes a single storey off-shoot to the elevation fronting Fountains Drive with the overall building footprint being 51.6 square metres. The main two-storey elevations will be in line with the existing front building lines along Fountains Drive and Sledmere Drive.

The proposed materials will be multi red facing brickwork, slate effect roof tiles and anthracite grey Upvc windows with tegular block paving for the driveway.

The boundary treatment will be a 2-metre-high close boarded fence sited along the northern boundary of the application site to be set back 2 metres from the footpath along Sledmere Drive. A set of gates will be placed across the driveway set back 5 metres from the footpath. The proposal includes the demolition of the existing detached garage (which has now been removed from site), relocation of the existing entrance door and first floor bedroom window from the side elevation to the front elevation and installation of a front driveway at the host property at 20 fountains Drive, all of which falls within the permitted development regulations and does not require planning permission.

The proposal is supported by a design and access statement.

PLANNING HISTORY

M/FP/0352/12/P – Erection of 1no detached dwelling and garage, approved June 2012

M/FP/0614/15/P - Erection of 1no dormer bungalow with detached garage and landscaping (demolition of existing garage), refused July 2015.

The reason for refusal were the scale and position within the plot in relation to the surrounding housing layout and built form creating an undue impact on the appearance and character of the area due to the prominent corner plot position.

M/FP/1345/15/P - Erection of 1no dormer bungalow with landscaping and boundary treatment (demolition of existing garage), approved by committee in February 2016.

21/0290/FUL – Erection of 1no detached dwelling, refused at committee in September 2021 and dismissed at appeal in January 2022.

The committee refusal was on the grounds that the proposed property, as a result of its scale, design and position, would have a detrimental impact on the open character of the area and on the amenity of the adjacent properties, contrary to local plan policy DC1.

The appeal was dismissed. The inspector commented that the proposed dwelling would occupy a large proportion of the open garden at the side of the host dwelling with the property having similar proportions to the neighbouring houses and similar materials. The inspector commented that whilst the new dwelling would fall in line with established front building line it would have a significantly deeper floor plan which meant at the rear it would project beyond the rear elevations of the neighbouring houses by approximately 5 metres in total, albeit it only 2.5 metres would be two storeys. The inspector concluded that by virtue of it's scale, bulk and almost featureless gable wall the dwelling would be dominant and incongruous in this prominent corner location and would be harmful to the character and appearance of the surrounding area, contrary to Policy DC1.

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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:

DC1 - General Development
CS5 – Design
CS4 - Sustainable Development
UDSPD - Urban Design SPD
H11 - Housing Strategy

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

There have been 41 objections received following the neighbour consultation and the site notice.

Objection comment has been received from Ward Councillor Sheila Dean and Councillor Eric Polano.

The objection comments are summarised as follows:-

Amenity

- Overlooking
- Loss of privacy particularly directly into the windows of 1 Northwood and 15 Fountains Drive, particularly from the first floor into the two large front facing windows of the bungalows.
- Overbearing and loss of light to 1 Northwood and 15 Fountains Drive
- Noise and disturbance in an area which is primarily elderly where we are at home 24 hours a day.
- Pollution/Dust
- Stress to residents during the build which could take months if not over a year to finish.
- Too close to my property with the house being built directly on my boundary, disrupting my new tenant and her quality of life. tenant would leave the property and would leave me with no rental income.
- Loss of outlook

Character and Appearance

- Not in keeping with the local area
- Fountains Drive and Sledmere Drive are an open plan layout, properties set back with similar appearance.
- The corner plots within the surrounding area have large gardens which is a character of the estate.
- Area is predominantly bungalows with 49 in total, 29 on Sledmere Drive, 19 on Fountains Drive, 1 Northwood. 29 Semi-detached properties on Fountains Drive in blocks of 4 but there are no 3 or 4 bedroomed detached properties all the 4 bedroomed properties are on Hall Drive on larger plots.

- Proposed development will sit almost from both ends of the boundary with the surrounding fence and is not in keeping with the existing properties so will look out of place.
- Overdevelopment
- Will set a precedent for householders with generous plots, with this being the front garden of the application site.
- Altered from a four bedroom detached 3 bedroom detached but could potentially be extended at a later date, especially as they have applied for three parking spaces which is the standards for a four bedroom property.
- Covenant in place for more than 25 years to preserve the overall look / aspect of the area.
- Previous application where seven out of the eight committee members refused the application and was dismissed at appeal for being dominant incongruous in its prominent corner location.
- Understand part of 20 Fountains Drive has been sold and shocked that you can sell part of your property for a builder to build what they like.
- Surrounding properties built in the 1960s all appear similar in terms of material the proposed property would look ridiculous and spoil the look and feel of the road.
- Land is someone's garden driveway and find it hard to believe how separate dwelling can be posed for this area.
- Middlesbrough council has a green policy so allowing front gardens to be concreted over and turned into car parks and houses to be built by anyone with a large garden is setting a dangerous precedent.

Highways

- Parking
- Highway safety
- Pedestrian/child safety as corner Sledmere Drive is a danger zone several accidents with speeding cars coming around the corner and crashing.
- Road used as a cut through from whole drive with additional traffic and the main road used for outward Academy pupils.
- New dwelling would block out light in winter causing black ice as previously occurred when conifer trees were on the site.
- Amount of vehicles, workmanship, materials involved for large build would be dangerous taking into account the location and would potentially cause further accidents.
- Will create a blind spot.
- Speeding cars fully knocked one tree over and damaged one street sign with the property also being told previously to take down some trees because of visibility issues.
- Has anyone from highways actually been to this location and if so what were the comments currently this corner is relatively safe however this will change if plans are accepted in terms of increasing street parking for visitors and the actual building of the property.
- Not happy that they propose drive is directly opposite my drive and the potential problems this could create

Housing

- No requirement for properties of this size as enough within a one mile radius that can be purchased
- Not a privacy extension for and extending family or to aid an elderly or disabled member this is a business and commercial development for financial gain.

The objection comments were received from the following addresses :-
1 , 5, 6 , 8 , 10, 15, 16, 18, 19, 21, 22, 23 (x2), 24 Fountains Drive
14, 18, 19, 21, 25, 27 Sledmere Drive
1, 2, 3, 7, 10, 45 North Wood
86 Tollesby Road

Public Responses

Number of original neighbour consultations	39
Total numbers of comments received	41
Total number of objections	41
Total number of support	0
Total number of representations	0

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

Councillor Sheila Dean

Concerns that if this build goes ahead it will cause numerous problems, making the junction of Fountains Drive and Sledmere Drive a blind bend. This would result in accidents not only with traffic but also school children coming and going to school. The traffic speed up and down those roads and it is only a matter of time before there is a serious accident.

There are a lot of corner properties in that area with large plots, if this application goes ahead it will set a precedent for other property owners to sell some of their garden to a property developer to build more houses on.

Councillor Polano

There were 40 original objectors. This has not changed. The original rejection was that it was unsuitable and would destroy the outlook of many of the surrounding properties. Is this application for a two storey house, which was rejected in the first place. Or is this for a bungalow please. In any case the dwelling would look out of place in the proposed location. The residents are really angry. I support their objections wholeheartedly.

Cleveland Police Architectural Liaison Officer

In relation to this application, I recommend applicant actively seek to develop to accredited Secured By Design standards. Full guidance is available within the SBD Homes 2019 guide at www.securebydesign.com. They can also contact me for any advice, input I can offer in relation to designing out opportunities for crime to occur.

MBC Environmental Protection

No comments

MBC Waste Officer

No comments

Northern Gas Networks

Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to

discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

PLANNING CONSIDERATION AND ASSESSMENT

1. The main considerations with this proposal are the principle of the development, the impact on the character and appearance of the street scene, the impact on the privacy and amenity of the neighbouring properties, highway safety, Nutrient Neutrality and any other residual matters.

Principle of the Development

2. The Council's Core Strategy Policies CS4 (Sustainable Development), CS5 (Design), DC1 (General Development) and Housing Local Plan Policy H11 (Housing Strategy) are relevant to this proposal.
3. Core Strategy Policy CS4(a) requires all new developments to contribute to sustainable economic development principles by making the most efficient use of land. The application site is within walking distance of major bus routes and the Newham Bridge Primary School, Beverley School, Outwood Academy and the facilities within the Saltersgill Avenue local centre. The application site is therefore considered to be within a sustainable location and accords with the guidance set out within Core Strategy Policy CS4 in these regards.
4. Housing Local Plan Policy H11 promotes the need to increase the supply of housing to meet the aspirations of the economically active population, which consolidates and builds upon the success of popular neighbourhoods within the town. Specifically, within South Middlesbrough Policy H11 emphasises the need to ensure the quality of life is maintained through protecting high environmental quality of the area and any new development to be of a high quality and density appropriate to the location. With any new housing being required to be sustainable and be a balanced mix.
5. The National Planning Framework (NPPF) 2021, paragraph 11 establishes a presumption in favour of sustainable development and through its core planning principles encourages the planning system to promote economic development, including the provision of new housing, seeking high quality design and re-using land that has not been previously developed.
6. The application site forms part of the existing residential curtilage of the host property at 20 Fountains Drive. The principle of a residential dwelling on the site was previously considered and approved by two separate planning applications in 2012 and 2016. Whilst the subsequent 2021 application was refused, the reasons for refusal were the impact on the character and appearance and amenity and not the principle of development of the site.
7. The existing street scene has a mixture of house types with semi-detached and detached bungalows alongside semi-detached and detached two-storey properties. The proposed two-storey detached dwelling is considered to provide a modest contribution to the existing housing supply. Having taken into consideration the context

of the existing housing supply within the area, the location of the proposed dwelling is considered acceptable.

8. The application site is considered to be within a sustainable location and is therefore considered to accord with the guidance set out in Local Plan Policies H11 (Housing Strategy) and Core Strategy CS4 (a).

Character and appearance

Design/Layout - Local and National Policy Guidance

9. The Council's Core Strategy Policy CS5 (c) comments that all development proposals should '...*secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.*'
10. Policy CS5 (k) comments that all new development should enhance both the built and natural environment.
11. 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.*'
12. The Middlesbrough Urban Design SPD (UDSPD), adopted January 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
13. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit affects on daylight), avoiding flat roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.
14. Specifically in relation to corner plots paragraph 5.4 (j) comments that '...*corner plots occupying sensitive locations within street scenes will require careful attention to design, in order to preserve building lines, appropriate areas of open space and include a level of detailing to avoid blank facades.*'
15. The National Design Guide (NDG) adopted in January 2021 establishes ten key characteristics of good design which interact to create and overall character of a place and applies to proposals of all sizes. Including the development context, identity, built form, movement, nature, public spaces, uses, homes & building, resources and lifespan. The ten key characteristics set out within the NDG have been used to assess this development.
16. The National Planning Policy Framework (NPPF) 2021 establishes that good design is a key to achieving sustainable development. The 2021 revisions to the NPPF include

revisions to Chapter 12 'Achieving well designed places' and comments that Local Authorities should provide design guides in accordance with the principles set out in the National Design Guide and National Design Guide Model to enable new development to reflect the local character and to provide design preferences.

17. Paragraph 130 of the NPPF sets out that planning decisions should ensure developments '*...function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development*' and are '*...visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*'
18. Specifically, within paragraph 130 of the NPPF reference is made to new development being '*.... sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*' with a '*....high standard of amenity for existing and future users.*'
19. The NPPF paragraph 134 sets out that development which is '*....not well designed should be refused , especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents*'. With '*...significant weight given to development which reflects local design policies and government guidance on design, taking into account any local design guides and supplementary documents such as design guides and codes*'

Design/Layout Assessment

Context

20. Within the immediate vicinity of the application site is a mixture of house types and designs. To the south along Fountains Drive are two-storey semi-detached properties with single storey garages to the side and directly opposite the application site are semi-detached bungalows along Fountains Drive and North Wood. To the north and north-east of the application site are semi-detached bungalows along Sledmere Drive with an area of open space located to the north on the corner of Sledmere Drive and Fountains Drive.

Assessment – site layout

21. The proposed siting of the dwelling within the plot will retain the established front building line of the existing properties along both Fountains Drive and Sledmere Drive. With the north elevation in-line with the front elevations of the bungalows to the east along Sledmere Drive and the west elevation (excluding the single storey lean to) being in-line with the existing building line of the two-storey dwellings on the eastern side of Fountains Drive. The properties position is such that it would retain an area of open grass to its frontage and the side, with boundary treatments set back from the pavements along Fountains Drive and Sledmere Drive.
22. Objection comments have been received regarding the scale of the dwelling and the fact the proposal is for a detached two-storey dwelling in contrast to the designs of the bungalows along Sledmere Drive and the semi-detached properties along Fountains Drive.
23. Whilst the concerns are noted that the proposal is for a two-storey detached dwelling and not a bungalow there are existing two-storey dwellings within the immediate

vicinity of the site. The property is a two-storey detached property which sits to the north of an existing row of two-storey semi-detached properties along Fountains Drive and within the context of the detached and semi-detached bungalows along Sledmere Drive and Fountains Drive. It is considered to be in keeping with the scale of built form in the surrounding environment.

24. The proposed dwelling has an overall width of 6 metres which is comparable to the widths of the semi-detached properties along Fountains Drive with the overall height of the dwelling being comparable to the semi-detached properties along Fountains Drive. The footprint at 51.5 square metres is only slightly larger than the original footprints of approximately 47 square metres for the semi-detached two-storey properties along Fountains Drive with some of these properties now having been extended.
25. The rear building line of the dwelling extends only 0.5 metres beyond the original building line of the rear elevations of the semi-detached properties along Fountains Drive. It should be noted that several of the semi-detached properties immediately to the south of the application site have extended the rear elevations. With 19 Fountains Drive having a two-storey side/rear extension and 22 and 24 Fountains Drive having single storey rear extensions.
26. The proposed scale of the dwelling is therefore considered to be comparable to the scale of the existing semi-detached properties on Fountains Drive and has addressed the concerns raised by the Inspector on the previous refused application in terms of the overall bulk and scale of the dwelling.

Assessment - Design

27. Objection comments have been received that the design of the two-storey dwelling will not be in keeping with the 1960's bungalows. The properties along Sledmere Drive are bungalows with the properties located opposite the application site also being bungalows at 1 North Wood and 9, 11 and 15 Fountains Drive. There is however a mixture of house types within the immediate vicinity of the application site and the immediate run of properties along Fountains Drive are 2 storey dwellings. The proposed property is in keeping with the overall scale of these properties and would appear as a continuation of the row of two-storey properties along Fountains Drive.
28. Objection comments have been made regarding the fact corner plots within the street are open plan and the proposal would be out of character with this characteristic. The location of the proposed dwelling will see the loss of part of the existing side/rear garden of the original host dwelling which will result in the loss of an element of the existing open nature of this corner site. The design of the plot has ensured an open space area is retained on the corner of the site at the junction of Fountain Drive and Sledmere Drive with the proposed 2-metre-high fence only enclosing a small section to the side of the dwelling and the rear garden area. The site layout design has ensured the proposed dwelling will not dominate the views and character and appearance of this corner site.
29. The design of the dwelling provides the main entrance door on the elevation facing towards Sledmere Drive with hanging tile detailing between the entrance door and first floor window. An additional set of french doors and landing window are located on this elevation. The design of this elevation is almost identical to the design of the side

elevation of the original host property (20 Fountains Drive). The additional window and door openings on this elevation are considered to have addressed the design concerns raised by the planning inspector in relation to the previous refused application where the Inspector considered the proposal had a featureless gable elevation.

30. The elevation facing towards Fountains Drive has been designed with a modest forward projecting section with pitched roof which is a similar scale and appearance to an entrance porch with hanging wall tile detailing between the ground and first floor windows. The design and window proportions on this elevation replicate the existing front elevation design of the semi-detached properties within Fountains Drive.
31. The proposed materials for the dwelling will be red-multi faced brickwork with slate effect roof tiles to match the existing properties within the street scene. The windows will be grey anthracite upvc windows. Whilst the colour of the windows differ from the existing white upvc windows within the street the existing properties could alter their window colouring without requiring planning permission.
32. An objection has been received that the proposal is for a 3 bed property and could subsequently be extended to a four-bedroom property which would impact on the appearance and scale of the dwelling. Particularly as the parking provision is in accordance with a four-bedroom property. Given the prominent location of the site and the potential impact of an extension to the appearance of the property (supported by the previous inspectors decision in relation to scale and bulk), a condition could be recommended to remove the permitted development rights for the property should the application be approved and this would require any future extensions to require planning permission and therefore be able to be considered at that time.
33. Overall, the site layout design, the scale and mass of the proposed dwelling within the site and its design is considered to be in keeping with the character of the site and surrounding area in accordance with Core Strategy Policies DC1 (b), CS5 (c&k), UDSPD, National Design Guide and paragraph 130 of the NPPF.

Amenity

34. 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.
35. Paragraph 130 of the NPPF sets out that consideration should be given to development providing a '*...high standard of amenity for existing and future users*'.
36. The Council's Urban Design Supplementary Planning Document (UDSPD) Section 5 sets out specific guidance in terms of the potential impact of new residential development on the privacy and amenity of the neighbouring properties. The individual paragraphs reference extensions, however the basic principles set out within this criteria do apply to new housing development, given the heading of this section of the SPD.
37. Reference is made within paragraph 5.4(d) to the fact that new development should not dominate neighbour's windows which could potentially impact the amount of light to the neighbours. Further consideration is given to the potential overbearing impact of development within paragraph 5.4 (f), that comments an overbearing impact can be

caused by the presence of an expanse of proposed brickwork which should be avoided, particularly where it impacts on a neighbour's primary room windows.

38. The UDSPD guidance provides guidance within paragraph 4.9 on privacy distances for new developments. The guidance sets out that a minimum of 21 metres unobstructed distance between principal room windows that face each other for buildings over single storey and 14 metres for single storey proposals. The guidance sets out that primary windows refers to living and dining rooms but not bedroom windows.
39. Objection comments have been received that the proposal would result in loss of privacy/outlook, overbearing, overshadowing and increase in noise and light pollution from traffic, stress during construction.
40. The application site is located on a corner plot with residential properties surrounding the site. The proposed dwelling will be orientated so the front elevation faces towards the semi-detached bungalows at 1 North Wood and 15 Fountains Drive. The main habitable room windows on the front elevation will be positioned approximately 21.7 metres from 1 North Wood and 15 Fountains Drive. With the remaining separation distance between habitable rooms according with the 21 metres privacy guidance distance set out within the Council's Urban Design Supplementary Planning Document (UDSPD) and so there is considered to be no significant issues in terms of loss of privacy.
41. The windows on the rear elevation will be a kitchen/dining room window, bathroom and bedroom window. There will remain a minimum separation distance of approximately 19.2 metres between these three windows and the side elevation of the neighbours at 22 Sledmere Drive, exceeding the Council's UDSPD (paragraph 4.9) guideline distance of 14m and is therefore considered to be have no notable adverse impacts on privacy and amenity in this regard.
42. The proposed dwelling will provide a bathroom and bedroom window on the first-floor rear elevation that will face towards the front garden area at 22 Sledmere Drive. The current front garden area at 22 Sledmere Drive is an open garden and not an enclosed private space so the impact on the privacy of the users of the front garden area is considered not to be significant. The first-floor windows will be at an oblique angle to the rear garden area at 22 Sledmere Drive with no direct overlooking.
43. The north (side) elevation of the proposed dwelling will have a bi-folding doors, entrance door and windows that will face towards the front elevation of 29 Sledmere Drive and the side elevation of 18 Fountains Drive. A minimum separation distance of 37 metres will remain between the proposed windows and the neighbours at 29 Sledmere Drive and 18 Fountains Drive, which exceeds the 21 metre privacy distance suggested in the Council's UDSPD.
44. The front and rear elevation windows of the proposed dwelling will be at an oblique angle and will not directly face any habitable room windows or the garden areas of the host property at 20 Fountains Drive. The proposal is therefore considered not to have any significant impact on the privacy of the host property at 20 Fountains Drive.

45. Objections have been received that the proposed two storey dwelling will be overbearing to the neighbouring bungalows, however, in view of the proposal continuing the existing building line, meeting design guide spacing standards and being of a suitable scale and massing, it is considered that the proposed dwelling would not be overbearing on the surrounding properties or their associated amenity space and would not result in a significant loss of light associated with other properties. It is noted that light to the rear garden of 20 Fountains Drive would be affected during the morning but not in the afternoon and although some impact, but not significant and not notable different to affects within the estate, given the replication of plot / property layouts.
46. The rear elevation of the dwelling will project towards the bungalow located to the rear of the application site at 22 Sledmere Drive. There will remain a minimum separation distance of 15.5 metres from the rear elevation of the single storey extension and the side elevation of 22 Sledmere Drive. Given the separation distance which will be retained, the proposed dwelling is not considered to have a significant overbearing impact on the occupants of 22 Sledmere Drive.
47. In terms of potential overbearing impact on the host property, the two-storey elevation of the proposed dwelling will project a maximum of 0.5 metres beyond the existing rear elevation of host property (20 Fountains Drive). In light of the Council's UDSPD guidance that two-storey extensions to the rear are acceptable in terms of a neighbour's amenity, providing they are set in from the boundary and do not project more than 3 metres, the proposed projection distance from the rear elevation would have no significant overbearing impact on the host property.
48. Objection comments have been received regarding the potential dust and noise from the construction of the dwelling. With the proposal being for a single dwelling and not involving any significant demolition works the impact in terms of dust is not considered significant. There will be some associated noise from the construction of a new dwelling, should the noise levels be prevalent outside of normal working hours then this would be a matter which could be addressed through environmental protection legislation rather than through planning legislation.

Highway safety

49. The Council's Core Strategy Policies CS17 (Transport Strategy), CS18 (Demand management) and CS19 (Road Safety) reflect the sustainable development principles of the NPPF in considering new housing development and are considered relevant to this proposal.
50. Policy CS17 requires all new development to be located where there will be no detrimental impact on the operation of the strategic network with Policy CS19 commenting that any new development should not have a detrimental impact on road safety. Policy CS18 sets out that new development should incorporate measures aimed at improving the choice of transport options.
51. Objection comments have been received that the proposal will result in an increase in traffic, pedestrian/child safety, potential accidents from creation of a blind spot on the corner location and potential issues with a new driveway being located opposite an existing driveway.

52. The existing driveway and detached garage accessed from Sledmere Drive for the host property will be removed as part of this proposal. The driveway for this application will be accessed from Sledmere Drive and sited towards the rear boundary. The driveway will be double width with access gates set back approximately 5 metres from the pavement.
53. The proposal will include providing a new driveway to the front of the host property at 20 Fountains Drive, which can be completed under permitted development without requiring planning permission.
54. The application site is located falls outside of the public highway and is not within the ownership of the Local Authority. With the land being outside of the control of the Local Authority the sightlines for vehicles at this junction cannot include this area of land with it not being in the ownership of the Local Authority. However, the sightlines which are achievable, within the public highway, are in accordance with national guidance and as such the construction of the dwelling will not have a detrimental impact on visibility or highway safety.
55. The new access driveway of the proposed dwelling will be located towards the rear boundary of the application site with access from Sledmere Drive. The new access will be set further away from the junction of Fountains Drive and Sledmere Drive and will be positioned towards an existing driveway at 22 Sledmere Drive. The location of the proposed driveway and the parking provision provided is considered in highway terms to be acceptable.
56. The comments regarding the impact of the installation of a driveway opposite an existing driveway are noted, however, this is a common occurrence within the area in terms of the location of driveway accesses.
57. The parking provision provided for both the host dwelling and the proposed dwelling is considered to be acceptable and there are no highway objections, subject to a condition that prior to occupation of the new dwelling the parking provision for both properties is completed.

Nutrient Neutrality

58. Nutrient neutrality relates to the impact of new development on the Teesmouth and Cleveland Coast Special Protection Area (and Ramsar Site) (SPA) which Natural England now consider to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the SPA. It is understood that this has arisen from developments and operations which discharge or result in nitrogen into the catchment of the River Tees. Whilst it is understood that this will include farming activities and discharge from sewage treatment works, it also relates to waste water from development. New development therefore has the ability to exacerbate / add to this impact. Natural England has advised that only development featuring overnight stays (houses, student accommodation, hotels etc) should be deemed to be in scope for considering this impact although this is generic advice and Natural England have since advised that other development where there is notable new daytime use such as a new motorway service area or similar could also be deemed to have an impact which may require mitigating. As with all planning applications, each has to be considered on its own merits. Furthermore, it is recognised as being particularly difficult if not impossible to accurately define a precise impact from development in relation to

nutrient neutrality given the scale of other influences. Notwithstanding this, the LPA need to determine applications whilst taking into account all relevant material planning considerations.

59. The Local Planning Authority must consider the nutrient impacts of any development within the SPA catchment area which is considered to be 'in-scope development' and whether any impacts may have an adverse effect on its integrity that requires mitigation. If mitigation is required it will be necessary to secure it as part of the application decision unless there is a clear justification on material planning grounds to do otherwise.
60. In-scope development includes new homes, student accommodation, care homes, tourism attractions and tourist accommodation, as well as permitted development (which gives rise to new overnight accommodation). This is not an exhaustive list. It also includes agriculture and industrial development that has the potential to release additional nitrogen and / or phosphorous into the system. Other types of business or commercial development, not involving overnight accommodation, will generally not be in-scope unless they have other (non-sewerage) water quality implications.
61. Following the completion of a Habitat Regulation Assessment this development is considered to be in scope and has been put through the Teesmouth Nutrient Budget Calculator and the details were sent to the agent to advise them of the total annual nitrogen load the development must mitigate against.
62. The agent was asked to confirm what mitigation they proposed however no information was forthcoming. Following confirmation to the agent that the application was to be refused due to the lack of a suitable mitigation scheme being provided a request was made to delay determination of the application until the credits had been purchased from Natural England. Since the submission of the application there have been two separate rounds of credits in March and July whereby the applicant could have applied for credits but have sought not to submit a credit application. Officers have sought to assist applicants through the matter of Nutrient Neutrality since it became a consideration, however, the LPA have a significant number of applications held back in the system and cannot continue to operate in this manner. Given the time period which has lapsed since the submission of the application and the lack of mitigation, officers consider it reasonable to determine the application as it currently stands. The applicant has the ability to re-apply should Nutrient Neutrality mitigation be achieved.
63. As a result of no suitable mitigation being provided, this development is considered to be in conflict with the requirements in relation to Nutrient Neutrality and as such a likely effect upon the SPA cannot be ruled out. Natural England have been consulted on the HRA and have confirmed that as no mitigation information has been provided they object to the proposal.

Residual matters

64. Objection comments have been received that the proposal will set a precedent for development on corner plots within the estate and the loss of open space area. Each application is considered on it's own planning merits and the approval of this scheme would not set a precedent for future developments.

65. Objection comments have set out that there is a covenant on the site to preserve the overall outlook/aspect of the area. Any covenants on the property are legal obligations for the owner of the property and are not a material planning consideration which can be assessed as part of the application.
66. Comments have been received over the fact land can be sold and then a planning application submitted for a further dwelling. The local authority is obliged to consider and assess any application which is formerly submitted.
67. Objection comments have been received regarding the loss of view. The loss of view is not a material planning consideration which can be considered as part of the application.
68. Objection comments have been received regarding the requirement for a new three bedroomed dwelling given the current levels of properties for sale in the area and the fact the dwelling is for commercial profit. These points are noted but are not material planning considerations.
69. Objection comments relate to the lack of consultation from one property in relation to the proposal. A total of 39 neighbours were consulted on the application and a site notice placed opposite the site to ensure wider publicity. Officers are satisfied with the level of consultation undertaken.

RECOMMENDATIONS AND CONDITIONS

Refused

- Nutrient Neutrality

The proposal would result in an increase in population and a consequential increase in waste water and nutrients (specifically nitrogen) entering into the drainage system which would, in turn, add to existing nutrient burdens within the River Tees. Unmitigated, this proposal would have an adverse impact on the Teesmouth and Cleveland Coast Special Protection Area, which would be contrary to Local Plan Policies CS4 (j) and DC1 (a) and the NPPF and would fail to meet the legal requirements of the Conservation of Species and Habitat Regulations 2017.

INFORMATIVES

None

Case Officer: Debbie Moody

Committee Date:

12th October 2023

