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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>18/0184/FUL</b>
<b>Location:</b>	<b>Site Adjacent To Nunthorpe Bowling Club Nunthorpe Middlesbrough TS7 0BQ</b>
<b>Proposal:</b>	<b>Erection of detached domestic garage</b>
<b>Applicant:</b>	<b>Mrs Susan Ford</b>
<b>Agent:</b>	<b>Mr Graham Young</b>
<b>Company Name:</b>	<b>Ayton Architectural Services</b>
<b>Ward:</b>	<b>Nunthorpe</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Planning approval is sought to erect a double, pitched roof garage on an area of land situated north of the Nunthorpe bowling green to the south of Railway Cottages in Nunthorpe which is accessed via a private access off Guisborough Road.

Following the consultation process, there were 7 objection comments received from residents and no objections from the statutory consultees. Objections are mainly based around the size of the garage, the lack of drainage details, increase in traffic, land ownership and rights.

Taking into consideration the location and scale of the garage and the separation distances from the nearby residential properties, it is considered that the proposal will not have a significant impact on the amenities of the neighbouring properties or on the character and appearance of the wider area or have any implications in terms of highway safety.

The development is considered to be in accordance with the requirements of Policies CS5 and DC1 which require a high standard of design for development, ensuring it is well integrated with the immediate and wider context and consideration of the effect upon the surrounding environment and the amenities of the occupiers of the nearby properties.

The application is recommended for approval subject to standard conditions.

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**SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application relates to a plot of land which sits adjacent the northern boundary with the bowling club to the south of Railway Cottages which is a private lane accessed off Guisborough Road in Nunthorpe. .

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## PLANNING HISTORY

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No relevant planning history.

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## PLANNING POLICY

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

- a) *The provisions of the development plan, so far as material to the application*
- b) *Any local finance considerations, so far as material to the application and*
- c) *Any other material considerations.*

The following documents together comprise the Development Plan for Middlesbrough;

Middlesbrough Local Plan;

- *Housing Local Plan (2014)*
- *Core Strategy DPD (2008, policies which have not been superseded/deleted only)*
- *Regeneration DPD (2009, policies which have not been superseded/deleted only)*
- *Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)*
- *Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)*
- *Middlesbrough Local Plan (1999, Saved Policies only) and*
- *Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).*

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

- *Being plan led*
- *Enhancing and improving areas*
- *Proactively drive and support sustainable economic development to deliver homes, business, industry and infrastructure and a thriving local economy*
- *Always seek a high quality of design and good standard of amenity for existing and future occupants*
- *Take account the different roles of areas, promoting the vitality of the main urban areas whilst recognising the intrinsic character of the countryside*

- *Support the transition to a low carbon future, taking full account of flood risk, resources and renewables*
- *Contribute to conserving and enhancing the natural environment*
- *Encourage the effective use of land*
- *Promote mixed use developments*
- *Conserve heritage assets in a manner appropriate to their significance*
- *Actively manage patterns of growth making fullest use public transport, walking and cycling and focus significant development in sustainable locations and*
- *Take account of local strategies to support health, social and cultural well-being and deliver community and cultural facilities to meet local needs.*

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

CS5 - Design  
 DC1 - General Development  
 UDSPD - Urban Design SPD  
 NDS - Nunthorpe Design SPD

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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### MBC Highways

No objection

Neighbouring properties were consulted on the proposal, the following representations have been made -

### Mr M Sheffield - 1 Railway Cottages

I feel that the development is disproportionately large in relation to the buildings that have since been demolished that were nothing more than timber sheds thus changing their scope for use.

There is no indication on the plans on the disposal of water from the roof in an area that is prone to flooding.

Where are the builders going to park as there isn't anywhere for them to park during the construction.

The area directly in front of the development is privately owned therefore no building materials, skip, parking, scaffolding cannot be left there as access is required at all times into adjoining property.

For the safety of others a safety fence should be erected inside the boundary of the development and not on my land which would be the case due to the size.

The applicant no longer lives at Railway Cottages therefore has no ownership of any part of the lane, so has no obligation in maintaining it and the area in general.

As the applicant doesn't live here what are the garages going to be used for as it is a private residential area and this could lend itself to anybody using them that has no right down here.

There is a danger to residents especially children as there will be increased traffic in the lane bearing in mind there is no pavement.

#### Leon & Catherine Gallagher - 2 Railway Cottages

Will it be sold or rented? If so will it be used by non-residents? Nothing has been made clear. Increase of traffic on the lane, risk to children who play on the lane being as there is no pavement.

New structure seems disproportionate in size to original structure  
The lane is private access for residents and the bowling club only.

#### Mrs C Whitehead & Mr C Lee - 3 Railway Cottages

As the Applicant is a non- resident of the lane, what will the long term usage of the garages be? Will the garage be offered as a rental to non-residents/ sold to residents of the lane?

I also have a strong concerns regarding increased traffic in the lane, particularly to the children as there are no footpaths. Should the new garage be rented out to non-residents then there may be a disregard for the residents and the surroundings.

Each resident has a part of the lane to maintain, including tarmac and borders. If the garage is rented to a non-resident, what responsibility do they take for usage and access to the lane?

#### Mr D Turner - 4 Railway Cottages

First the lane in question is own by the residents of Railway Cottages, and as such have a legal say on who can cross their land with the exception of service vehicles (Ambulances, Fire, Water, Electricity).

As the applicant does not reside at Railway Cottages and as such should not have the right to build a domestic garage which is far larger than the original structures for which could change function at a later date.

Railway Cottages has now increased from 4 cottages to 8 residences which has increased by double the amount of vehicles entering and exiting the site, on an entrance to Guisborough Road that is already dangerous plus the hazards to the children playing in the lane.

Given the site is on a flood plain the planning proposal does not give any indication of the removal of rain water and as such could lead to flooding both the site and Nunthorpe Bowling Club.

#### Mrs S Lofts - Treetops, Railway Cottages

Railway cottages is a private lane which is a maintained by the residents of the lane. The developer is not a resident on the lane and therefore has no interests in maintaining the lane or access to the proposed garage. There is no information in the planning application regarding parking, storage of building materials or toilets for the workers. Further construction traffic would be detrimental to the road surface, as would further traffic to the end of the lane, which, as residents, we are responsible for. With the owner of the land no longer being a resident does she have right of access/responsibility to maintain.

I am also concerned regarding the proposed use of a standalone, domestic garage.

No parking outside the garage. Only possible use could be personal storage as application specifically states, domestic.

I would be strongly opposed to the garage being used for a business. There are no services to the site and again there would be no parking. Our quiet enjoyment of our peaceful residential street would be eroded.

The children who live here play outside, a rare possibility in this day and age and we do not want this to be stopped. There is no footpath.

Two garage doors on the proposed design, both of which are accessed over other people's land. Again, no parking or path to access this. If the garage were to be used for storage a vehicle would be used to visit the garage, there is no parking for this.

How would rain water from the site be managed? Drainage could become a problem for the residents.

Again, as the developer is not a resident of the lane do they even have right of way to gain access if they develop the land.

#### Mr Chris Murray - Dove House, Railway Cottages,

The development is proposed on a private lane, Railway Cottages which is maintained by the residents of the lane. The developer is not a resident of the lane and has no interest in maintaining the lane.

The developer has no connection to the lane so I would question the requirement of a garage on the proposed site. Is it for private use if so is it for car storage or personal storage as previously the developer has had a garage on the lane which she was unable to maintain. If the garage is for business use again what is the proposed business use as presently the development site has no services to the site.

The lane is a private road and if the garage is to be used for car storage the vehicle usage on the lane will increase to a level that is not suitable for the access and terrain. The lane presently has 7 dwellings of which 5 are occupied by families which include 8 young children. The lane has no footpath and I am concerned that the increase vehicle usage will be a major issue with child road safety.

The design of the planning application shows 2 garage doors, I have serious concerns that the turning circle would not allow 2 vehicles to access the development to gain entry into the garages.

As the developer is not a resident of the private lane I am concerned that the developer does not have the legal right in the form of easements to use the lane for access to and from the site.

The planning proposal does not give any indication of removal of rain water from the site thus both the site and adjoining properties could be prone to flooding.

#### Mr B Harrison on behalf of Nunthorpe Bowling Club

The person wanting the garage does not reside there, I feel that this in itself is unfair as they are not likely to contribute to the upkeep of the lane and surrounding area. I feel it would become detrimental to the area and totally unfair to the existing tenants. The lane in question is extremely narrow and difficult to obtain deliveries to the existing tenants, thus more traffic would seem unjustified especially for non-residents.

#### **Public Responses**

Number of original neighbour consultations	8
Total numbers of comments received	7
Total number of objections	7
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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The application site relates to a piece of land situated north of the bowling green to the south of Railway Cottages in Nunthorpe. The land in question is accessed via Railway Cottages which is a private access road off Guisborough Road which serves the residential properties along this lane. Beyond the residential properties at the bottom of the lane is land which backs onto the northern boundary of the Nunthorpe Bowling Club which was originally allocated to the original Railway Cottages which residents have used to erect a number of different outbuildings/structures over the years.

The applicant originally had a timber framed structure which occupied the application site on this land although this has since been demolished. Planning approval is now sought to erect a double garage. The garage will have a floor area measuring 6.9m x 5.2m and will have an eaves height of 2.5m and pitched roof with ridge height of 3.35m. The garage will be typical in its design and appearance, it will be constructed from brick and tile with two roller shutter doors to the front elevation.

Policy CS5 requires all proposals to demonstrate a high quality of design in terms of layout, form and contribution to the character and appearance of the area

In design terms the garage is considered to be of a reasonable size/scale relative to adjacent properties and its surroundings. The detached garage is well designed and will sit on a plot which can accommodate this addition. The principles of appropriate design by respecting scale, mass and materials are achieved. There is an abundance of difference garage types/outbuildings along this lane varying in height and style. As there is no uniformity the pitched roof garage will not appear out of keeping with or significantly change the character and appearance of the area. In addition the garage will only be visible to those residents at the bottom of the lane or those car users entering/exiting the bowling club. The scheme is considered to be in accordance with Policy DC1 in this regard.

The applicant no longer owns a residential property along this lane which has raised concerns with the residents regarding the intended use of the garage. The applicant has advised that the garage will be used for storage purposes only. A condition is recommended to prevent the applicant from using the garage for anything other than domestic purposes.

Residents have also raised concerns regarding the applicant's access rights as Railway Cottages is a private lane. The applicant has confirmed that as a legal owner of land on the lane she does have a right to access. This however is a legal matter rather than a planning one as it is the applicant's responsibility to ensure that they have required access to be able to implement any planning permission that is granted.

The applicant is also aware that any materials must be stored entirely on their own land. If this is not the case, consent should be sought from adjacent landowners. Planning approval does not grant permission to access land, this is a civil matter.

The use of the garage will not impede highway safety as it is expected that any increase in traffic will be either neutral or minimal and occasional. The Councils Highway Officer has considered the application and has raised no objection to the works.

Whilst the garage will incorporate a gutter system, the proposed garage will require building regulation approval and drainage is a consideration of this legislation.

The intended use and position of the garage on this land is acceptable in principle as it appears that this was what this land was originally intended for. The garage will sit between two existing outbuildings and backing onto the adjacent bowling green outbuilding. The garage will be set away from any of the residential properties ensuring that no primary room windows are compromised. Access to and from the surrounding properties will be unaffected by the works.

In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused. The application is therefore recommended for approval subject to standard conditions.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **1. Approved Plans**

The development hereby approved shall be carried out in complete accordance with the plans and specifications below received 19th June 2018 and shall relate to no other plans.

Location Plan No.1. Rev A  
Plan montage proposed 18015-003A  
Plan montage combined 18015-004A

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

### **2. Time Limit**

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

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

### **3. Proposed Use**

The garage hereby approved shall be used for domestic residential purposes only and shall not be used for commercial purposes.

Reason: To ensure a satisfactory form of development given the sites location and surroundings.

## **REASON FOR APPROVAL**

This application is satisfactory in that the design of the proposed detached garage accords 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 paragraphs 186-187 of the NPPF. In addition the detached garage accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the detached garage is designed so that its appearance is complementary to the existing site and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The proposed garage will not prejudice the appearance of the area and

does 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.

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## **INFORMATIVES**

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Case Officer: Joanne Lloyd

Committee Date: 27<sup>th</sup> July 2018

SITE LOCATION PLAN  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 453932 , 514930



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