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### APPLICATION DETAILS

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<b>Application No:</b>	<b>18/0803/VAR</b>
<b>Location:</b>	<b>1 Cambridge Avenue Linthorpe Middlesbrough TS5 5HQ</b>
<b>Proposal:</b>	<b>Variation of condition 1 (Approved Plans) on application 16/5308/FUL</b>
<b>Applicant: Company Name:</b>	<b>Mr Majid Mousa</b>
<b>Agent: Company Name:</b>	<b>Mr Stuart Pinches The Planman</b>
<b>Ward:</b>	<b>Linthorpe</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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### SUMMARY

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Retrospective permission is sought to vary an existing approved scheme for a single storey garage to the side/rear of the dwelling. The previous planning permission was granted in 2016 under application 16/5308/FUL. This proposed variation seeks to increase the garage roof height from 3.2 m (max. ) to 3.6m and reduce the length of the garage from 14.3m to 13.1m.

Following a consultation exercise 3 objections were received. In summary the objections relate to the scale of the extension, its impact on the neighbours in terms of overbearing and loss of light, it being out of character with the conservation area. Other non-material objections were made in relation to the development being built not in accordance with previous approved plans, it being retrospective and the quality of the build.

The development is considered to be an appropriate design and scale of development which will not have a notable detrimental impact on the amenities of the neighbouring properties, the character and appearance of the Linthorpe Conservation area, and highway safety. The development is considered to be in accordance with the requirements of relevant guidance and Policies DC1, CS5, the Linthorpe Conservation Area Appraisal and Management Plan and the Urban Design Guide Supplementary Planning Document.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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The application site is 1 Cambridge Avenue, an end terraced property which is located within the Linthorpe Conservation Area and Article 4 designated area. The site is within a residential estate with residential dwellings to the north, west and east.

The applicant is seeking retrospective consent to vary the 2016 planning approval for a detached pitched roof extension to the side/rear. The variation relates to the overall length and height of the garage. The ridgeline roof height of the garage approved in 2016 was 3.2 metres lowering at the rear to 2.9 metres and for a total length of 14.3 metres. This variation application seeks permission for a ridgeline roof height along the full length of the garage of 3.6 metres and a reduced overall length of extension to 13.1 metres.

Internally, the 2016 approval was for a garage whereas this proposal shows the internals as providing for a garage, gym, steam room and w.c.

The brickwork and roof tiles match the existing property with the front elevation garage doors being timber and the windows and side access door being UPVC.

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## **PLANNING HISTORY**

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M/FP/0206/07/P - Conservatory to the rear and loft conversion including 1 No roof light to front and rear and dormer to the side, approved with conditions, 2nd April 2007.

M/FP/0620/10/P - Conservatory to the rear and extension to existing garage , approved 28th July 2010

M/FP/0745/10/P - Re-siting of existing piers and erection of metal railings on existing front boundary wall and creation of hardstanding, refused and enforce 16th August 2010

M/FP/1424/10/P- Additional block paving to widen driveway, approved with conditions 17th January 2011.

16/5308/FUL- Single storey garage extension to side, approved December 2016

18/0549/FUL - Two storey extension to the rear, approved 30th November 2018

18/0025/VAR - Variation of condition 2 (approved plans) on application 18/0549/FUL, approved 17th April 2019. Installation of two windows on the first floor side elevation

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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 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).

In addition the Council has produced its Middlesbrough Local Plan Publication Draft 2018. Whilst not yet adopted is a material consideration in the assessment of planning applications.

#### 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:

CS5 - Design  
DC1 - General Development  
UDSPD - Urban 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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There have 3 objection comments received from 56, 58 and 109 Cambridge Road

In summary the objection comments relate to the following:-

- Scale of the garage, elongated brickwork/roof tiles
- Scale of development when consider the recent 2 storey extension
- Garage now a bungalow 3 times previous garage size
- Built higher than stated on plans
- Overbearing impact due to garden level changes with it appearing 1 metre higher from rear garden at 58 Cambridge Road
- Inappropriate way it has been imposed on neighbours
- Negative views from street scene
- Out of character with the Linthorpe Conservation area
- Poor quality build
- Altered landscaping important part of the appearance of Linthorpe
- Reduction in the garden area
- Negative impact on neighbours amenity, loss of light
- Previous approval did not include a w.c or habitable rooms
- Plans not show the current two storey extension which has been recently built
- Separate application in 18/0549/FUL for 2 storey extension over the original garage was refused due to inappropriate scale
- Bypassing normal planning processes and removing right to object

### MBC Conservation Officer

This proposal proposes to amend a recent planning approval for a garage to the rear to regularise it not being built in accordance with the approved plans. I was broadly happy with the garage approved, and whilst this proposals result in a larger garage, it has little different impact on Linthorpe Conservation Area and therefore can be approved.

### **Public Responses**

Number of original neighbour consultations	7
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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1. The main considerations with this proposal are the impact on the character and appearance of the street scene and the Conservation area, the impact on the privacy and amenity of the neighbouring properties and the impact on highway safety. These and other material matters are considered as follows;

### **Character and Appearance on the street scene and the Conservation Area**

2. Core Strategy Policy DC1 (Design) advises that the visual appearance and layout of new development and its relationship with the surrounding area should be a high quality in terms of scale, design and materials.  
Core Strategy Policy CS5 (h) states that development should preserve and enhance the character and appearance of conservation areas and other areas of special interest.
3. The application site is an end of terraced property located within the Linthorpe Conservation Area. Cambridge Avenue is tree lined with the properties set back from the main highway with low front boundary walls and brick pillared driveway entrances. The properties along Cambridge Avenue are characterised by their red brick, painted quoins, bay windows with leaded detailing, hipped slate roofs with chimney detailing. The property subject of this application has retained the ground floor stained glass windows on the side elevation and the first floor oriel window above the main entrance door.
4. The property has been extended previously with the addition of a conservatory and single storey lean to kitchen extension to the rear and a loft conversion with dormer window on the side roof slope. Recent planning permission has been granted for a two-storey pitched roof extension to the rear and this has also been constructed.
5. The extension has been constructed with brick work, tiled pitched roof and timber garage door which match the original property and are in accordance with the terms of the previous permission. Whilst it would have been preferable for the side access door and rear windows to be timber, there is no control on the use of UPVC to the rear of properties in the Linthorpe Conservation area.
6. The overall length of the garage is 1.2 metres less than the 2016 approval which slightly reduces its visual impact. However the overall height of the ridgeline of the roof at 3.6 metres is 0.4 metres higher along the full length of the garage than the 2016 approval. The front elevation of the extension is set back from the front elevation of the property which assists in the proposed extension being subservient to the host dwelling and thereby not unduly affecting its character and appearance as viewed from the street. Although the height of the garage has been increased the original first floor oriel window within the properties side elevation and ground floor stained glass window, which form an integral part of the character of the property and the street scene has remained unaffected.
7. Objection comments have been received that the garage is out of character with the Linthorpe Conservation area and results in negative views from the street. Comments have also been received regarding the overall scale of the extension, suggesting it is three times the size of the original garage. The original garage was a detached garage located within the rear garden however, planning permission already exists (granted in 2016) for a long single width garage to be erected at the site which is attached to the main dwelling. With the extension being set back from the front elevation of the property and being constructed to an appropriate scale and of appropriate materials, it is considered that the proposal would not result in any notable impact on the character or appearance of the conservation area. The Councils Conservation Officer considers the proposed scheme to be acceptable.

8. There have been objections received regarding the impact on the landscaping which forms an important part of the conservation area along with the loss of the garden area, however, landscaping can be removed from the site without the need for permission. Notwithstanding this, there remains to be reasonably sized gardens to the front and rear of the property.

It is considered that the extension does not have a significant detrimental impact on the character and appearance of the street scene or the Linthorpe Conservation Area and is in accordance with the requirements of Policies DC1 and CS5.

### **Privacy and Amenity of the neighbouring properties**

9. Core Strategy Policy DC1 advises that the effect upon the surrounding environment and amenities of the occupiers of nearby properties during and after completion should be considered as part of any new development.
10. The extension has no windows on the side elevation which face towards the neighbours along Cambridge Road. The single w.c window on the rear elevation is at an oblique angle to the habitable room windows and rear gardens of the neighbours at Cambridge Road. There is a single gym window on the side elevation which faces towards the neighbours rear garden area at 3 Cambridge Avenue. However with this window serving a gym it is not classed as a habitable room window with additional screening provided with the location of the applicant's conservatory and the intervening boundary fence.
11. The extension has been built with a maximum height of 3.6 metres along the full length of the extension. The extension projects along the rear garden boundaries of 54, 56 and 58 Cambridge Road with a minimum separation distance of 18 metres to the rear elevations and habitable rooms of 54, 56 and 58 Cambridge Road. There have been objection comments received regarding the overbearing impact of the extension, taking into account level changes between the site and these properties. Taking into consideration the separation distances to the rear elevations of the properties along Cambridge Road, the open aspects of the neighbours rear gardens due to their length and the pitched roof design of the extension and the overall ridgeline roof height set in from the boundary, it is considered that the proposal will not have a significant overbearing impact on these neighbours.
12. The extension is positioned to the south of the neighbours at 54,56 and 58 Cambridge Road. Objections have been received in terms of loss of light. The separation distances which are retained to the neighbour's main dwellings and habitable rooms means there will be no notable loss of light to the neighbours dwellings and only limited loss of light to the rear gardens. This is considered to not be significant taking into account the majority of such an impact would already occur in view of the existing approved scheme.
13. There is an 11 metre separation distance to the rear boundary with the neighbours at 3 Wycherley Avenue which is considered to prevent the extension from having an overbearing impact to these neighbours.
14. The extension is located to the north-east and north of the neighbours at 3 Wycherley Avenue and 3 Cambridge Avenue and taking into consideration the separation distances and the sun's orientation, it is considered the extension would not have a

significant impact in terms of loss of light to the neighbours at 3 Wycherley Avenue and 3 Cambridge Avenue.

In view of these matters, the extension is considered to be in accordance with the requirements of Local Plan Policy DC1 and the Urban Design Guide.

### **Highway Safety**

15. The extension provides an internal garage space with a front driveway area. The property is a five bedroomed property (including the recently constructed extension) that requires three car parking spaces in accordance with the Council's Design Guide standards. The required spaces can be provided and the application is considered to be in accordance with the requirements of Policy DC1 in these regards.

### **Residual matters**

16. Comments have been received that submitting a retrospective application bypasses the normal planning process and removes the right to object. The retrospective application process is the same as a planning application submitted prior to the development having been built, with the same material planning considerations and options for neighbours to comment.
17. Objections have been received that the plans do not show the existing two-storey rear extension or the current internal layout of the development. Revised plans have been submitted to show the current internal layout. The two-storey extension had only been approved shortly before this variation application was submitted so was not included on the submitted plans, but has been considered and assessed as part of this application.
18. An objection comment has been received that the height of the garage is more than the approved plans along with concerns over the quality of the build. The build is higher than the 2016 planning permission which resulted in the applicant being requested to submit this variation application. In terms of the quality of the build any potential issues would be considered as part of a building control application.
19. Comments have been made that the previous two-storey extension over the garage was refused due to the inappropriate scale. This application was not refused but was amended during the application process to provide a two-storey rear extension which was subsequently approved at committee.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Approve with Conditions**

#### 1. Approved Plans

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

- a. Existing elevations drawing 1 of 4 dated 18th December 2018
- b. Existing floor plan drawings 2 of 4 dated 18th December 2018
- c. Proposed Elevation drawings drawing 4 of 4 REV A dated 13th February 2019
- d. Proposed floor plan drawing 3 of 4 Rev A dated 31st January 2019
- e. Location Plan received 18<sup>th</sup> December 2018

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

### **REASON FOR APPROVAL**

This application is satisfactory in that the design of the extension to the side and rear 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 paragraph 38 of the NPPF (2018). In addition the extension to the side and rear accords with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the extension to the side and rear is designed so that its appearance is complementary to the existing dwellinghouse and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The extension to the side and rear will not prejudice the appearance of the area or the Linthorpe Conservation area and does not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

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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None

Case Officer: Debbie Moody

Committee Date: 7<sup>th</sup> June 2019



