

PLANNING COMMITTEE AGENDA



Wednesday, 24th October 2007

at 10.00 a.m.

**in the Baltic Suite,
Hartlepool Maritime Experience (Main Quay Entrance)**

MEMBERS OF PLANNING COMMITTEE:

Councillors Akers-Belcher, Allison, Brash, R Cook, S Cook, Flintoff, Kaiser, Laffey, G Lilley, J Marshall, Morris, Payne, Richardson, Simmons, Worthy and Wright

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

- 3.1 To confirm the minutes of the meeting held on 26th September 2007
(*attached*)
- 3.2 To confirm the minutes of the meeting held on 5th October 2007 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Planning and Economic Development)*

- | | | |
|-----|-------------|-------------------|
| 1. | H/2007/0516 | 9 The Spinney |
| 2. | H/2007/0690 | The Ward Jackson |
| 3. | H/2007/0634 | The Hour Glass |
| 4. | H/2007/0642 | 9 Roseberry Mews |
| 5. | H/2007/0627 | Able UK |
| 6. | H/2007/0626 | Able UK |
| 7. | H/2007/0681 | 22 Grange Road |
| 8. | H/2007/0537 | 17 Clifton Avenue |
| 9. | H/2007/0643 | 33 Chatham Road |
| 10. | H/2007/0552 | Mountston Close |

- 4.2 Update on Current Complaints – *Assistant Director (Planning and Economic Development)*
- 4.3 Appeal by Mr and Mrs Hopper, Site at Meadowcroft, Elwick Road, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.4 Appeal by Mrs Melanie Goodwin, 9 Guillemot Close, Bishop Cuthbert, Hartlepool – *Assistant Director (Planning and Economic Development)*
- 4.5 Appeal by Mr Laurence Masterson – Site at 14 Owton Manor Lane – *Assistant Director (Planning and Economic Development)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

7. ITEMS REQUIRING DECISION

- 7.1 Complaint Files to be closed – *Assistant Director (Planning and Economic Development)* (Para 6)
- 7.2 Enforcement Action – Newcombs, Coronation Drive, Hartlepool – *Assistant Director (Planning and Economic Development)* (Para 6)
- 7.3 Enforcement Action – Land South / West of Inglefield and South of Seaton Lane, Hartlepool – *Assistant Director (Regeneration and Planning)* (Para 6)

8. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place immediately prior to the next Planning Committee meeting on the morning of Wednesday 21st November 2007 at 9.00am.

Next Scheduled Meeting – Wednesday 21st November 2007.

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

26 September 2007

The meeting commenced at 10.00 a.m. in the Belle Vue Community, Sports and Youth Centre, Hartlepool

Present:

Councillor R W Cook (In the Chair)

Councillors: Flintoff, Laffey, G Lilley, Dr Morris, Richardson, Simmons, Worthy and Wright.

Also Present in accordance with Council Procedure rule 4.2:

Councillor Shaw as substitute for Councillor Brash

Councillor A Lilley as substitute for Councillor Kaiser

Councillor Hall as substitute for Councillor S Cook

Officers: Tony Brown, Chief Solicitor
Richard Teece, Development Control Manager
Tony Dixon, Arboricultural Officer
Adrian Hurst, Principal Environmental Health Officer
Chris Roberts, Development and Coordination Officer
David Cosgrove, Principal Democratic Services Officer

52. Apologies for Absence

Councillors Akers-Belcher, Allison, Brash, S Cook, Kaiser, J Marshall and Payne.

53. Declarations of interest by members

Councillor Hall declared a prejudicial interest in planning application H/2007/0598 12 Murray Street, Hartlepool and left the meeting during its consideration.

54. Confirmation of the minutes of the meeting held on 29 August 2007

Confirmed

55. Tree Preservation Order No.181 – 6 Grantham Avenue (Chief Solicitor and Director of Regeneration and Planning Services)

The Chief Solicitor reported that on 24th April 2007 a Tree Preservation Order was made under the Council's emergency powers to protect a Copper Beech tree located within the curtilage of 6 Grantham Avenue, Hartlepool. The Order was produced following a notification to fell the tree was received under section 211 of the Town and Country Planning Act. The Committee was asked to confirm the application.

Decision

That after giving consideration to the representations, that Tree Preservation Order No.181 be confirmed without modification.

56. Planning Applications (Assistant Director (Planning and Economic Development))

Number:	H/2007/0626
Applicant:	Able UK, TEES ROAD, HARTLEPOOL
Agent:	Cobbetts LLP, 1 Whitehall, Riverside, Leeds
Date received:	15/08/2007
Development:	Application for a certificate of lawfulness for proposed use of site for the fabrication of concrete caissons
Location:	ABLE UK LTD, TEES ROAD, HARTLEPOOL
Decision:	Deferred for additional information

Number:	H/2007/0627
Applicant:	Able UK, TEES ROAD, HARTLEPOOL
Agent:	Cobbetts LLP, 1 Whitehall, Riverside, Leeds
Date received:	15/08/2007
Development:	Application for a certificate of lawfulness in respect of existing use of site for the fabrication of concrete caissons
Location:	ABLE UK LTD, TEES ROAD, HARTLEPOOL
Decision:	Deferred for additional information

Number: H/2007/0537

Applicant: Mrs Joanne McGowan, 17 Clifton Avenue, Hartlepool

Agent: Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert, Hartlepool

Date received: 13/07/2007

Development: Installation of replacement upvc windows to front elevation

Location: 17 CLIFTON AVENUE, HARTLEPOOL

Decision: Deferred for additional information

Number: H/2007/0552

Applicant: Mr Chris Roberts, Hartlepool Borough Council, Bryan Hanson House, Hanson Square, Hartlepool

Agent: Hartlepool Borough Council, Mr Chris Roberts, Bryan Hanson House, Hanson Square, Hartlepool

Date received: 24/07/2007

Development: Retention of a security fence with ungated pedestrian opening

Location: FOOTPATH BETWEEN 39 40 MOUNTSTON CLOSE HARTLEPOOL

Decision: Deferred for additional information

Number: H/2007/0620

Applicant: Mr Hardev Bhangu, 45 Courtland Avenue, Ilford

Agent: England & Lyle, Mr Gary Swarbrick, Morton House, Morton Road, Darlington

Date received: 09/08/2007

Development: Change of Use from Retail (Class A1) to Hot Food Takeaway (Class A5)

Location: UNIT 58, ELIZABETH WAY SHOPPING CENTRE,

SEATON CAREW, HARTLEPOOL

Representations: Mr M Stone (applicant's representative) and Mr Carr (Objector) were present and addressed the Committee.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The premises shall only be open to the public between the hours of 11.00 - 23.00 Monday to Saturday and shall remain closed at all times on a Sunday.
In the interests of the amenities of the occupants of neighbouring properties.
4. Before the use hereby approved begins, a scheme for the installation of equipment to control the emission of fumes and odours from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented before the use commences. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with manufacturer's instructions at all times while the use exists and food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. Prior to the commencement of the use hereby-approved investigations shall be undertaken to establish whether measures are required to prevent odours passing through the ceiling to the first floor flats. If so, a scheme to prevent the transmission of such odours shall be submitted to and approved in writing by the Local Planning Authority. Once approved any scheme shall be implemented before the use commences and thereafter retained throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
6. Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number: H/2007/0598

Applicant: Mr Javeed Rasul, 34 Hutton Avenue, Hartlepool

Agent: Business Interior Group, Mr Ian Cushlow, 73 Church Street, Hartlepool

Date received: 03/08/2007

Development: Proposed Change of Use to cafeteria

Location: 12 MURRAY STREET HARTLEPOOL

Representations: Mrs Rudge (Objector) was present and addressed the Committee.

Decision: Subject to the receipt of no substantially different objections before the end of the neighbour consultation procedure Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.
To ensure the access is safe and suitable for all people, including people with disabilities.
3. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between 12 Murray Street and 14 Murray Street and 44 Elliot Street. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times

whenever food is being cooked on the premises.

In the interests of the amenities of the occupants of neighbouring properties.

5. The premises shall only be open to the public between the hours of 8am and 6pm.

In the interests of the amenities of the occupants of neighbouring properties.

6. The ground floor access door leading onto Elliot Street as indicated on plan BIG/IC/JR/324 - 01 received on the 3 August 2007 shall remain closed at all times apart from during the receipt of deliveries which shall only take place between the hours of 8am and 6pm daily.

In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number:	H/2007/0584
Applicant:	Mr A Khan, Grange Road, Hartlepool
Agent:	Mr A Khan, 59 Grange Road, Hartlepool
Date received:	10/08/2007
Development:	Change of use from shop to Indian cafe and continental cuisine 9 a.m -6 p.m
Location:	44 MURRAY STREET, HARTLEPOOL
Representations:	Mr A Khan (applicant) and Mrs Rudge (objector) were present and addressed the Committee.
Decision:	Subject to the receipt of no substantially different objections before the end of the neighbour consultation procedure Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
Clarification of permission
2. Notwithstanding the submitted plans the main entrance to the building shall be level or ramped in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the approved access details shall be retained during the lifetime of the development.
To ensure the access is safe and suitable for all people, including people with disabilities.
3. Prior to the commencement of the development hereby approved, the

building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between 44 Murray Street and the residential properties above. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties.

4. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. The premises shall not be open to the public outside the following times 9am-6pm..
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

Number:	H/2007/0516
Applicant:	Mrs J Shires, THE SPINNEY, HARTLEPOOL
Agent:	ASP Associates, 8 Grange Road, HARTLEPOOL
Date received:	05/07/2007
Development:	Erection of a rear bedroom, bathroom, kitchen/dining and bedroom with en-suite extension and a front porch and garage extension
Location:	9 THE SPINNEY, HARTLEPOOL
Decision:	Deferred for a Members' site visit

The Committee considered representations in relation to this matter.

Number:	H/2007/0634
Applicant:	Enterprise Inns PLC, Monkspath, Hall Road, Solihull

Agent: Anthony Keith Architects Ltd, 19 Lansdowne Terrace,
Gosforth, Newcastle upon Tyne

Date received: 15/08/2007

Development: Provision of an electric retractable awning with
associated heating and lighting

Location: THE HOUR GLASS PUBLIC HOUSE, EAGLESFIELD
ROAD, HARTLEPOOL

Decision: Deferred to enable officers to consider whether there are
more appropriate alternative arrangements possible

Number: H/2007/0083

Applicant: Mr Carl Barnett, Gladman Homes, Gladman House,
Alexandria Way, Congleton

Agent: Gladman Homes, Mr Carl Barnett, Gladman House,
Alexandria Way, Congleton

Date received: 07/02/2007

Development: Speculative development of 24 semi-detached and 12
detached 2 and 3 storey commercial units (B1 use), with
associated landscaping, roads and infrastructure.
(AMENDED PLANS RECEIVED)

Location: QUEENS MEADOW BUSINESS PARK, STOCKTON
ROAD, HARTLEPOOL

Decision: Minded to APPROVE subject to the following conditions
and discussions about the siting of the buildings relative
to the landscaping along the main roof frontage of the
site and the possible enhancement of existing
established planting there but a final decision was
delegated to the Development Control Manager in
consultation with Chair of the Committee

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not
later than five years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and
approved by the Local Planning Authority before development
commences, samples of the desired materials being provided for this
purpose.

- In the interests of visual amenity.

3. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.

In the interests of visual amenity.
4. A detailed scheme of landscaping and tree, shrub and hedge planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.
6. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run off limitation incorporating sustainable urban drainage solutions has been submitted to and agreed in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
7. The development hereby approved shall not be brought into use until surface water disposal arrangements (agreed by virtue of the previous condition) have been implemented in accordance with approved details.

In order to safeguard against flooding.
8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

- In the interests of the health and appearance of the preserved tree(s).
9. No development shall take place unless in accordance with the mitigation detailed at section 4.2 of the Great Crested Newt. Survey report produced by Middlesborough Environmental limited in May 2007.
To conserve protected species and their habitat.
 10. Prior to the development being occupied cycle storage shall be provided within the site in accordance with details to be previously agreed in writing with the LPA.
reason required
 11. Prior to the commencement of development a scheme for the protection of the drainage ditch during the construction and operational periods if the development shall be submitted to and agreed with the Local Planning Authority. The agreed measures shall thereafter be implemented prior to the commencement of development
reason required
 12. The premises hereby approved shall be used for purposes falling in Class B1 only of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
To ensure the site is developed in a satisfactory manner.
 13. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
 14. The detailed design of the cycle / pedestrian links into the site from Stockton Road shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development. The links shall be a minimum of 3 metres in width.
In order to ensure satisfactory access to the development

The Committee considered representations in relation to this matter.

Number:	H/2007/0200
Applicant:	Four Winds Residential Home
Agent:	Stephenson Johnson & Riley, Suite 101 The Innovation Centre, Venture Court, Queens Meadow Business Park HARTLEPOOL
Date received:	08/03/2007
Development:	Erection of a single storey extension to form 4 bedrooms and conservatory with associated ramps (AMENDED PLANS)
Location:	Four Winds Residential Home Elwick Road Hartlepool

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
 2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
 3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20 June 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
 4. The proposed window(s) of the single storey extension and the side and rear windows of the conservatory facing 7 and 3 Park Drive respectively shall be glazed with obscure glass which shall be installed before the development is brought into use and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking
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57. Update on Current Complaints *(Assistant Director (Planning and Economic Development))*

The Development Control Manager drew Members attention to 28 on-going issues that were being investigated. Brief details were set out in the report.

Decision

That the report be noted.

58. Appeal Ref App/H0724/A/07/2039498: H/2006/0441 Amerston Hill, Coal Lane, Hartlepool. Erection Of A Two-Storey Lounge, Hall, Garage, Bathroom And Bedroom (2) Extension *(Assistant Director (Planning and Economic Development))*

The Development Control Manager updated members of the outcome of a recent planning appeal for Amerston Hill, Coal Lane, Hartlepool for the erection of a two-storey lounge, hall, garage, bathroom (2) extension to a detached building to the side of the property. The Planning Inspectorate dismissed the appeal and a copy of the Inspector's report was submitted for Members information.

Decision

That the report be noted.

59. Appeal by Alab Environmental Services, Land at Brenda Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

The Development Control Manager reported that the Local Planning Authority has received notice of the Inspector's decision in relation to a planning appeal at the above site. The proposal was for the Installation of a treatment plant for the solidification / stabilisation of liquid wastes and a copy of the decision letter was submitted for Members' information.

The appeal has been allowed. The Inspector concluded that the development would not cause significant harm to the living conditions of existing residential occupiers in Seaton Carew and other locations in the vicinity of the site, or to the amenities of people in nearby employment premises. The Inspector decided, however, to impose a number of conditions to control dust, odours and the types of waste that can be accepted into the tanks and storage bays.

The Inspector awarded costs against the Council for withdrawing its second reason for refusal (i.e. that the development would be harmful to the image of the town with consequences for the tourism industry) at a late stage in the appeal process.

Members expressed some concern at the additional conditions that were applied to the site that they had not been initially proposed by the Council. The Development Control Manager shared Members' concerns but indicated that such applications were of a very detailed and specialist nature and the expertise to deal with them didn't always exist within the Council. Consideration was being given to buying in such specialist advice in the future.

Decision

That the report be noted.

60. Local Government Access to Information Act

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006

Minute 61 Enforcement Action – The Golden Lion PH, Dunston Road, Hartlepool, para 6, namely information which reveals that the authority

proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

61. Enforcement Action – The Golden Lion PH, Dunston Road, Hartlepool *(Assistant Director (Planning and Economic Development))*

This item contains exempt information under Schedule 12A Local Government Act 1972, namely information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment. (para 6)

The Development Control Manager informed members of the non-compliance with condition 9 of planning approval H/FUL/0166/96 at the Golden Lion PH, Dunston Road, Hartlepool, which related to the provision of an unauthorised outside drinking facility.

Decision

That the situation be monitored and that an update report be submitted to the Committee in six months time.

R W COOK

CHAIRMAN

No: 1
Number: H/2007/0516
Applicant: Mrs J Shires THE SPINNEY HARTLEPOOL TS26 0AW
Agent: ASP Associates 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 05/07/2007
Development: Erection of a rear bedroom, bathroom, kitchen/dining and bedroom with en-suite extension and a front porch and garage extension
Location: 9 THE SPINNEY HARTLEPOOL HARTLEPOOL

Background

1.1 The application was deferred from the last Committee meeting in order for a Members site visit to take place. The original report updated as necessary is reproduced below.

The Application and Site

1.2 The application site is a detached bungalow with an attached garage; the property is situated in a residential area.

1.3 The application submitted related to the erection of a rear single storey extension to the rear of the property consisting of a bedroom, bathroom, kitchen/ dining, bedroom with en-suite and at the front a porch and garage extension. There were concerns from the case officer regarding the effect of the extension on the neighbouring properties. The application has been revised to reduce the size of the rear extension. The proposal will require the demolition of an existing rear conservatory.

1.4 The revised application proposes an extension projecting a maximum of 2.5 metres close to the boundary with the adjacent neighbours however the centre section projects 5 metres. The alterations proposed to the front of the property, a garage and porch extension, have not changed.

Publicity

1.5 The revised application has been advertised by way of neighbour letters (6). To date, 4 letter of objection (2 from the same objector) and 1 letter of no objection have been received.

The concerns relative to the revised scheme are:

- 1 Loss of privacy and loss of light to front and rear of adjacent houses.
- 2 Noise and disturbance, disruptions due to deliveries, potential blocking of drives/ road.
- 3 Alteration would be inappropriate and contrary to the character of the property
- 4 The proposal doubles the original floor plan

- 5 The applicant does not reside in property and concerns regarding need for extension.
- 6 The objectors conservatory is not shown on plans.
- 7 Ground subsidence
- 8 Reduction of original garden
- 9 Drainage / flooding
- 10 Construction timescale
- 11 The removal of tree
- 12 Proximity to neighbouring boundaries adjacent outlook spoiled, interfering with natural light and spoiling objectors environment
- 13 Adverse effect on the natural conservation of 'the Spinney' and its wildlife
- 14 Unhappy with the size and scale of the proposed development
- 15 Detract from the pleasant and quiet environment of the Spinney
- 16 Set a precedent for multi occupancy dwellings which would detract from the ambience of the area
- 17 Unduly large, obtrusive and disproportionate to the size of the bungalow and its small plot
- 18 Concerns that the increase in family members living at the address would cause problems on the highway and to emergency services

Copy letters B

The period for publicity has expired.

Planning Policy

1.6 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

1.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 and the effect of the proposal upon neighbouring properties and the streetscene in general.

1.8 The proposed garage extension and the addition of a front porch in the centre of the property project forward by approximately 0.8metres. The proposed front extensions are not unusual or large and are considered appropriate in terms of scale in relation to the property. It is also considered that these alterations do not have a significant detrimental affect on neighbouring properties or the streetscene in general in terms of visual amenity. This applicant is proposing to alter front windows within the property, however this does not require planning permission.

1.9 9 The Spinney is sited between two bungalows both with conservatories adjacent to but slightly offset from the boundary of the application site (approximately 1m at No.7 and approximately 2m at No.11). There is a difference in levels within this area as No.9 is lower than No. 7 by approximately 1 metre and higher than No. 11 by approximately 0.85 metres.

1.10 The revised proposal has reduced the size of the rear extension on the boundary of both neighbours to a maximum projection of 2.5 metres over a width of 4 metres (parallel to the rear of the building) with a further projection of 5 metres in the centre of the bungalow. No windows are proposed in the elevation which face onto the adjacent properties, however it is considered prudent in this instance to impose a condition to control this in the interest of preventing any overlooking of the neighbouring properties.

1.11 The proposed rear extension due to its design and size is not considered to be unduly intrusive or significantly detrimental to the amenities of the neighbouring properties in terms of outlook or visual amenity. The boundary relationships are in line with the guidelines for such extensions.

1.12 In terms of the concerns raised by neighbours regarding potential effect on the highway it should be acknowledged that although the garage would project forward the property would still retain a 5 metre drive, which is considered acceptable.

1.13 The Council's Engineering Consultancy team have no record of overland flooding problems for this property and Northumbrian Water have also confirmed that they have no record of any flooding of the property or within 200metres. Concerns raised regarding ground subsidence are controlled under Building Regulations and therefore considered to be beyond the remit of planning in this instance.

1.14 The Council's Arboricultural Officer has assessed the site in relation to the proposal and confirms that the trees which may be affected by the development are a Cordyline in the rear garden and small ornamental conifers in the front garden. It is considered by the Arboricultural Officer that they are not worthy of a tree preservation order.

1.15 The concerns about the need for the extension is not a material planning consideration.

1.16 In conclusion it is considered that the proposed extensions are not out of scale with the property or area in general and are acceptable

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 5th July, 20th August and 31st August 2007, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 7 or 11 The Spinney without the prior written consent of the Local Planning Authority.
To prevent overlooking

9 The Spinney H/2007/0516



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN JT	DATE 26/9/07
	SCALE 1:1250	
Department of Regeneration and planning Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRG.NO	REV

No: 2
Number: H/2007/0690
Applicant: J D Wetherspoon
Agent: Tuffin Ferraby Taylor Strand House 169 Richmond Road
Kingston Upon Thames KT2 5DA
Date valid: 06/09/2007
Development: Provision of outside seating area to the front (resubmitted application)
Location: THE WARD JACKSON CHURCH SQUARE
HARTLEPOOL HARTLEPOOL

The Application and Site

2.1 The application site is part of a pavement in front of an existing public house. The public house, The Ward Jackson, lies on the east side of Church Square between a beauty salon/school and a newsagent with flats above. It is located within the Church Street Conservation Area. Opposite in the centre of Church Square is Christ Church a Grade II* listed building and to the north east on the opposite side of the road is a grade II listed statue of Ralph Ward Jackson.

2.2 The pavement to the front of the public house is wide. It is proposed to utilise part of the pavement closest to the building as an outdoor seating area. The area will be located towards the right hand side of the main door as one leaves the public house. It will extend to some 2m by 14.5m along the frontage. The plan submitted with the application indicates that eight tables seating 32 people will be accommodated. The area will be largely enclosed by removable fabric screens.

2.3 The applicant has advised that;

- a temporary permission of one year to allow for monitoring and review is sought.
- the use will be cease daily at 20.00 or sunset in Hartlepool whichever is sooner.
- the area will be managed and supervised by the pubs management team.
- that pub staff will clear tables and general rubbish, and waste and cigarette bins will be provided.
- the area will not be used on football match days.
- no drinking other than seated at tables will be allowed
- the area will be covered by CCTV
- no glasses or bottles will be allowed outside only plastic glasses.
- no outside music will be played.

2.4 The applicant considers that the proposal would be a positive and appropriate addition to the conservation area streetscape and would be an enhancement to the town centre and the Grade II listed building.

2.5 An almost identical application (H/2007/0218) was refused by the Planning Committee in May 2007, against officer recommendation, for the following reasons:

“It is considered that the use of the proposed outside seating area could lead to noise and general disturbance to the detriment of the amenities of the occupiers of nearby residential properties and the area generally, which forms part of the Church Street Conservation Area, contrary to policies GEP1, Com12 and HE1 of the adopted Hartlepool Local Plan”.

The main difference between this earlier application and the current application is that the applicant has advised that the area will not be used on football match days.

Planning History

2.6 The site has a long and complicated planning history.

2.7 In June 2002 permission for the change of use of the building from banking premises to A3 (food and drink) use was approved (H/FUL/0101/02 refers). Condition 2 attached to the approval restricted the hours of operation to between 9.00am and 12.00 midnight.

2.8 In February 2004 planning applications for alterations to the elevations (H/FUL/0283/04) and alterations to the land to the rear of the premises (H/FUL/0290/04) were allowed on appeal. An application for the installation of three Jumbrellas (H/FUL/0433/04) in the rear beer garden was however dismissed by the same Inspector.

2.9 In December 2005 planning permission was granted to vary the hours of operation to permit longer opening hours. (H/2005/5884).

2.10 In May 2007 an almost identical application for the provision of an outside seating area to front for eating and drinking (H/2007/0218) was refused for the reasons outlined above.

Relevant Permission in the vicinity

2.11 Members may recall that permission was granted for the change of use of highway land to allow the placement of five tables with chairs and umbrellas in connection with a public house at 25/27 Church Square (now Silks) in 1998 (H/FUL/0011/98). This followed a years temporary approval granted in 1997 (H/FUL/0456/96). Conditions on the permission require the removal of the tables etc no later than 8.00 pm or sunset whichever is sooner, restrict music and require that the highway is used in association with the licensed premises only when the tables and chairs are in place.

Publicity

2.12 The application has been advertised by site notice neighbour notification (22) and in the press. The time period for representations has expired. Two letters of no objection and two letters of objection have been received. The objectors raises the following issues:

- i) litter problems especially since smoking ban
- ii) loose tables and chairs on a public thoroughfare especially on football match days will pose a safety hazard.
- iii) Understands that there are plans to put parking bays on this area.
- iv) Noise disruptive to residents.

Copy letters **D**

Consultations

2.13 The following consultation replies have been received:

Police : Police have no objections to the application if the following conditions are imposed. All outside chairs brought in at 8.00pm and no chairs outside on football match days. No glasses outside only suitable plastic containers. Seating area covered by CCTV and area supervised by staff. S.I.A. (Security Industry Authority) doorstaff when appropriate.

Head of Public Protection : No objection to this proposal subject to an hours condition similar to that approved at Silks 25/27 Church Square.

Traffic & Transportation : The applicant is proposing to place the tables and chairs on adopted highway and will need a highway licence from the Highway Authority. The highway licence must be in place before any tables and chairs can be placed on the highway. The proposed position of the tables and chairs will not affect the free flow of pedestrians as the pavement is very wide at this location. There are no major highway implications providing the highway licence has been obtained by the applicant.

ASB Co-Ordinator : No objections.

Planning Policy

2.14 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will

not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com9: States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE10: States that the siting, design and materials of new developments in the vicinity of listed buildings should take account of the building and its setting. New development which adversely affects a listed building and its setting will not be approved.

HE2: Encourages environmental improvements to enhance conservation areas.

Planning Considerations

2.15 The main planning considerations are considered to be policy, highways, impact on the character and appearance of the Conservation Area/streetscene,

impact on the setting of the listed buildings, impact on the amenity of neighbouring properties and public order issues.

POLICY

2.16 The application site is a pavement area in front of an existing public house in the Town Centre. The proposed use is considered to be acceptable in principle in this location and there are no policy objections to the proposal.

HIGHWAYS

2.17 The pavement is wide in this location and the proposed seating area will leave adequate space for pedestrians to pass freely. The proposed screens should ensure that chairs do not stray into the footpath. Traffic & Transportation have not objected and in highway terms the proposal is considered acceptable. A highway licence would be required.

2.18 One of the objectors has raised the issue that the proposal might compromise a scheme for parking bays in the area. It is understood that there are no proposals to provide parking bays at this time, however even if a scheme were brought forward at some time in the future it would appear that given the width of the pavement here there would be enough space to accommodate a scheme for parking bays, a footpath and the drinking area.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA/STREET SCENE

2.19 The tables, chairs and associated screens are temporary, removable and are small scale structures which will be located close to the front of the building it is not considered that they, or their use, will detract from the character and appearance of the Conservation Area or the street scene. It is considered that the seating area would add interest and activity to the street scene. This was always envisaged within the Church Street area.

IMPACT ON THE SETTING OF THE LISTED BUILDINGS

2.20 The structures proposed are temporary, removable, small scale and located close to the front of the building. It is not considered that they, or their use, will detract from the setting of any of the nearby listed buildings.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

2.21 The public house is located in a terrace which includes businesses, in some cases with flats above. The public house use is existing, and the area as a whole, as one of the main leisure areas of the town attracts a good deal of activity extending into the evening. It is not considered that the addition of the outside seating area would add significantly to the current situation and Public Protection have not objected to the proposal subject to conditions on hours of use so that it does not extend late into the evening and to restrict the provision of music.

2.22 One of the objectors has raised the concern that the outdoor seating area will lead to an increase litter in the area. Food and drink would be consumed on the premises and whilst additional litter might be generated by the use it is considered that, provided the area is properly managed as the applicant has indicated it will be, it would not contribute significantly to the litter in the area.

PUBLIC ORDER ISSUES

2.23 The Police have not objected to the proposal but have advised that the outside seating area needs to be appropriately managed and supervised. They have also advised that chairs should be brought in at 8.00pm, that the use should not take place on match days, that only plastic glasses are used, that the seating area covered by CCTV, that the area should be supervised by staff and S.I.A (Security Industry Authority) doorstaff used when appropriate.

2.24 The applicant has confirmed that the requirements of the Police will be met and it is considered that provided the area is carefully managed by the applicant, and controlled by conditions, its use would not raise serious public order issues. In particular it is considered that the use should be restricted by condition so that it does not extend late into the evening or beyond sunset. Conditions should also require the site to be cleared of all tables, chairs and partitions when not in use. It is also considered appropriate to require the installation of a suitable CCTV scheme to cover the outside seating area. Finally, as a temporary permission is proposed the situation can be reviewed in the light of experience in a years time.

CONCLUSION

2.25 It is recommended that the application be approved

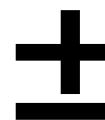
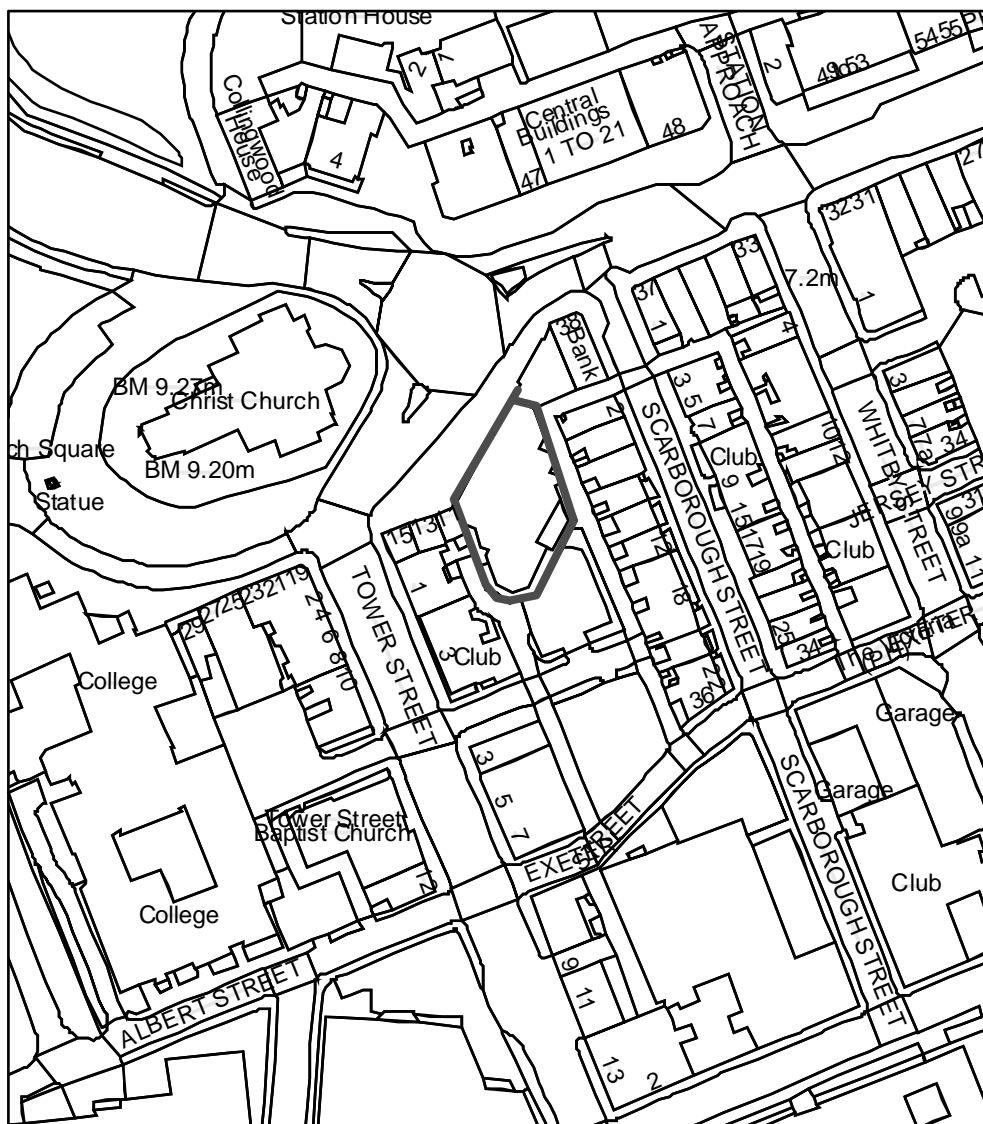
RECOMMENDATION - APPROVE

1. The use hereby approved shall be discontinued and the land restored to its former condition on or before 1st December 2008, unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period.
To enable the Local Planning Authority to assess the use in the light of experience.
2. The use of the highway in association with the adjacent licensed premises shall be restricted to the area shown hatched in red on the approved plan 14278/PL1 and shall only occur when the chairs and tables are in place on the highway.
In the interests of public order and the amenities of the occupants of neighbouring properties.
3. The use shall not occur on any day that Hartlepool United Football Club are playing a competitive game at home.
In the interests of public order.
4. On any day the tables, chairs and partitions and any related items (umbrellas, bins, ashtrays etc.) shall be removed from the Highway not later than 20.00 hours or sunset in Hartlepool whichever is the sooner, and shall not be replaced on the Highway before 08:00 hours the following day.

In the interests of public order and the amenities of the occupants of neighbouring properties.

5. No music shall be played in, or piped/relayed to, the outside seating area.
In the interests of the amenities of the occupants of neighbouring properties.
In the interests of public order, the amenities of the occupants of neighbouring properties and the character and appearance of the building and the Conservation Area.

The Ward Jackson



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 10/10/07
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0690	REV

No: 3
Number: H/2007/0634
Applicant: Enterprise Inns PLC Monkspath Hall Road Solihull West
Midlands B90 4SJ
Agent: Anthony Keith Architects Ltd 19 Lansdowne Terrace
Gosforth Newcastle upon Tyne NE3 1HP
Date valid: 15/08/2007
Development: Provision of an electric retractable awning with associated
heating and lighting
Location: THE HOUR GLASS PUBLIC HOUSE EAGLESFIELD
ROAD HARTLEPOOL HARTLEPOOL

3.1 This application was reported to the September 2007 meeting of the Planning Committee. The application was deferred to allow officers to explore alternative provisions with the applicant on site.

3.2 A site meeting has taken place and an alternative scheme for a smaller shelter in a revised location discussed. The applicant has therefore withdrawn the current application and will shortly submit a revised scheme for consideration.

Recommendation : - That Members note that the application has been withdrawn.

The Hourglass

H/2007/0634



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HARTLEPOOL

BOROUGH COUNCIL

Department of Regeneration and planning
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

DRAWN **JT** DATE 26/9/07

SCALE **1:1250**

DRG.NO

REV

No: 4
Number: H/2007/0642
Applicant: Ms Corinne Darby 9 Roseberry Mews Hartlepool TS26 8LP
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert Hartlepool TS26 0SR
Date valid: 20/08/2007
Development: Erection of a rear kitchen extension
Location: 9 ROSEBERRY MEWS HARTLEPOOL HARTLEPOOL

The Application and Site

4.1 The site to which the application relates is an end-terraced ground floor flat, located in a predominantly residential area characterised mainly by terraced properties.

4.2 The application proposes a rear kitchen extension to the property. The extension is to project 2.55m from the rear of the ground floor flat at a width of approximately 2.6m. The extension is to incorporate a lean-to roof which will measure roughly 2.25m to the eaves and a maximum height of around 3.55m.

Publicity

4.3 The application was advertised by way of (2) neighbour letters, 1 letter of no objection and 3 letters of objection have been received.

4.4 The concerns raised are:

- 1 Proposed works will be out of character with the adjoining flats, in terms of window materials and colour
- 2 The property is leasehold and subject to consent from all the owners of the freehold for any alterations. This has not been sought
- 3 Building materials will obstruct access to communal garden
- 4 Conflict of interest, as proposed builder is neighbour
- 5 All residents should have been consulted as residents are shareholders of the land

Copy letters E

The period for publicity has expired.

Consultations

4.5 None

Planning Policy

4.6 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Planning Considerations

4.7 The main issues for consideration when assessing this application are the potential for loss of amenity for neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposed extension in relation to the existing dwellinghouse and, more generally, the street scene.

4.8 It is considered that the design of the proposal is acceptable as it respects the character of the original dwellinghouse in terms of scale and roof design.

4.9 The physical relationship and orientation of the property to the surrounding properties is such that it is considered unlikely that the proposal would create any detrimental overshadowing/overlooking issues, this is mainly due to the flats of 9 and 10 Roseberry Mews being stepped back about 2 metres from the adjoining properties. In relation to surrounding properties, especially those located to the north and east, it is considered there are ample separation distances associated with the development, as well as an approximately 2 metre high wall, which will screen the majority of any development from the surrounding properties. The proposed extension is of a scale and size that appears subservient to the existing dwelling.

4.10 There have been 3 letters of objection received in relation to the proposal, all of which raise similar issues. The objectors to the proposal all feel the character of the adjoining flats will be damaged by any work undertaken. This is considered unlikely as the proposal will be situated at the rear of the property and will not be visible by any other flats except the owner/occupier of number 10 Roseberry Mews (the flat above). Objections have been raised regarding the installation of white UPVC French doors to the side elevation facing 7/8 Roseberry Mews. Given that it is very unlikely that there will be clear views of the proposed doors given the stagger and boundary treatments.

4.11 In relation to the matters raised regarding the leasehold arrangements, that the builder may be a neighbour of the applicant and access to the communal garden may be obstructed during construction it is considered that these are matters outside

the remit of the LPA and therefore are not considered material to the determination of this application.

4.12 As the proposed extension is to be sited at the rear of the property and is unlikely to be visible from the surrounding public highway, it is therefore considered unlikely that it will appear dominant or incongruous

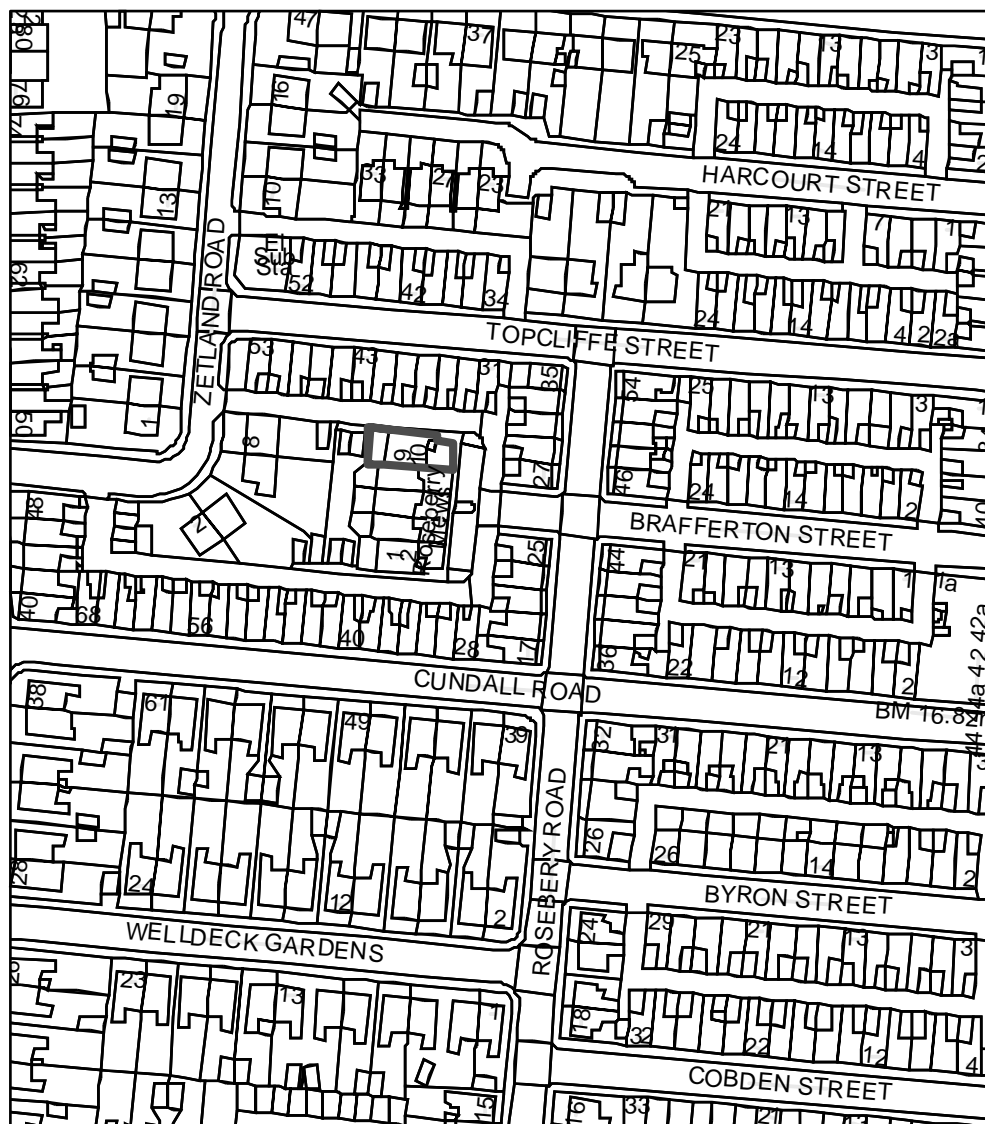
Summary

4.13 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing, outlook and its appearance in relation to the existing dwellinghouse and streetscene in general the development is considered satisfactory and is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.

9 Roseberry Mews



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 10/10/07
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0642	REV

No: 5
Number: H/2007/0627
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness in respect of
existing use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

Background

This application was deferred at the last meeting for additional information. No additional information has been received to date.

RECOMMENDATION - Defer

ABLE UK
H/2007/0626
H/2007/0627



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HARTLEPOOL BOROUGH COUNCIL	DRAWN JT	26/9/07
	SCALE 1:500	
Department of Regeneration and planning Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRG.NO	REV

No: 6
Number: H/2007/0626
Applicant: Able Uk TEES ROAD HARTLEPOOL TS25 2DB
Agent: Cobbetts LLP 1 Whitehall Riverside Leeds LS1 4BN
Date valid: 15/08/2007
Development: Application for a certificate of lawfulness for proposed use of site for the fabrication of concrete caissons
Location: ABLE UK LTD TEES ROAD HARTLEPOOL
HARTLEPOOL

Background

This application was deferred at the last meeting for additional information. No additional information has been received to date.

RECOMMENDATION - Defer

ABLE UK
H/2007/0626
H/2007/0627



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HARTLEPOOL BOROUGH COUNCIL	DRAWN JT	26/9/07
	SCALE 1:500	
Department of Regeneration and planning Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT	DRG.NO	REV

No: 7
Number: H/2007/0681
Applicant: MS MICHELLE MARTIN GRANGE HOUSE SURGERY
 GRANGE ROAD HARTLEPOOL TS26 8JB
Agent: SJR Architects & Interior Designers Mr David Johnson
 Suite 101 The Innovation Centre Venture Court Queens
 Meadow Business Park Hartlepool TS25 5TG
Date valid: 05/09/2007
Development: Alterations and change of use from doctors surgery to
 provide 5 self-contained studio apartments
Location: 22 GRANGE ROAD HARTLEPOOL

The Application and Site

7.1 The application site is a two storey mid terraced Doctors Surgery with velux windows in the roof situated on Grange Road. The surrounding properties are predominantly residential and comprise 2 and 3 storey terraced properties. The property is situated within the Grange Conservation Area.

7.2 The application proposes to convert the existing building into 5 self contained flats, 2 no. 2 bedroom and 3 no. 1 bedroom. No alterations are proposed to the front of the property, alterations to the rear comprise the bricking up of a side window and changing 2 windows into one.

Publicity

7.2 The application has been advertised by way of neighbour letters (24), site notice and press notice. To date, there have been 2 letters of no objection and 7 letters of objection

The concerns raised are:

1. Noise and disturbance;
2. Parking problems currently exist this would increase problems;
3. It is supposed to be a regeneration area – getting rid of bad housing stock, there are concerns these flats would be bought by landlords who will bring down area.
4. There is enough flats/apartments in the area;
5. Possibility of more accidents due to people dropping people off or parking;
6. Will change the appearance of the building and would look out of place to the rest of the conservation area;
7. The property will not be maintained, and the garden will become overgrown;
8. Construction work would cause unnecessary disturbance to children and shift workers;
9. More congestion;
10. Anti-social behaviour due to type of occupiers of the proposed flats;

Copy letters C

7.4 The period for publicity expires prior to the meeting, should any further representations be made these will be reported accordingly.

Consultations

7.5 The following consultation replies have been received:

Cleveland Police	No objection, provided comments regarding external fittings.
Head of Traffic and Transportation	No objection as the proposed development requires less parking spaces than the existing use and there would be less vehicular movements to and from it.
Head of Public Protection	No objection subject to adequate sound insulation being provided to the party walls to the neighbouring properties.

Planning Policy

7.6 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2: Encourages environmental improvements to enhance conservation areas.

Hsg7: States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Planning Considerations

7.7 The main planning considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan outlined above and in particular the impact of the proposal upon neighbouring properties, in terms of noise and disturbance and on the character of the conservation area in general. Highway safety issues also need to be considered.

Local & National Guidance

7.8 In terms of National Planning Policy, PPS3 – Housing promotes the re-use of previously developed land and the conversion of non-residential buildings for housing in order to promote regeneration and minimise the amount of greenfield land being taken for development. In principle therefore this proposal is in line with policy.

7.9 The proposed scheme should be considered in relation to policy Hsg 7 – Conversion for residential uses of the adopted Hartlepool Local Plan 2006. It is considered that the conversion of buildings formerly in other uses can provide appropriate accommodation for smaller households and for the increasing number of young people living on their own. Again the proposal is in line with the principles of these policies.

Effects on neighbouring properties

7.10 A doctors surgery is a relatively intensive use with regular comings and goings. In a predominantly residential area this can be particularly disruptive. Flats are less intensive in character and it is considered that the proposed conversion of the doctor's surgery would be unlikely to give rise to any significant noise and disturbance issues. The Head of Public Protection has no objection to the scheme subject to adequate soundproofing being provided to the party walls with the neighbouring properties. This can be controlled via condition.

Conservation

7.11 The property is located within the Grange Conservation Area and is subject to an Article 4(2) direction which restricts development to the front of the building. The proposal does not suggest any external alterations to the front of the property and only minor changes to the rear, it is therefore considered that the proposed development would not affect the character of the conservation area. The Landscape and Conservation Manager has no objection to the scheme, however has requested that large scale details of the proposed windows to the rear are submitted. This can be controlled via condition.

Highways

7.12 The application site is in an area, which has residential parking controlled by the Council. There is no off-street parking. The present use of the building is a doctor's surgery that the agent has confirmed currently has 2 doctors and 4 members of staff operating from the premises at any one time. Under the Council's Design Guide and Specification the parking requirement for the doctors would require a maximum of 10 parking spaces. The maximum parking requirement for the apartments would be 1.5 spaces per apartment and would therefore require a maximum of 8 parking spaces.

7.13 The development requires less parking demands than the present use and it is considered that there would be less vehicular movements to and from it, therefore there are no objections from The Head of Traffic and Transportation. Further the site is relatively close to the town centre and its associated facilities and services.

Other Issues

7.14 Cleveland Police have provided comments regarding the security of external doors, windows, drainpipes, boundaries etc, however it should be noted that there is only minor changes to the property comprising 2 windows are to be altered into one window at first floor level and the bricking up of a side window at the rear of the building. There are no objections from Cleveland Police.

7.15 The type of occupiers and the need for the development are not a material planning consideration.

Conclusion

7.16 Having regard to the policies identified in the Hartlepool Local Plan 2006 above and in particular consideration of the effects of the development on the amenity of neighbouring properties in terms of noise and disturbance and its effect on the character of the conservation area in general and in terms of highway safety the development is considered satisfactory.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
3. Notwithstanding the submitted plans large scale details for the insertion of the proposed first floor window to the rear of the premises shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Before the use of the premises commences the premises shall be soundproofed in accordance with a scheme, which shall be first submitted to

and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be retained during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties.

22 Grange Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 08/10/07
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0681	REV

No: 8
Number: H/2007/0537
Applicant: Mrs Joanne McGowan 17 Clifton Avenue Hartlepool
TS26 9QN
Agent: 2 Siskin Close Bishop Cuthbert Hartlepool TS26 0SR
Date valid: 13/07/2007
Development: Installation of replacement upvc windows to front
elevation
Location: 17 CLIFTON AVENUE HARTLEPOOL

Update report

8.1 This application was previously reported to the Planning Committee on two occasions where it was deferred for further discussion between the applicant and agent with regard to the use of UPVC windows..

8.2 The applicant has confirmed that they are requesting to install a modern UPVC window which will be more in keeping with the attached property.

8.3 Attached to the report are 3 e-mails from the applicants agent and the Landscape and Conservation Manager which address the question of alternative windows. As can be seen there is a significant difference in cost between what is proposed and what is possible using a heritage style window. While there is a technical detail outstanding (the width of the frame) the Landscape and Conservation Manager believes more traditional replacement windows could be provided and acknowledging that the property is in a Conservation Area it is your officers view that a more traditional style of windows should be used.

8.4 The original Committee report is reproduced below and the recommended reason for refusal remains the same.

E:mail dated 10 September

further to our recent telephone conversation regarding the windows at the above

I visited Chris at Paul Berry Glazing to have a look at their units and get a budget price for the works

For the top hung units as drawn - £3000
For sliding sash double glazed units - £10000

The UPVC sliding sash units are also 140mm in width as against 70mm for top hung opening units and I doubt that these could be seated in the existing Bay Window make-up. Also in first floor units plaster/ cills would have to be cut back to allow for extra depth of frames.

Again I state that this will be out of keeping with the neighbouring properties even if they could be accommodated and the cost is prohibitive to my Client

I ask the Planning Committee to reconsider the Application as it stands

Malcolm Arnold
2 Siskin Close
Hartlepool
TS26 0SR
tel: 01429 233964
mob: 07986 455915
e-mail: arnoldm@ntlworld.com

E:Mail: dated 2 October 2007

Just to up date you on the progress I have made with this I have asked a Bygone (see web link below) windows supplier to price up for the windows at 17 Clifton Avenue. I sent him details of the sizes of the windows and a photograph of the property.

They can supply sliding sash windows with flat heads and fill the gap - similar to the proposal in at the moment. The price break down for white UPVC windows with toughened glass in the upper windows would be as follows:

3 x first floor windows (1860 x 840) £1002 each - £3006
2 x ground floor windows (750 x 2450) £950 each - £1900
1 x ground floor window (1270 X 1098) £1098 (this was priced for a sash even though I assured him that it probably wasn't originally a sash.

Therefore total cost would be £6,004.

To obtain the arched head on the windows it would be an additional £500 on each window putting the cost up to £9,004.

If you compare this to the cost of timber windows which was around £650 per window, it would be about £3900 to replace the windows - considerably cheaper than the cost of UPVC.

Sarah

Sarah Scarr
Conservation Officer
sarah.scarr@hartlepool.gov.uk
01429 523275

E:mail dated 8 October 2007

Price for UPVC sliding sash is similar to the original budget I obtained but the problem as stated before is that the width of the unit in UPVC is 140mm which will not fit into the existing ground floor bay make-up

The option of timber is not acceptable to my Client since all neighbouring properties have been granted permission for UPVC

My Client simply wants what has been approved and fitted to the adjoining property (19 Clifton Avenue) and many others in the area

Malcolm Arnold

Original Committee Report

The Application and Site

3.1 The application site is a traditional Victorian semi-detached dwellinghouse located on the south side of Clifton Avenue within the Grange Conservation Area. The adjoining semi-detached property to the west has had UPVC windows installed in its front elevation. To the east, west and across the road to the north are other semi-detached dwellinghouses some of which have UPVC windows and some of which have traditional sliding sash painted timber windows.

3.2 It is proposed to replace the existing traditional timber single glazed windows with double glazed UPVC windows. The existing windows are mostly sliding sash windows. The UPVC windows will include top hung opening windows with the exception of the large central window of the ground floor bay, which will remain fixed.

3.3 Planning permission is required in this instance as the front of the property is covered by an Article 4 (2) Direction, which removes permitted development rights from the front elevation of the dwelling. This means that permission is required to replace the windows in a different style.

Publicity

3.4 The application has been advertised by site notice, neighbour letters (6) and in the press. The time period for representations expires on 16th August 2007. To date, there have been no letters of objection.

Planning Policy

3.5 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the

area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

RELEVANT BACKGROUND

3.6 In March 2004 the Planning Committee resolved that in considering planning applications in Conservation Areas relating to buildings subject to an Article 4 (2) Direction they would adopt the following policy:

3.7 “Any application for replacement or alteration of traditional joinery items on the building on the front, side or rear elevations which is not of a type appropriate to the age and character of the buildings (in term of design, detailing and materials) and the character and appearance of the Conservation Area should be denied consent”.

3.8 Members will recall that at the meeting of the Planning Committee on 7th June 2006 they approved four planning applications for UPVC windows in this Conservation Area (17,34,98 Grange Road and 86 Clifton Avenue) contrary to Officer recommendation. At the meeting members acknowledged that these decisions were made contrary to policy and therefore resolved to form a Planning Working Party (PWP), to consider the implications of these decisions and Conservation Area issues in general.

3.9 At the first meeting of the PWP on 17th July 2006 members agreed that there was a need to review policy on alterations to properties in conservation areas however they agreed in the short term the existing approved policy ,stated above, should be maintained.

3.10 Nonetheless, notwithstanding the decision of the PWP, members will recall at the meeting of the Planning Committee on 20th December 2006 they approved a planning application for UPVC windows at 72 Clifton Avenue, again contrary to Officer recommendation.

3.11 Further to this a planning application was brought to committee on the 16th May for UPVC windows at 21 Clifton Avenue. This application was also approved. At the same meeting members were presented with a report outlining a proposed policy structure for conservation areas based on the work carried out by the PWP. Members were asked for their comments on proposed revised guidance which would incorporate three tiers of control within conservation areas. The Committee expressed concern that allowances had not been made for the use of UPVC within the proposed policy. It was requested that the report was withdrawn and that the PWP further consider the potential of UPVC for use in conservation areas. Officers are currently carrying out research into UPVC windows which may be suitable for use in conservation areas and will report this information back to the PWP in due course.

Planning Considerations

3.12 The main issue is the impact of the development on the character and appearance of the Grange Conservation Area.

3.13 Policy HE1 requires that development in Conservation Areas preserves or enhances the Conservation Area and that alterations where proposed are appropriate to the age and character of the building and the Conservation Area in terms of their design, materials and detailing.

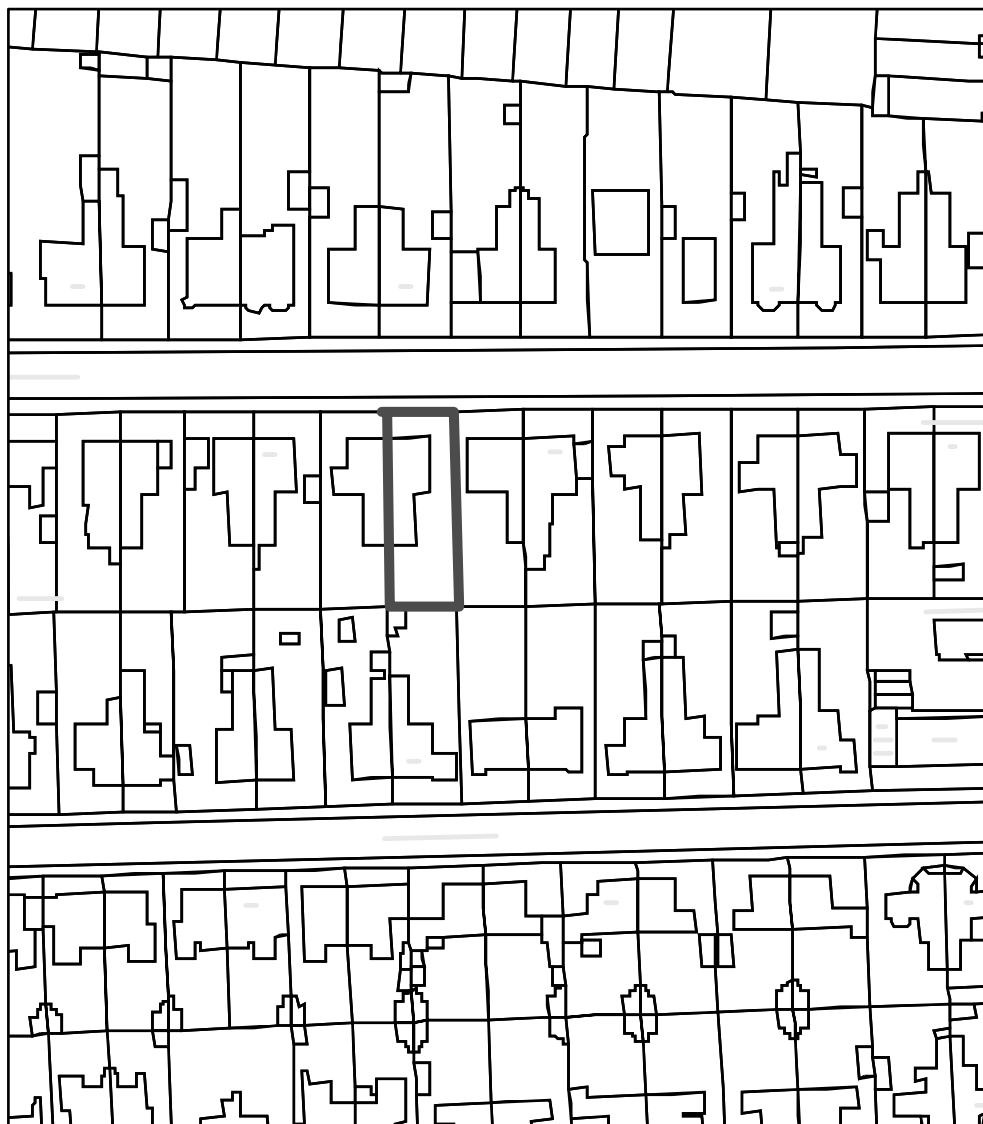
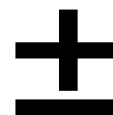
3.14 Generally it is not considered that the modern UPVC double glazed windows are appropriate to the age and character of the buildings in conservation areas where they replace traditional window for the following reasons:

- a A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood. UPVC as a material has a smoother more regular surface finish and colour and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change of appearance over time.
- b The appearance of the windows proposed is significantly different from the sliding sash windows they will replace. The proposed windows, where opening, are top hung rather than sliding sash and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a traditional timber window would be set back rather than flush as with the proposed windows.
- c A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of the Conservation Area.

3.15. Members have indicated that they consider there is a role for UPVC in conservation areas suggesting that design dimension and detailing are important (heritage style windows) and the PWP is looking at this. In this case your officers consider the proposed windows are fundamentally different to the existing traditional windows and at odds with what the PWP is considering. Accordingly refusal is recommended.

RECOMMENDATION that the application be **REFUSED** for the following reasons:

- 1 It is considered that the proposed windows by reason of their design, detailing and materials would detract from the character and appearance of the building and the Grange Conservation Area contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan 2006.

17 Clifton Avenue

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 14/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0537	REV

No: 9
Number: H/2007/0643
Applicant: Mr D Khan CHATHAM ROAD HARTLEPOOL TS24 8QG
Agent: Mr D Khan 33 CHATHAM ROAD HARTLEPOOL TS24 8QG
Date valid: 17/08/2007
Development: Variation of opening hours to allow opening 8 a.m. to 11 p.m. 7 days a week
Location: 33 CHATHAM ROAD HARTLEPOOL HARTLEPOOL

History

9.1 Members granted permission in May 2007 for the change of use of 33 Chatham Road from a greengrocers and florist to a hot food takeaway (H/2006/0096). The application was approved subject to 3 conditions. Condition 2 of the approval sought to restrict the hours of operation from 08.00 to 20.00 Mondays to Saturdays and does not permit opening at all on a Sunday and Bank Holiday.

Application

9.2 This application seeks consent to vary condition 2 of planning approval H/2006/0096 to allow opening from 8 a.m. to 11 p.m. 7 days a week. The applicants's supporting statement indicates that the use has been in operation for several months now and that from their own research with the local community they can evidence the need for longer hours. A petition of support has been submitted with the application. The statement makes reference to the increased hours allowing the applicant to cover expenses and to continue to employ the current staff numbers. The request for Sunday opening is to allow the applicant to offer a Sunday dinner service.

Site

9.3 The application site is an end terraced single storey property located upon a small parade of commercial units upon Chatham Road. The site has residential properties directly opposite and residential properties to the rear which are physically detached by way of an ally way. The other units upon the parade are occupied by a butchers, bakery, general store, post office and a takeaway which sells Chinese and English meals.

Publicity

9.4 The application has been advertised by way of neighbour letters (17) and a site notice. To date, there have been 2 letters of objection (one with no comments) received and a 70-signature petition of support that has accompanied the application.

9.5 The concerns raised are:

1. I live opposite this shop and its brought nothing but problems for my family and I since the day it was opened.
2. Driveway is always blocked by cars, vans, dust carts etc.
3. Wing mirrors have been damaged on numerous occasions because they need to squeeze in as much as possible to get close to the shop.
4. Litter issues.
5. Work shifts and children are all at school age with bedrooms being at the front so how will they get to sleep before 11pm with drunks hanging around outside especially if they smoke while their food is being cooked.
6. We objected to the use in the first place, would like to have a break from it all during the night and on a Sunday.

9.6 The period for publicity has expired.

Copy Letters F

Consultations

9.7 The following consultation replies have been received:

Head of Public Protection and Housing – Objects to the proposal given the very close proximity to housing opposite and to the rear. He feels that the extension of the opening hours until late in the evening and on a Sunday has the potential to cause considerable nuisance to neighbouring residents.

Head of Traffic and Transportation: - Considers that it would be very difficult to sustain an objection on highway grounds given that permission has already been granted.

Planning Policy

9.8 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Planning Considerations

9.9 The main considerations in this instance are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the extended hours of operation upon the amenities of the occupants of the nearby residential properties and highway safety.

9.10 Whilst the use of the unit as a hot food takeaway has already been established through the previous planning application (H/2006/0096), it is important to consider the proposed extension to hours against policy Com 12 (Food and Drink) of the Hartlepool Local Plan.

9.11 Policy Com 12 makes provision for food and drink uses subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area. As the proposal seeks to extend the hours already permitted these matters must be considered.

Amenity

9.12 It is recognised that there is an existing hot food takeaway which operates in the late evening within the row of shops to which this application relates, however it must be acknowledged that this is a long standing use and is outside the control of the Local Planning Authority.

9.13 Due to the close proximity of the application site to the surrounding residential properties it is considered that its use until late in the evening and on a Sunday has the potential to cause considerable nuisance by way of noise and disturbance to the occupants of those surrounding residential properties from the associated comings and goings of customers arriving and departing by motorised vehicle and on foot. It is for this reason that the Head of Public Protection recommends that the application should be resisted. The current use has only operated for a short period of time and it is difficult to draw meaningful conclusions about the use. A nearby neighbour has however objected about the current operations.

Highway Safety

9.14 It is considered that the proposed increase in hours would be at a time where it is likely that there would be less vehicles on the road than during the existing hours of operation. It is therefore not considered that a refusal could be sustained on highway safety or traffic generation grounds given the current use and hours of operation of the existing premises. The Head of Traffic and Transportation also does not consider that an objection could be sustained on highway safety grounds.

Character, Function and Appearance

9.15 As the application only seeks the extension of opening hours to an existing use and that the unit can already open during the early evening and taking into account the nearby hot food takeaway on Chatham Road, it is considered unlikely that the character, function and appearance of the area would change significantly should this application be approved.

Conclusion

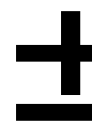
9.16 Whilst it is considered unlikely that an extension to the existing hours of operation would detract from the character, function and appearance of the area or lead to detrimental highway safety conditions given the existing use, it is considered that use of the premises until the late evening and on a Sunday could potentially lead to unacceptable noise and disturbance issues upon the amenities of the occupants of the surrounding residential properties.

9.17 It is for the reasons set out below that the application is recommended for refusal.

RECOMMENDATION - Refuse

1. It is considered that vehicles visiting the proposed use could park in adjoining streets which are predominantly residential in character or outside houses on the opposite side of Chatham Road and that noise and general disturbance from the comings and goings of the users of those vehicles could be detrimental to the amenities of the occupiers of those houses particularly at times of the day when they could reasonably expect the peaceful enjoyment of their homes contrary to policies GEP1 and Com12 of the adopted Hartlepool Local Plan.

33 Chatham Road



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 10/10/07
	SCALE 1:1,250	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0643	REV

No: 10
Number: H/2007/0552
Applicant: Mr Chris Roberts Bryan Hanson House Hanson Square
Hartlepool TS24 7BT
Agent: Hartlepool Borough Council Bryan Hanson House
Hanson Square Hartlepool TS24 7BT
Date valid: 24/07/2007
Development: Retention of a security fence with ungated pedestrian
opening
Location: FOOTPATH BETWEEN 39 40 MOUNTSTON CLOSE
HARTLEPOOL HARTLEPOOL

Current Position

10.1 This application was previously reported to the Planning Committee on 26 September 2007 where it was deferred for further discussions with the police.

10.2 It is hoped that a site meeting with the local police officer can take place and reported back at the meeting.

10.3 The Head of Neighbourhood Management has suggested that a report to the Portfolio Holder is likely in January/February 2008 following data collection as part of a monitoring exercise. In the circumstances and notwithstanding the awaited meeting with the police there may now be an argument for a temporary 6 months permission in this case to enable this exercise to be concluded.

10.4 In the light of the above a final recommendation will be tabled at the meeting.

10.5 The original report and update are reproduced below.

Update report to the Committee on 26 September 2007

1. The Councils Anti Social Behaviour Co-ordinator has indicated that she considers the development to be unwarranted. A copy of her reply is attached.

2. The Police Design Liaison Officer has pointed to a significant number of incidents in the area. The e;mail is attached.

3. As with the Barford Close case considered by Members at the last meeting there are differing views from supporters and objectors as well as from consultees.

4. In the circumstances and given that a monitoring exercise is ongoing it is considered that there is an argument in the short term to retain the fence and gate

opening for a temporary period of 1 year to enable the monitoring exercise to be concluded.

5. Discussions are still taking place with the Police about their comments regarding the “sitting areas” to see if there is any control the Local Planning Authority may have. A final detailed recommendation will therefore be made at the meeting.

Copy E:mail (Anti Social Behaviour Co-ordinator)

The area has been relatively quiet- there had been only two reported incidents in the area this year; although since the application has been in I have had three reported to me-

1 I wonder if you could be so kind and add to the “anti-social record for Mountston Close” that I had to dial 999 & call out the police at 09:00a.m on Sunday morning 09/09/2007 when a group of 3 young men were seen pulling my neighbours plants out by the roots & throwing them at each other with some landing on my garden. They also threw a wine glass which smashed onto another neighbours drive. He also called the police after seeing them exposing themselves. These young vandals were all tramping on all our gardens having entered Mountston Close from the path leading to Tesco where we still need a lockable gate to prevent this anti-social behaviour which is all too frequent & getting worse regardless of what those not affected or not living here may say.

2 I wonder if you could be so kind and add to the “anti-social record” that one of the name plates for Mountston close was torn from its position by vandals more than 3 weeks ago & still has not been replaced. I noted this in my return for the planning department (H/2007/0552) in July 2007, but no action seems to have been taken.

3 .Whilst at Central police and Community Forum last week a gentleman had a word with me after the meeting. He is constantly plagued by youths congregating at the rear of his house, throwing stones at his window and just being generally horrible. He has tried to get neighbours to complain but they are reluctant to get involved. Cath Jones PCSO 7979 was also present and has promised to look at issue.

Nonetheless the area is not a " hotspot"- ie it does not have a disproportionately high incidence rate (nor did it ever)

The recent spate of complaints aimed at keeping the gates in place (three reports- one of a street sign being removed; one of street urination and one of intimidation-as above) seem to me to be misplaced- the supporters of the gates would do better to point out how quiet the area had become else one might be led to conclude that they were not keeping ASB down and may as well be removed to appease those who did not want the gates in the first place. To be dispassionate about the issue, if you tell me the date the gates were put up I can give you incidents for the year before and the year after to see if they have had any impact at all.

I have absolutely no doubt that to those who are bothered by ASB that this is a big issue. I have equally been approached by one household who assure me there is no problem; that minor event are being blown out of proportion. My view is that the gates are a disproportionate and unwarranted response to the problems there may be in the area, and that to keep them would undermine the guidelines which indicate that pathways should only be closed off where other courses of action have failed.

Hope this helps.

Copy E:mail (Police)

With regard above a search was carried out on Police Data regard reported incidents to Police at this location this revealed 29 incidents reported since 01/08/05 with 11 incidents relating to Anti social behaviour occurring mainly on a evening time these incidents have all occurred after 13/10/06 this I believe will coincide with the gate being removed.

In order to prevent incidents of anti social behaviour the closing of the footpath would assist this choice would have to be made with regard the benefits of closure against accessibility. The security fence in its presence state does not achieve anything but I understand that the retaining of the fence would enable closure of the footpath if requested to be completed far easier.

On visiting the site of the footpath the removal of ready made sitting areas at the location may assist in reducing the problems in the location. This could be achieved by moving the close boarded fence on one side of the path to the very edge of the low boundary wall and therefore removing a potential sitting area. Also the grass area could be reduced on the other side of the footpath by low growing defensive planting which again remove ready made a sitting area which would help to deter youths gathering at the location.

Steve

Original report to the Committee on 26 September 2007

The Application and Site

10.1 The application site is a public footpath located between 39 and 40 Mountston Close.

10.2 In 2004 residents of Mountston Close area approached the Council with a request to close this footpath between 39 and 40 Mountston Close and Hart Lane due to ongoing problems with anti-social behaviour, vandalism and litter.

10.3 In June 2005 security fencing and a gate was installed under a 12 month Prohibition of Access Order closing the footpath to pedestrian traffic.

10.4 The gate was removed in 2006 as the temporary order had expired but the fencing was retained.

10.5 Subsequently it became clear that planning permission was required for the works and this had not been applied for.

10.6 The current proposal seeks the retention of security fence with an ungated pedestrian opening which allows free flow pedestrian access. Neighbourhood Management officers are monitoring the position with regard to anti social behaviour under the Council's thoroughfare policy.

Publicity

10.7 The application has been advertised by way of neighbour letters (24) and also by site notices (4). To date, there have been 66 letters of objection and 14 letters of support.

The concerns raised by the objections are:

- 1) Decrease in property value
- 2) Waste of Council tax money
- 3) Not in keeping with area
- 4) Makes area rough looking
- 5) Divides the community
- 6) No need for this monstrosity as there is no anti-social behaviour
- 7) Public safety hazard at night makes area unsafe
- 8) Serves no purpose

The concerns raised by the supporters are:

- 1) Creates a feeling of safety and security
- 2) Would prefer to have it gated
- 3) Litter and late night noise has increased since removal of gate
- 4) Helps decrease anti-social behaviour
- 5) Retention of the fence stops vehicles from cutting through from Hart Lane which has happened in the past.

Copy letter A

The period for publicity has expired.

Consultations

10.8 The following consultation replies have been received:

Head of Public Protection – No objection

Anti Social Behaviour Unit – Awaited

Traffic & Transportation – No objection

Planning Policy

10.9 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Planning Considerations

10.10 The main considerations in this instance are the appropriateness to the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan, the effect of the proposal upon the character of the area, the effect upon the amenities of the occupants of nearby residential properties and access related issues.

10.11 The design of the mesh security fence enables clear visibility through it and is coloured green to soften its appearance. It is also screened in part by mature landscaping. It appears that the fence may have also restricted unauthorised car access through this pedestrian area.

10.12 Notwithstanding this it is difficult to see what purpose the fence and gateway serve at present and its appearance could be seen by some as somewhat incongruous. However in the context of a monitoring exercise about anti social behaviour which is ongoing there could be an argument for its retention in the short term with the potential to reinstate the gate should the situation warrant this.

10.13 Comments are awaited from the Crime Prevention Officer within the Anti Social Behaviour Unit. These are anticipated prior to the Committee and will be reported accordingly.

RECOMMENDATION – UPDATE TO FOLLOW

Mountston Close

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 14/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0552	REV

No:
Number: H/2007/0552
Applicant: Mr Chris Roberts Bryan Hanson House Hanson Square
Hartlepool TS24 7BT
Agent: Hartlepool Borough Council Bryan Hanson House
Hanson Square Hartlepool TS24 7BT
Date valid: 24/07/2007
Development: Retention of a security fence with ungated pedestrian
opening
Location: FOOTPATH BETWEEN 39 40 MOUNTSTON CLOSE
HARTLEPOOL HARTLEPOOL

Update

1. Officers have been unable to arrange a meeting with the local police officer to date.
2. Officers continue to receive comments from residents about anti-social behaviour and clarification on this will be provided at the meeting if necessary.
3. The Anti-Social Behaviour Co-ordinator has indicated that a camera could be made available to help establish the position on the ground. The Head of Neighbourhood Management has subsequently indicated that she is happy to arrange for its use.
4. In the light of the above and the earlier information that the Portfolio Holder is likely to be asked to reconsider this whole matter in January/February 2008 there is a case for considering, on a without prejudice basis, a temporary permission for six months to enable the monitoring exercise to run its course.

Recommendation - APPROVE

The permission hereby granted is valid until 24 April 2008 and the fence and opening shall be removed from the site and the land restored to its former condition unless prior planning permission from the Local Planning Authority has been obtained to an extension of this period.

To enable the Local Planning Authority to assess the situation in the light of experience/in the interests of the amenities of the occupiers of nearby housing.

Mountston Close



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 14/8/07
	SCALE 1:1000	
Department of Regeneration and Planning Bryan Hanson House, Hanson Square, Hartlepool TS24 7BT	DRG.NO H/2007/0552	REV

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

- 1 A neighbour complaint about an alleged unauthorised extension on Claymore Road.
- 2 An officer complaint about an alleged untidy garden on Dorchester Drive.
- 3 A neighbour complaint about the alleged erection of two CCTV cameras at a property on Grange Road.
- 4 A neighbour complaint about an alleged non-compliance with approved plans at a property on Gledstone, Wynyard Woods
- 5 A neighbour complaint about an alleged non-compliance with approved plans on Rillston Close.
- 6 An investigation was commenced following officer concerns regarding the enclosure of land to extend a domestic garden in Pinewood Close
- 7 An investigation was commenced following officer concerns regarding the unauthorised sub division of buildings on Whitby Street South.
8. A neighbour complaint about an alleged non-compliance with approved plans on Coniscliffe Road.

3 RECOMMENDATION

3.1 Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

- 1 A neighbour complaint about an alleged unauthorised extension on Claymore Road.
- 2 An officer complaint about an alleged untidy garden on Dorchester Drive.
- 3 A neighbour complaint about the alleged erection of two CCTV cameras at a property on Grange Road.
- 4 A neighbour complaint about an alleged non-compliance with approved plans at a property on Gledstone, Wynyard Woods
- 5 A neighbour complaint about an alleged non-compliance with approved plans on Rillston Close.
- 6 An investigation was commenced following officer concerns regarding the enclosure of land to extend a domestic garden in Pinewood Close
- 7 An investigation was commenced following officer concerns regarding the unauthorised sub division of buildings on Whitby Street South.
8. A neighbour complaint about an alleged non-compliance with approved plans on Coniscliffe Road.

3 RECOMMENDATION

3.1 Members note this report.

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR & MRS HOPPER SITE AT MEADOWCROFT ELWICK ROAD HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1. The planning appeal against the refusal of the Committee to allow the erection of a gatehouse at the above site has been determined.
- 1.2 The Planning Inspector dismissed the appeal. (A copy of the decision letter is **attached**). Whilst acknowledging that a modest sized dwelling might be acceptable on the site he concluded that the proposed dwelling due to its size, scale, mass and height would be unduly prominent in this location and fail to relate satisfactorily to the reduced scale of the parent property so that it would appear as inappropriate in its context. He concluded that it would detract from the setting of the listed building and from the overall character and appearance of the area, resulting in significant harm by obscuring open views of the listed building and also of the mature trees to the south-west.

2. RECOMMENDATION

- 2.1 That members note the Inspector's decision.



Appeal Decision

Hearing held on 18 September 2007

Site visit made on 18 September 2007

by J D S Gillis BA(Hons) MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
28 September 2007

Appeal Ref: APP/H0724/A/06/2032966

"Meadowcroft", Elwick Road, Hartlepool, TS26 0BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Hopper against the decision of Hartlepool Borough Council.
- The application Ref H/2005/6033, dated 22 December 2005, was refused by notice dated 9 October 2006.
- The development proposed is erection of gatehouse for residential dwelling.

Summary of Decision: The appeal is dismissed.

Procedural matters

1. The application form included reference to the erection of new gates but no details of these were provided and the application was determined by the Council solely on the basis of the erection of a gatehouse. I shall similarly consider the appeal.
2. The original proposal was subject to significant amendment prior to determination by the Council. The plans considered by the Council in reaching its decision were stated to be numbered PH/76982/SS01 Rev. A, PH/76982/SP01 Rev. B and PH/76982/01 Rev. A. However, in the plans submitted with the appeal there were two numbered PH/76982/01 Rev. A. Both were indicated as revised in May 2006 following comments from the Council's officers but showed differing information. At the Hearing I clarified which of these plans had been considered by the Council in reaching its decision. It was agreed that this was the one showing the reduced total floorspace and the number was amended to PH/76982/01 Rev. A1. I shall consider the appeal on this basis, together with the un-numbered location plan.
3. It was also clarified that although described as a gatehouse the proposed dwelling would have no functional relationship to "Meadowcroft". The description relates to the location adjacent to the gates providing access to the driveway to "Meadowcroft" and the view that it emulates the visual and physical relationship of the traditional gatehouses present in the area. The proposal includes the erection of a detached 4 bedroom dwelling of part 2 storey / part 1.5 storey in height, including an attached double garage with residential accommodation above.
4. "Meadowcroft" forms part of a grade II listed building and the appeal site is located within the designated Park Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard should

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be given to the desirability of preserving the setting of listed buildings together with preserving or enhancing the character or appearance of Conservation Areas.

5. It was confirmed at the Hearing that the Council considers that a modest sized dwelling on the site could be acceptable and there were no significant objections to the detailed design features of the proposed building. However, the Council considers that the size, mass and scale of the proposed building are unacceptable in this location, close to a listed building and prominent within the Conservation Area.

Main issue

6. From the representations received in writing and at the Hearing, together with my inspections of the site and surrounding area, I consider that the main issue in this appeal is the effect of the proposed development on the setting of the listed building and the character and appearance of the Conservation Area.

Reasoning

7. The proposed dwelling would occupy a prominent site adjoining Elwick Road. While much of the existing boundary wall to the road is some 4 metres in height, the section adjoining the access driveway gates is only some 2 metres high. The proposed building would have a maximum ridge height of some 7.5 metres and thus the upper section of the 2 storey walls together with the roof would be clearly visible above the higher part of the wall, while almost the whole of the proposed building would be seen above the lower section and the entrance gateway. In addition the building would be sited fairly close to this boundary wall and especially to the driveway to "Meadowcroft".
8. In comparison with the other properties in the area [mature and newly constructed] the appeal site is relatively small, and its triangular shape impacts upon the provision of useable private amenity space around the proposed building. While I note that the proposal before me has been reduced in scale from that originally submitted it nevertheless comprises a fairly substantial dwelling including 2 living rooms and a large kitchen and hallway, plus double garage, on the ground floor, with 4 bedrooms and 3 bathrooms above.
9. In terms of the impact on the setting of the listed building I note that the elevation of "Meadowcroft"/"Meadowside" facing towards Elwick Road represents the rear of the building. Nevertheless this has a general symmetry of appearance and style and much of it is clearly visible from Elwick Road, emphasising the existence of a substantial building set in an extensive, generally open landscape. The proposed building would obliterate much of such existing view from the north-west and significantly reduce the open, spacious impression of the setting.
10. I accept that direct views of the interesting western elevation of "Meadowcroft" would be largely unrestricted by the proposed building. However, I consider that the erection of a fairly large building so close to the sightlines of this view would result in a distraction and disturbance that would detract from the setting. Furthermore, more oblique views would be obscured, especially those of the octagonal feature on the north-west corner that is of particular note.

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11. Turning to the effect on the character and appearance of the Conservation Area, I note that the area is characterised generally by fairly large buildings set in extensive plots with mature landscaping, giving a spacious appearance. I accept that there are a number of traditional gatehouses that are located in more prominent positions closer to the roads, as would be expected of such originally functional buildings. I also note that the size and scale of these existing gatehouses vary significantly – essentially related to the scale of the parent property and the original function and status of the gatehouse occupants. It has been asserted that the proposed building has been designed to emulate characteristics of these existing gatehouses, including a prominent location near to the roadway.
12. As has been accepted by the Council [and English Heritage] a modest sized dwelling on this site may be acceptable, in keeping with the reduced scale of the parent property and the size of the appeal site. I consider that the proposed dwelling, due to its size, scale, mass and height, would be unduly prominent in this location and fail to relate satisfactorily to the reduced scale of the parent property so that it would appear as inappropriate in its context.
13. In addition, its prominence in the street scene would detract from the overall character and appearance of the area and would result in significant harm due to obscuring open views of the listed building and also of the mature trees to the south-west.
14. I conclude therefore that the proposal would be contrary to policies HE10 *Developments in the Vicinity of Listed Buildings*, HE1 *Protection and Enhancement of Conservation Areas*, Hsg9 *New Residential Layout – Design and Other Requirements* [especially criteria i and ii] and GEP1 *General Environmental Principles* [especially criteria ii and xiii] of the adopted Hartlepool Local Plan. In addition, it would fail to comply with guidance in the Council's Supplementary Note 5 *Design Guidance for Development in Conservation Areas and Works to Listed Buildings* and with national policy guidance in Planning Policy Guidance 15 *Planning and the Historic Environment* and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.
15. I have had regard to all other matters raised, including concerns of local residents in relation to highway safety, wildlife and trees. However I do not consider that any harm resulting from these matters would be material, for the reasons given by the Council in its consideration of the application for planning permission.
16. I have also had regard to the planning application for extensions to Briarfields Lodge, Elwick Road [Ref.H/2007/0500], recently granted permission by the Council. Details of this were presented to the Hearing on behalf of the Appellants in relation to the information provided by the Council concerning comparative footprints of the various gatehouses referred to in the area. It was also suggested that the approved extensions would result in a dwelling comparable to that proposed on the appeal site in terms of location, prominence and size.
17. I consider the circumstances of the approved development at Briarfields Lodge to be significantly different to those of the proposal before me. Briarfields

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Lodge is an existing building in a poor state of repair and sub-standard in terms of accommodation to satisfy present-day needs. The approved extensions will result in a dwelling providing 3 bedrooms, 2 bathrooms together with an extended kitchen, a sun lounge and detached double garage. Furthermore, the extensions and garage will be located to the rear of the existing building, screened by it and the high boundary wall to Elwick Road.

18. I am also aware that the application was recommended for approval by officers but such recommendation was not accepted by the Council's Committee empowered to determine planning applications. Nevertheless, the Committee decision was based upon material planning considerations and officer recommendations do not have to be accepted. Indeed it is part of the role of such a Committee to scrutinise officer recommendations and bring to bear the knowledge and expertise of Members in arriving at a decision.

19. Neither these nor any of the other matters raised are sufficient to outweigh those that have led to my decision and I conclude that the proposal is unacceptable.

Formal Decision

20. I dismiss the appeal.

JDS Gillis

Inspector

Appeal Decision APP/H0724/A/06/2032966

APPEARANCES

FOR THE APPELLANT:

Mr P Hopper	Meadowcroft, Elwick Road, Hartlepool, TS26 0BQ
Mr S Hesmondhalgh BA(Hons)	DKS Architects, The Design Studio, Ellerbeck
MRTPI	Court, Stokesley Business Park, Stokesley, TS9 5PT

FOR THE LOCAL PLANNING AUTHORITY:

Mr J Ferguson	Senior Planning Officer, Hartlepool Borough Council, Bryan Hanson House, Bryan Hanson Square, Hartlepool, TS24 7BT
Ms S Scarr	Conservation Officer, Hartlepool Borough Council

INTERESTED PERSONS:

Ms J Patterson	Meadowside, Elwick Road, Hartlepool, TS26 0BQ
Cllr Ms P Laffey	64 Four Winds Court, Hartlepool, TS26 0LP

DOCUMENTS

- 1 Letters of notification of the Appeal and Hearing and lists of persons notified
- 2 Report on application for planning permission for extensions at Briarfields Lodge, Elwick Road, Hartlepool tabled on behalf of the Appellants

PLANS

Plan A1-A4 The application plans

Report of: Assistant Director (Planning & Economic Development)


Subject: APPEAL BY MRS MELANIE GOODWIN, 9
GUILLEMOT CLOSE, BISHOP CUTHBERT,
HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To inform members of the outcome of the above appeal against the refusal of the Local Planning Authority to grant permission for the erection of a rear two storey extension and a first floor extension above a garage. The Inspector dismissed the appeal. He concluded that the proposal would unduly diminish the living conditions of the neighbouring residents. A copy of the appeal decision is **attached**.

2.1 RECOMMENDATION

- 2.1 That members note the Inspectors decision.



Appeal Decision

Site visit made on 17 September 2007

by B.S.Rogers BA(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
28 September 2007

Appeal Ref: APP/H0724/A/07/2042411
9 Guillemot Close, Bishop Cuthbert, Hartlepool TS26 0RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs Melanie Goodwin against the decision of Hartlepool Borough Council.
- The application Ref: H/2007/0096, dated 5 February 2007, was refused by notice dated 30 March 2007.
- The development proposed is to demolish the existing conservatory and erect a new 2 storey extension to form a family room at ground floor level with new bedroom 4 above; to extend first floor over garage at front to enlarge existing bedroom 3.

Decision

1. I dismiss the appeal.

Main Issue

2. The proposed front extension is not contentious and therefore the main issue in this case is the impact of the proposed rear extension on the living conditions of the neighbouring residents at no.10 Guillemot Close.

Reasons

3. The appeal property and its neighbour, no.10 Guillemot Close, are modern detached houses. The proposed rear extension would replace an existing conservatory and would project rearward 3.5m at ground floor level and 2.5m at first floor level. The *Hartlepool Local Plan Guidelines for House Extensions* indicate that a 2 storey extension projecting up to 2.5m at first floor level would normally be acceptable, where the extension would be offset a significant distance from the affected neighbouring dwelling. However, although the dwellings here are some 2m apart, no.10 is set forward by around 0.9m and is at a lower level than the appeal property. Although no.10 has a recently added conservatory, I have judged the impact from the original rear windows of no.10, as per the *Guidelines*, and have formed the view that the proposed first floor extension would appear unduly overbearing. Furthermore, the impact of the proposal would be amplified because of its position to the west of no.10, where it would also significantly diminish the late afternoon sunlight enjoyed by the neighbouring residents.
4. I note that a substantial rear extension is visible to the rear at no.12 Marlin Way but that property appears to be slightly forward of, and is to the north of, the affected neighbouring dwelling; it would therefore appear to have less

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impact than the appeal proposal. I conclude that the proposal would unduly diminish the living conditions of the neighbouring residents at no.10 Guillemot Close, contrary to the aims of the Hartlepool Local Plan.

5. I have taken account of all other matters raised but have found nothing of such significance as to alter my decision.

B.S. Rogers

Inspector

Report of: Assistant Director (Planning & Economic Development)

Subject: APPEAL BY MR LAURENCE MASTERSTON – SITE AT 14 OWTON MANOR LANE

1 PURPOSE OF REPORT

- 1.1 To update Members on the outcome of the above appeal.
- 1.2 The appeal was dismissed. The Planning Inspector concluded that although the principle of development was considered to be appropriate in this location the proposed access would be unacceptable for reasons of safety and convenience.
- 1.3 The proposed dwelling was also considered to appear unduly imposing to neighbouring properties.



The Planning Inspectorate

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Mr R Teece
Hartlepool Borough Council
Department Of Regeneration &
Planning
Bryan Hanson House
Hanson Square
Hartlepool
TS24 7BT

Your Ref: H/2007/0192
Our Ref: APP/H0724/A/07/2045579/WF
Date: 20 September 2007

Dear Mr Teece

Town and Country Planning Act 1990
Appeal by Mr Laurence Masterson
Site at 14 Owton Manor Lane, Hartlepool, TS25 3AB

I enclose a copy of our Inspector's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square, Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: complaints@pins.gsi.gov.uk

Yours sincerely

Zelah Vincent

COVERDL1

SCANNED

27 SEP 2007



H/2007/0192

You can now use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Appeal Decision

Site visit made on 17 September 2007

by **B.S.Rogers** BA(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Date: 20 September
2007

Appeal Ref: APP/H0724/A/07/2045579 14 Owton Manor Lane, Hartlepool TS25 3AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Laurence Masterson against the decision of Hartlepool Borough Council.
- The application Ref: H/2007/0192, dated 8 March 2007, was refused by notice dated 9 May 2007.
- The development proposed is a dormer bungalow/double garage to rear garden area of existing bungalow.

Decision

1. I dismiss the appeal.

Main Issues

2. There is no objection to the principle of erecting a dwelling on this previously developed site within the urban area. The main issues in this case are the adequacy of the access for use by service and emergency vehicles and the impact of the proposal on the living conditions of neighbouring residents.

Reasons

3. The appeal site comprises a semi-detached bungalow with a very long rear garden. The proposed dwelling would be sited some 33m to the rear of the existing dwelling and would use the existing access to Owton Manor Lane, some 56m distant. The driveway to the new and the existing dwellings would be separated by a fence, such that each driveway would only be some 2.7m wide, inadequate to allow access for emergency vehicles within the required 45m of the new dwelling. Access for delivery and other service vehicles would also be unduly inconvenient. However, the appellant suggests that this unacceptable deficiency of the proposal could be overcome by omitting the dividing fence to form a shared drive; a condition could require its permanent retention as such.
4. I consider the proposed access unacceptable for reasons of safety and convenience unless the driveway is shared, and shall assess the impact on neighbouring dwellings accordingly. The result of a shared access would be that the comings and goings of vehicular and pedestrian traffic gaining access to the proposed dwelling would pass in close proximity to the side of the existing dwelling, no.14. Such traffic would pass close to the main door of no.14 and to side windows serving a kitchen, bathroom and bedroom; the

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latter are obscure glazed and a small secondary window respectively. Nevertheless, the overall impact would be a significant reduction of privacy for, and undue disturbance of, the occupants of no.14. Although the occupants of no.12 would suffer some additional disturbance, the side of that dwelling is well screened and I find the impact tolerable.

5. In relation to neighbouring dwellings and gardens, the distance between the proposed dwelling and those to the rear in Benmore Road appears acceptable. However, one of the consequences of the tandem form of development, as proposed, is that the dwelling would sit alongside the common boundary with no.16 Owton Manor Lane. Here, the gable of the proposed dwelling would appear unduly imposing so near to the boundary and the neighbouring garden would be overlooked at close range from the window to bedroom 2, thereby unacceptably reducing the privacy of the neighbouring residents. I saw that other backland development had been allowed nearby. However, the layout of the dwelling to the rear of no.30 appears significantly more spacious and those to the rear of no.2 have a far better relationship with the road to the east. Neither is directly comparable with the form of development proposed here.
6. Although the first main issue is capable of being resolved in the appellant's favour, I conclude that the harm to the living conditions of neighbouring residents would be contrary to the aims of Hartlepool Local Plan Policies GE1 and Hsg9. Accordingly, the appeal should fail.

B.S. Rogers

Inspector