

PLANNING COMMITTEE

AGENDA



Wednesday 31 July 2019

at 10.00am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Brewer, Brown, Buchan, Fleming, James, Lindridge, Loynes, Mincher, C Richardson and Young.

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 3 July 2019

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

- | | |
|----------------|--|
| 1. H/2018/0504 | 1 Grassholme Road (page 1) |
| 2. H/2019/0094 | Land off Dalton Heights, Dalton Piercy (page 15) |
| 3. H/2019/0140 | 8 The Front, Seaton Carew (page 37) |
| 4. H/2019/0191 | 11 Queen Street (page 51) |
| 5. H/2019/0206 | Land Adjacent to 28 Nine Acres, Hart (page 61) |

5. ITEMS FOR INFORMATION

- 5.1 Appeal at 13 Regent Street, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Appeal at 27 Scarborough Street, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 5.3 Appeal at 32 The Front, Seaton Carew, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 5.4 Appeal at 34 Rillston Close, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*



- 5.5 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

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) (Variation) Order 2006

8. ITEMS REQUIRING DECISION

- 8.1 Enforcement Action – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)
- 8.2 Enforcement Action – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)
- 8.3 Enforcement Notice – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)
- 8.4 Enforcement Notice – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)
- 8.5 Enforcement Notice – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)
- 8.6 Enforcement Notice – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)
- 8.7 Enforcement Notice – *Assistant Director (Economic Growth and Regeneration)* (para's 5 & 6)

9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

FOR INFORMATION

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 31 July 2019.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

3 July 2019

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Mike Young (In the Chair)

Councillors: James Brewer, Paddy Brown, Bob Buchan, Tim Fleming, Jim Lindridge, Brenda Loynes, David Mincher and Carl Richardson

In accordance with Council Procedure Rule 4 (ii) Councillor Ann Marshall was in attendance as substitute for Councillor Marjorie James

Also Present: Councillor Tony Richardson

Officers: Andrew Carter, Assistant Director,
Jim Ferguson, Planning and Development Manager
Daniel James, Planning Team Leader
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Ryan Cowley, Senior Planning Officer
Paul Simpson, Solicitor
Adrian Hurst, Environmental Health Manager
Denise Wimpenny, Principal Democratic Services Officer

11. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Stephen Akers-Belcher and Marjorie James.

12. Declarations of interest by members

Councillor Lindridge declared a prejudicial interest in application H/2018/0504 (1 Grassholme Road) and indicated his intention to leave the meeting during consideration of this application. Councillor Loynes declared a personal interest later in the meeting in relation to application H/2018/0504 (1 Grassholme Road) – Minute 14 refers

13. Confirmation of the minutes of the meeting held on 5 June 2019

Confirmed.

14. Planning Applications *(Director of Regeneration and Neighbourhoods)*

Number:	H/2019/0008
Applicant:	MR PATHMATHAN KANDASAMYTHURAI RABY ROAD HARTLEPOOL
Agent:	
Date received:	05/03/2019
Development:	Change of use to A5 (hot food takeaway) and installation of replacement doors and windows to the front and installation of a flue to the rear. (Retrospective Application)
Location:	193 RABY ROAD HARTLEPOOL

In response to concerns raised as to why the applicant was allowed to continue to operate without planning permission, the Planning Team Leader advised that this had been dealt with via the planning enforcement application process route, the background of which was provided.

Members unanimously refused the application.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. The application site is not within a designated retail centre, Policies RC16, RC18 and RC21 expressly prohibit hot food takeaway uses outside of designated retail centres in order to protect the vitality and viability of local centres and ensure that residential amenity is not negatively affected by commercial uses.
2. The proposed change of use would be detrimental to the health of local residents in an area identified as suffering higher than average rates of childhood obesity in conflict with Hartlepool Local Plan 2018 Policy RC18 and paragraph 91 of the National Planning Policy Framework.
3. The flue installed at the property is, in the opinion of the Local Planning Authority, of a poor quality design that is inappropriate in a residential

location by virtue of its size and location, resulting in harm to the visual amenities of the area and the amenity of occupiers of the residential accommodation on the upper floors of the applicant property in terms of loss of light and creating an overbearing appearance. This is in conflict with Policy QP4 of the Hartlepool Local Plan 2018.

Number: H/2019/0029

Applicant: SHISHA BAR (HARTLEPOOL) LTD NAVIGATION
POINT MIDDLETON ROAD HARTLEPOOL

Agent: SHISHA BAR (HARTLEPOOL) LTD 4 NAVIGATION
POINT MIDDLETON ROAD HARTLEPOOL

Date received: 26/02/2019

Development: Change of use to provide outside seating and
retrospective permission for alteration to shop front

Location: 4 NAVIGATION POINT MIDDLETON ROAD
HARTLEPOOL

Members were advised that there had been no attempts to overcome concerns raised in relation to this application. Clarification was provided in response to issues raised by Members in terms of the seating area and concerns around the visual appearance of the screening and timber structure, drawings of which were circulated at the meeting.

The applicant, who was in attendance and spoke in support of the application, outlined the background to the development and indicated what whilst he was happy to take on board the comments of officers as well as any recommendations of the Planning Committee, he disagreed with the officer's recommendation that the visual appearance was unsightly. The applicant referred to the differing appearances and seating of other shop fronts at Navigation Point.

In the debate that followed, the Committee discussed the application including the representations made during which officers provided clarification in response to queries raised.

Members refused the application by a majority.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed timber barriers to front of the building constitutes an unacceptable form of development that results in a detrimental impact on the general amenity, character, function and appearance of the area by virtue of their scale, design and siting, contrary to paragraphs 8 and 127 of the NPPF, and policies QP4 and RC12 of the Hartlepool Local Plan (2018).

The Committee considered representations in relation to this matter.

Number: H/2019/0195

Applicant: A RHODES HILLSTON CLOSE HARTLEPOOL

Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR COTTAGE 1 BLAISE GARDEN VILLAGE ELWICK ROAD HARTLEPOOL

Date received: 03/05/2019

Development: Erection of a two storey extension to front and side, a single storey extension to side and rear and alterations to roof to provide attic rooms (resubmitted application)

Location: 31 HILLSTON CLOSE HARTLEPOOL

Decision: **Withdrawn Application**

Prior to consideration of the following application Councillor Loynes declared a personal interest and Councillor Lindridge left the meeting in accordance with his earlier declaration.

Number: H/2018/0504

Applicant: MR J KELLY GRASSHOLME ROAD HARTLEPOOL

Agent: MWEXPERTS RAY MARTIN WELLS 12 HARDWICK COURT HARTLEPOOL

Date received: 21/02/2019

Development: Alterations to ground levels and erection of retaining

walls and boundary fencing to rear, erection of boundary fencing to front and side (part-retrospective).

Location: 1 GRASSHOLME ROAD HARTLEPOOL

The Senior Planning Officer referred to an e-mail that had been received in relation to this application and confirmed that this did not change the officer's recommendation.

An objector, who was in attendance, indicated that he was representing five local residents and spoke against the application. The reasons for objection were outlined which were mainly around the impact of the proposals on nearby properties, health and safety concerns, errors identified in the plans and calculations submitted with the application, other questions and issues raised in previous communications that had not been answered. The objector requested a site visit to enable Members to have a clearer picture of the site prior to a decision being taken.

The Committee agreed that a site visit would assist Members in understanding the nature of the concerns.

Decision: **Deferred for a site visit**

The Committee considered representations in relation to this matter.

Number: H/2019/0197

Applicant: Mr Mark Filby Meadow Drive HARTLEPOOL

Agent: MALCOLM ARNOLD 2 SISKIN CLOSE
HARTLEPOOL

Date received: 20/05/2019

Development: Erection of a detached garage

Location: 15 MEADOW DRIVE HARTLEPOOL

Members unanimously approved the application

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.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Location Plan (scale 1:1250), Proposed Plans Sheet 2, and Proposed Plans Sheet 3 (scale 1:10) received by the Local Planning Authority on 14th May 2019 and Proposed Plans Sheet 1 received by the Local Planning Authority on 20th May 2019.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s).
In the interests of visual amenity.
4. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse.
In the interests of the amenities of the occupants of neighbouring properties.

15. Update on Current Complaints *Assistant Director (Economic Growth and Regeneration)*

Members were informed of 16 ongoing issues currently being investigated and 11 completed investigations. In response to clarification sought as to what action could be taken in relation to Complaint 13, the Committee was advised that the responsible officer would investigate this matter and provide an update following the meeting.

Decision

That the report be noted.

Councillor Lindridge re-joined the meeting

16. Local Government (Access to Information) (Variation Order) 2006

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved 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 17 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 18 – (Enforcement Notice) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

- 17. Enforcement Notice** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

Decision

Details were provided in the closed section of the minutes.

- 18. Enforcement Notice** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

Decision

Details were provided in the closed section of the minutes.

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

Decision

Details were provided in the closed section of the minutes.

Decision

Details were provided in the closed section of the minutes.

19. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following item of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

20. Any Other Business – Annual Planning Training Event

The Committee was advised that the annual planning training event would be held the following day to which all Members were encouraged to attend and notify Member Services in relation to attendance.

Decision

That the information given be noted.

The meeting concluded at 12.48 pm.

CHAIR

No: 1.
Number: H/2018/0504
Applicant: MR J KELLY 1 GRASSHOLME ROAD HARTLEPOOL
TS26 0QH
Agent: MWEXPERTS RAY WELLS 12 HARDWICK COURT
HARTLEPOOL TS26 0AZ
Date valid: 21/02/2019
Development: Alterations to ground levels and erection of retaining walls
and boundary fencing to rear, erection of boundary
fencing to front and side (part-retrospective)
Location: 1 GRASSHOLME ROAD HARTLEPOOL

PURPOSE OF REPORT

1.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 This application was deferred at the last Planning Committee (03/07/19) for a site visit to take place before this meeting (31/07/2019) to allow members to appraise themselves of the site and to consider the impacts of the proposals.

PROPOSAL

1.3 Planning permission is sought for alterations to ground levels and erection of retaining walls and boundary fencing to rear and erection of boundary fencing to front and side (part-retrospective).

1.4 In detail, the proposal comprises an increase in the ground level across the rear garden of the property to create a more level garden and reduce the previous gradient across the site, including an increase of up to 0.6 metres immediately adjacent to the site boundaries to the south and east, with a continued gradient up to the existing patio level. The proposals include concrete panel retaining walls along both boundaries ranging in height from approximately 0.4 metres to 1.2 metres, with an approximately 1.8 metre high boundary fence to be erected along both the southern and eastern boundaries of the site, above the new ground level. The proposals also include the continuation of the proposed 1.8 metre fence along the eastern boundary of the site to the front of the property, where it meets the rear of the footpath on Grassholme Road.

1.5 Works have already commenced on site and at the time of the case officer's site visit the proposed fencing along the eastern boundary of the site (including forward of the front elevation of the original dwellinghouse) had been part erected, and a significant amount of imported earth was present on site. Furthermore, a number of the concrete panels for the proposed retaining walls had already been installed.

1.6 The application has been referred to the planning committee as more than 2 objections have been received.

SITE CONTEXT

1.7 The application site comprises a large detached two storey dwellinghouse situated on a corner plot at the junction of Roundhill Close and Grassholme Road in an existing residential estate at 1 Grassholme Road, Hartlepool. The application site is bounded to the east by 24 and 26 Kielder Road, and to the south by 1 and 2 Roundhill Close. To the north and west, the application site is bounded by the adopted highway on Grassholme Road and Roundhill Close, respectively.

PUBLICITY

1.8 The application has been advertised by way of neighbour letters (8). To date, there have been 3 objections received from neighbouring land users.

1.9 The concerns raised are:

- Pressure and damage to existing retaining wall at 26 Kielder Road
- Damage to existing fencing at 2 Roundhill Close
- Excess water will be released into 26 Kielder Road
- Weep holes shown on eastern elevation but not on southern
- Proposed fencing would block light/tower over garden of 26 Kielder Road
- Proposed fencing is unduly large and overbearing
- Proposed fencing is unattractive/out of keeping with traditional design and appearance of estate
- Proposed concrete retaining wall(s) are unsightly and are not in keeping with others in the area
- Existing plans do not accurately reflect previous ground levels
- Submitted plans and details are misleading/inaccurate and lacking detail
- Applicants intention is to raise ground level further than indicated
- 26 Kielder Road has been incorrectly referenced as 25 Kielder Road on the submitted plans
- Other residents have overcome level changes by creating terracing/split level gardens
- No details with respect to maintenance or life expectancy of the retaining structures has been provided.
- Concrete structures will subside in time and cause damage to interconnecting fence
- Difficult to maintain gap between existing and proposed fences/walls

1.10 Copy Letters **A**

1.11 The period for publicity has expired.

CONSULTATIONS

1.12 The following consultation replies have been received:

HBC Engineering (Environmental) – The drawing attached does not show any drainage weep holes through the proposed new retaining wall.

Can I please request clarification that these will be installed?

I would also recommend this application is reviewed by the Council's Structural Engineer.

UPDATE 05/04/19: No objection from me.

HBC Engineering (Structural) – Submission for proposed RW looks OK.

UPDATE 08/04/19: If the weep holes line up and are at least the same diameter there should not be a problem.

The opportunity to clean out existing weep holes in order to assure performance should be considered.

HBC Landscape Architect – There are no landscape and visual objections to the proposed development.

HBC Building Control – As this is something that does not affect the house foundations, I do not think we would have any issues in this instance.

PLANNING POLICY

1.13 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

1.14 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

LS1 – Locational Strategy

SUS1 – Presumption in Favour of Sustainable Development

QP4 - Layout and Design of Development

HSG11 – Extensions to Existing Dwellings

National Policy

1.15 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan

positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 007 : Purpose of the Planning System;

PARA 011 : Presumption in favour of sustainable development;

PARA 038 : Decision making;

PARA 047 : Determining applications in accordance with the development plan;

PARA 124 : High quality buildings and places;

PARA 127 : Design principles.

PLANNING CONSIDERATIONS

1.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area and the impact on the amenity and privacy of neighbouring land users. These and all other planning and residual matters are set out in details below.

VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

1.17 Paragraph 124 of the National Planning Policy Framework (NPPF) (2019) highlights that the creation of high quality places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

2.18 Paragraph 127 of the NPPF (2019) further stipulates that planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history, including the surrounding built environment and landscape setting.

1.19 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that development should be of an appropriate, layout, scale and form that positively contributes to the Borough and reflects and enhances the distinctive features and character of the local area, respects the surrounding buildings, structures and environment and uses design elements relevant to the location.

1.20 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) further stipulates that proposals for extensions and alterations to residential properties should be of a size, design and use materials that are sympathetic to the existing dwelling and should not affect the character of the surrounding residential area.

1.21 The proposals comprise engineering operations to raise the ground level of the rear garden of the host property, the use of concrete panel retaining walls to facilitate this and the erection of 1.8 metre high closed boarded timber fencing above.

1.22 Objections have been received from neighbouring land users citing concerns including the proposed fencing being unduly large and overbearing, with both the fencing and proposed retaining walls being unattractive/unsightly and out of keeping with the wider estate.

1.23 With respect to the proposed changes to the ground level, the additional earth and alterations to the ground level of the rear garden will not be readily visible from within the street scene due to their location to the rear and will be screened from neighbouring properties by the proposed boundary treatments and retaining walls. It is therefore considered that these will have no appreciable visual impact.

1.24 With respect to the proposed retaining walls, it is noted that the use of concrete retaining walls diverges from the brick retaining walls used elsewhere within the estate, however given the limited size of the retaining walls and their locations exclusively to the rear of the property, where they will be significantly screened by both the raised ground level on one side and the boundary walls/fencing of neighbouring properties to the other, it is not considered that the proposed retaining walls would have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

1.25 With respect to the proposed boundary fencing, the majority of this again is to be located to the rear of the property, and it is noted that the use of timber fencing to rear boundaries is common throughout the wider estate. Whilst it is appreciated that the proposed fencing to the rear will sit higher than that of neighbouring properties, the proposed fencing to the rear will not have a significant impact on the street scene due to its location and it is noted that the wider estate is characterised by level changes between properties with fencing to some properties sitting higher than that at adjacent properties. It is therefore considered that the proposed relationship is not uncharacteristic of the area, in terms of its visual appearance, and whilst the previous arrangement with the garden sloping down to the boundary with landscape screening to neighbouring properties in parts is considered to be a softer and more visually attractive boundary treatment, it is not considered that the proposed alterations would have such a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area to warrant refusal of the application.

1.26 In addition to the above, the application also includes additional fencing along the eastern side boundary of the property and extending forward of the front elevation of the original dwellinghouse to the back of the footpath on Grassholme Road. Given that the property is within an open plan estate, such fencing forward of

the original elevation of the dwellinghouse would not typically be permitted. However, given that the fencing simply sits adjacent to an existing neighbouring fence and boundary wall that extends along this shared boundary to the same point at the rear of the footpath, it is not considered that the fencing forward of the front elevation of the dwellinghouse creates any additional sense of enclosure or compromises the open plan nature of the front garden of the property.

1.27 The Council's Landscape Architect has confirmed that they have no landscape or visual objections to the proposals.

1.28 In view of the above considerations, it is considered on balance that the proposals would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area sufficient to warrant refusal of the application. The application is therefore considered to be acceptable in this respect and in accordance with policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraphs 124 and 127 of the NPPF (2019).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

1.29 Paragraph 127 of the NPPF (2019) stipulates that planning decisions should ensure that developments will create places with a high standard of amenity for existing and future users.

1.30 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) also states that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby property by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion, particularly relating to poor outlook.

1.31 Policy HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) states that proposals for extensions and alterations to residential properties must not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating a poor outlook.

1.32 Objections have been received from neighbouring land users citing concerns including with respect to the proposed fencing resulting in a loss of light, being unduly large and having an overbearing impact on adjacent gardens and dwellings.

1.33 The relationship of the proposed works to neighbouring properties has been considered in the context of the above national and local policy requirements and has been assessed in detail as set out below;

Neighbouring Properties to the North and West (2-6 Grassholme Road)

1.34 To the north and west, the proposed alterations to the ground level of the rear garden, provision of retaining walls and erection of boundary fences are largely screened from neighbouring land users or are otherwise situated at sufficient

distance from neighbouring land users on the opposite side of Grassholme Road and Roundhill Close, respectively, and therefore it is considered that there would be no appreciable impact on the amenity or privacy of neighbouring land users to the north or west.

Neighbouring Properties to the East (24 & 26 Kielder Road)

1.35 To the east, the proposals comprise the erection of 1.8 metre high closed boarded boundary fencing along the full extent of the eastern boundary, with the portion of the boundary situated in the rear garden elevated above a concrete retaining wall that will facilitate an increase in the ground level of the rear garden.

1.36 With respect to the adjacent property at 24 Kielder Road, as above, the proposed fencing simply sits adjacent to an existing fence and boundary wall that extends along this shared boundary at a similar height and up to the same point at the rear of the footpath on Grassholme Road. It is therefore considered that there would be no significant impact on the amenity or privacy of this neighbour.

1.37 With respect to the adjacent property at 26 Kielder Road, it is noted that the rear boundary of this neighbouring property currently features a large retaining wall (up to approx. 2.1 metres in height), with an existing closed boarded fence measuring up to a height of approx. 1.8 metres above. The existing retaining wall and fence along this boundary step down in height from north to south, with the retaining wall reduced to approx. 1.5 metres in height and the fence to approx. 1.65 metres in height at their lowest point (adjacent to the southern boundary of the site). The combined height of the existing retaining wall and fence along this boundary (as viewed from the rear garden of 26 Kielder Road) therefore ranges from approximately 3.9 metres in height down to approximately 3.15 metres in height. The proposals along this shared boundary, by virtue of the proposed increase in the ground level on the applicant's side (to level the rear garden), would see the existing fence line taken from its highest point (approx. 3.9m) continue along the full length of the shared boundary, as viewed from the neighbour's side. At its highest point above this neighbour's existing boundary fence, this would see the proposed fencing extend approximately 75cm above the existing fence height, where it meets the southern boundary of the site.

1.38 It is acknowledged that the proposals along this boundary will have some degree of impact when viewed from this neighbour's property, by encroaching into what was previously a largely uninterrupted view of the sky above the existing fence. However, in view of the existing relationships between the host property and this neighbouring property, including the presence of a substantial boundary wall and fence, and as the proposals at their greatest extent will extend above the existing fence by just 75cm, with a reduced impact along the rest of the boundary given the height(s) of the existing fence, it is considered on balance that the proposals would not have such a significant detrimental impact on the amenity of this neighbouring property through overshadowing, any overbearing effect or poor outlook, sufficient to warrant refusal of the application.

1.39 Furthermore, it is noted that a separation distance of approximately 12 metres is maintained between the proposed fencing and the principal rear elevation of this

neighbouring property, albeit reduced to approximately 8 metres when taken from the rear of this neighbour's existing garden room extension. These separation distances are largely in line with the guideline separation distances between dwellings set out in policy QP4 of the Hartlepool Local Plan (10 metres between principal and gable elevations), and the current relationship (in terms of immediate outlook) is therefore not significantly different to what might be found between the rear of a property and the two storey gable elevation of an adjacent dwelling, with the proposed retaining wall and fencing appreciably lower than a dwelling in height.

1.40 In addition, the height of the proposed fencing will prevent any overlooking of this neighbouring property from the raised garden level to the rear of the application site. It is therefore considered that there would be no significant loss of privacy for neighbouring land users to the east.

1.41 In view of the above considerations, it is considered on balance that the proposals would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users to the east, in terms of overshadowing, any overbearing effect, poor outlook or overlooking, to warrant refusal of the application.

Neighbouring Properties to the South (1 & 2 Roundhill Close)

1.42 To the south, the proposed fencing and retaining walls extend along the full southern boundary of the site. With respect to the adjacent neighbour at 1 Roundhill Close, it is noted that the proposed fencing simply sits adjacent to the existing boundary fence that extends along this shared boundary and does not extend above the existing fence height. It is therefore considered that there would be no appreciable impact on the amenity or privacy of this neighbouring property.

1.43 With respect to the adjacent neighbour at 2 Roundhill Close, the shared boundary currently features an open boarded timber fence with a height of approximately 1.3-1.5 metres. This fence slopes away with the existing ground level from west to east, and therefore the extent to which the proposed fencing extends above the existing fence gradually increases in this direction. At its lowest point above the existing fence, the proposed fencing extends approximately 70cm above the neighbour's existing fence. At its highest point above the existing fence, the proposed fencing extends approximately 1.2 metres above the neighbour's existing fence line. The combined height of the proposed retaining wall and fence along this boundary (as viewed from the rear garden of 2 Roundhill Close) therefore ranges from approximately 2 metres to approximately 2.7 metres.

1.44 Whilst it is acknowledged that this represents a noticeable change in the openness of this boundary (particularly given the open boarded nature of the existing fencing) and will impact on the outlook from the rear of this neighbouring property to a degree, this type of relationship is not unprecedented within the wider estate, with similar examples of high rear boundary walls/fences in the immediate vicinity (i.e. 24 and 26 Kielder Road). Furthermore, the proposals are situated approximately 10 metres from the principal rear elevation of this neighbouring dwellinghouse, and approximately 7 metres from this neighbour's existing conservatory extension, and it is noted that a 2 metre high fence could be erected in any event without planning permission. It is therefore considered on balance that the proposals would not have

such a significant detrimental impact on the amenity of this neighbouring property through overshadowing, any overbearing effect or poor outlook, sufficient to warrant refusal of the application.

1.45 In addition, the height of the proposed fencing will prevent any overlooking of this neighbouring property from the raised garden level to the rear of the application site, or from this neighbour's property into the application site. It is therefore considered that there would be no significant loss of privacy for neighbouring land users to the east.

1.46 In view of the above considerations, it is considered on balance that the proposals would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users to the south, in terms of overshadowing, any overbearing effect, poor outlook or overlooking, to warrant refusal of the application.

Amenity and Privacy of Neighbouring Land Users Conclusion

1.47 It is considered on balance that the proposals would not have such a significant detrimental impact on the amenity or privacy of neighbouring land users to warrant refusal of the application. The application is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and in accordance with policies QP4 and HSG11 of the adopted Hartlepool Local Plan (2018) and paragraph 127 of the NPPF (2019).

OTHER PLANNING MATTERS

Flood Risk & Drainage

1.48 Objections have been received from neighbouring land users citing concerns with respect to drainage from the proposed retaining walls and the release of excess water to adjacent gardens. The Council's Engineers (Environmental) have been consulted and have confirmed that there are no objections provided weep holes are provided through the proposed new retaining wall. The submitted plans show indicative details of weep holes that it is understood are to line up with weep holes in the existing retaining wall. Notwithstanding this, a planning condition requiring final details with respect to the location and diameter of the proposed weep holes be provided within 3 months of the date of the decision is recommended.

1.49 The proposals are therefore considered to be acceptable in this respect subject to the abovementioned condition.

Structural Integrity (Health & Safety)

1.50 Objections have been received from neighbouring land users citing concerns with respect to the life expectancy of the proposed structures, the pressure on and potential damage to the existing retaining walls (to the east) as a result of the proposed works, the provision of weep holes to only one elevation of the proposed retaining walls and the potential for the concrete retaining walls to subside in time and cause damage to adjacent fences.

1.51 Given the nature of the proposals and in view of the concerns raised, the Council's Engineers (Structural) have been consulted and have confirmed that the proposals for the retaining walls are acceptable, provided the proposed weep holes line up with existing weep holes and are at least the same diameter. The submitted plans show indicative details of weep holes that it is understood are to line up with weep holes in the existing retaining wall. Notwithstanding this, a planning condition requiring final details with respect to the location and diameter of the proposed weep holes be provided within 3 months of the date of the decision is recommended.

1.52 The proposals are therefore considered to be acceptable in this respect subject to the abovementioned condition.

RESIDUAL MATTERS

1.53 Objections have been received from neighbouring land users citing concerns with respect to damage caused to existing boundary walls and fencing during the carrying out of the unauthorised works to date. The applicant has responded stating that the existing retaining wall is stepped in design and that no damage has been caused to existing fencing. In any event, any damage caused to boundary structures during any works (unauthorised or otherwise) are a civil legal matter between the applicant and their neighbour, dependent on ownership, and this is beyond the remit of the Local Planning Authority.

1.54 Objections were initially received from neighbouring land users citing concerns with respect to the accuracy of the submitted plans and details, and a lack of information. A number of discrepancies were identified and further requests for additional/amended information made to the applicant by the case officer on multiple occasions following the case officer's visit(s) to the application site and throughout the application process, which the applicant has duly corrected through the submission of amended plans and details, where appropriate. It is considered that the submitted amended plans and details are now accurate and sufficiently detailed to consider the application.

1.55 Objections have been received citing concerns that the intention of the applicant is to raise the ground level further than indicated on the submitted plans. Any planning permission granted would be subject to the standard planning condition requiring that the works are carried out in accordance with the submitted details. Any works that differ from the approved details would therefore require a further application for planning permission and any further works carried out without the requisite consent would remain subject to enforcement action by the Local Planning Authority.

1.56 The occupants of 26 Kielder Road have brought to the Council's attention that the submitted plans incorrectly refer to this property as '25 Kielder Road', and that there is no property addressed '25 Kielder Road'. Whilst this is acknowledged, it is not considered that this minor error would prejudice the determination of the application.

1.57 Objectors have noted that other properties in the area have overcome level differences by creating terracing/split level gardens. Whilst this is acknowledged, the

Local Planning Authority can only consider the proposals before it as submitted and on their own merits.

1.58 Objections have been received citing concerns with respect to the long term maintenance and life expectancy of the proposed retaining walls and fences, particularly given the limited space and access between existing and proposed structures. Whilst this is acknowledged, the access to the existing and proposed structures for maintenance purposes is a civil legal matter between the applicant and their neighbour, dependent on ownership, and this is beyond the remit of the Local Planning Authority.

CONCLUSION

1.59 The application is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.60 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.61 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

1.62 There are no Section 17 implications.

REASON FOR DECISION

1.63 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

LOCATION PLAN (scale 1:1000)

received 14th December 2018 by the Local Planning authority;

H76756-JNP-XX-XX-DR-S-2001 P07 (Proposed Site Layout),
H76756-JNP-XX-XX-DR-S-3000 P06 (Proposed and Existing Sections),
H76756-JNP-XX-XX-DR-S-4001 P08 (Proposed Elevations),
H76756-JNP-XX-XX-DR-S-4002 P02 (Extrapolating Elevations),
received 24th May 2019 by the Local Planning Authority.

For the avoidance of doubt.

2. Notwithstanding the submitted information, within 3 months of the date of this decision, full details (including locations and diameter) demonstrating that the proposed weep holes, to serve the retained ground, align with existing weep holes in the existing retaining wall to the east shall be submitted to the Local Planning Authority, for its approval in writing. Thereafter the works shall be carried out in accordance with the details so approved.
In the interests of ensuring the structural integrity of the retaining wall structures.
3. Notwithstanding the submitted information, within 3 months of the date of this decision, final details of the proposed stain/paint colour to be applied to the timber boundary fencing hereby approved shall be submitted to the Local Planning Authority, for its approval in writing. Thereafter the works shall be carried out in accordance with the details so approved.
In the interests of visual amenity.
4. Within 3 months of the completion of the works to raise the ground level of the rear garden of the property (as shown on drawing H76756-JNP-XX-XX-DR-S-2001 P07 received 24th May 2019 by the Local Planning Authority), the proposed rear garden boundary fencing hereby approved (as shown on drawing H76756-JNP-XX-XX-DR-S-4001 P08 received 24th May 2019 by the Local Planning Authority) shall be installed and thereafter maintained for the lifetime of the development.
To prevent overlooking.

BACKGROUND PAPERS

2.64 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

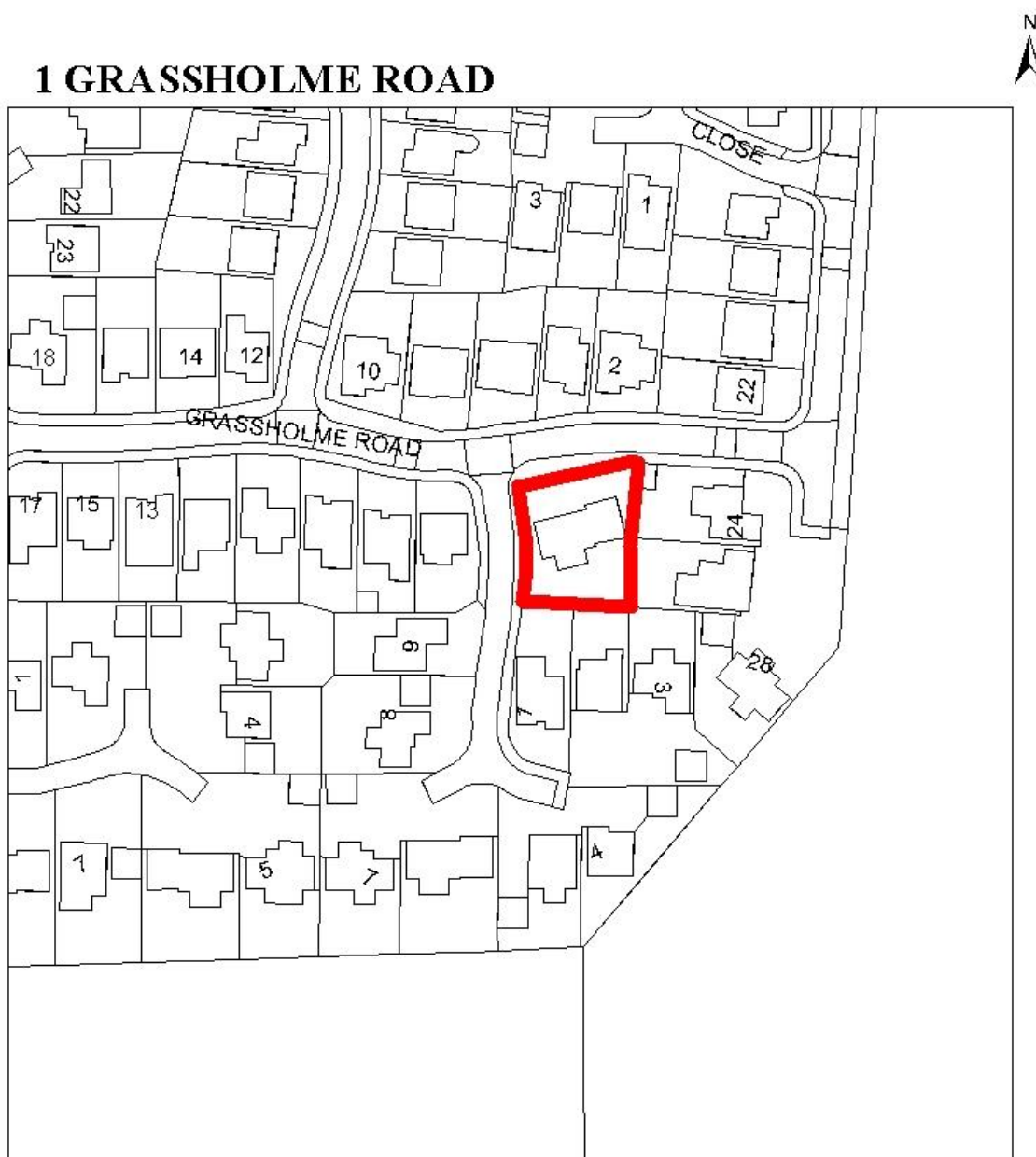
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2018/0504	REV

No: 2.
Number: H/2019/0094
Applicant: WYNYARD HOMES LTD HARBOUR WALK
HARTLEPOOL TS24 0UX
Agent: GAP DESIGN MR GRAEME PEARSON EDENSOR
COTTAGE 1 BLAISE GARDEN VILLAGE
HARTLEPOOL TS26 0QE
Date valid: 12/03/2019
Development: Section 73 application for the variation of condition 2
(approved plans) of planning approval H/2015/0353 for
residential development comprising 31 two, three and four
bedroomed bungalows to allow for amendments to the
approved site layout (including alterations to the internal
road layout, driveways, garage positions, landscaping,
easements and dwelling positions), and amendments to
the approved garages and house types (including
amendments to finishing materials, layouts, fenestration
and eaves/ridge heights)
Location: LAND OFF DALTON HEIGHTS DALTON PIERCY
HARTLEPOOL

PURPOSE OF REPORT

2.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

2.2 The following planning history is considered to be relevant to the current application;

2.3 H/2015/0353 – Planning permission was granted on 27th November 2017 for a residential development comprising 31 two, three and four bedroomed bungalows.

PROPOSAL

2.4 This Section 73 application seeks planning permission is sought for the variation of condition no. 2 (approved plans) of planning approval H/2015/0353 (for residential development comprising 31 two, three and four bedroomed bungalows) to allow for amendments to the approved site layout (including alterations to the internal road layout, driveways, garage positions, landscaping, easements and dwelling positions), and amendments to the approved garages and house types (including amendments to finishing materials, layouts, fenestration and eaves/ridge heights).

2.5 In detail, the proposed amendments include;

- Amendment to position of water main easement.
- Minor changes to internal road layout (to accommodate alterations to water main easement).
- Changes to landscaping (primarily to south of site to accommodate alterations to water main easement)
- Change to garage layouts, types and/or positions (affecting plots 1, 2, 3, 4, 13, 14, 16, 25, 28, 30, 31).
- Amendment to House Type C layout (affecting plots 1, 3, 8, 20, 21, 26, 28) including removal of previously approved rear offshoot/projection.
- Change to private and shared driveway layouts/lengths (affecting plots 1, 2, 3, 4, 16, 25, 27, 28, 30, 31).
- Change to dwelling positions (affecting plots 2, 3, 4, 28).
- New garage types ('DGF' and 'TDG') (affecting plots 2, 3, 30, 31).
- Increase in ridge heights of House Types A-D of between 0.7m and 1.15m.
- Increase in eaves heights of House Types A-D of between 0.05m and 0.55m
- Changes to proposed external finishing materials from facing brickwork and (white) render to facing brickwork and (grey/mushroom) weatherboard cladding.

2.6 The application has been referred to Planning Committee owing to the number of objections received in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.7 The application site extends to approximately six acres and was previously in agricultural use (the residential development on site has now commenced). The site is irregular in shape and was previously undeveloped Greenfield land outside the village envelope of Dalton Piercy, however has since been incorporated into the limits to development by virtue of the adopted Hartlepool Local Plan (2018) and associated Policies Map. To the south of the site are residential properties. To the north/north east of the site are woodland and Dalton Beck and beyond are open fields to the A19.

2.8 There is a hedgerow boundary to the west, with a public footpath running along the western boundary, this footpath will need to be diverted to accommodate the development beyond are fields. The north/north eastern boundary is adjacent to the Howls, a Local Wildlife Site (LWS) and area of Ancient Woodland as designated within the Hartlepool Local Plan (2018) this area consists of trees and open ground.

2.9 The access to the development will be taken from the public highway between 3 and 4 Dalton Heights. The site lies approximately 1.3km from the A19.

PUBLICITY

2.10 The application has been advertised by way of neighbour letters (86), site and press notice. To date, there have been 3 letters of do not object and 6 objections received.

2.11 The objections/concerns raised are summarised as follows:

- Original planning application opposed by residents/recommended for refusal
- Planning permission should not have been granted for original scheme
- Development is in conflict with HRNP Policy H1 – Housing Development
- Development is on a greenfield site
- Development has extremely poor vehicular access
- The site is too close to ancient woodland/there is insufficient buffer
- No evidence on site that any attention is being paid to archaeological finds
- Impact on bats/bat roosts
- Plans do not increase easement for water main
- Re-positioning of garages could allow for a further property to be built
- Increased ridge heights will allow for conversion of bungalows to dormer bungalows
- Increased ridge heights would have a detrimental visual impact/scale of proposals out of keeping with village
- Amendments to finishing materials will have detrimental visual impact/out of keeping with village
- Low grade waste used in construction
- Failure to use dust reduction methods
- Unclear where rain water is draining to
- Delivery vehicles/construction traffic entering village from Elwick crossroad
- Contractors have previously parked cars on the pavement and roads of Dalton Heights resulting in congestion issues

2.12 Copy Letters **B**

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received:

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Public Protection – I have no objections to this variation.

HBC Landscape Architect - While there are no landscape and visual objections in principle, any previously agreed landscape proposal should be amended.

HBC Arboricultural Officer – This does not affect my previous comments for H/2015/0353 therefore no objections on this amendment.

HBC Ecology – No concerns.

HBC Countryside Access Officer – There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or

permissive paths running through, abutting to or being affected by the proposed development of this site.

However should any future changes to the perimeter line of the development encroach or impact on the existing and to be diverted public footpath no.3, Dalton Piercy Parish, then I will need to be informed and the developer will need to discuss relevant legal changes with me.

HBC Heritage and Countryside Manager – Further to our discussion I would confirm that the amendments to the proposal would not impact on any listed buildings or locally listed buildings situated in Dalton Piercy.

Tees Archaeology – I would just repeat previous comments and ask for a condition on the application.

This area has previously been subject to geophysical survey (Tees Archaeology Events 1130 and 1284). This identified the remains of prehistoric settlement which were confirmed by trial trenching (Tees Archaeology Event 1283). The proposed dwellings are in an area of known archaeology, and it would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 199). This should take the form of a archaeological strip, map and record exercise and can be secured via a condition, the suggested wording for which I set out below:

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions;
and:

1. The programme and methodology of site investigation and recording 2. The programme for post investigation assessment 3. Provision to be made for analysis of the site investigation and recording 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation 5. Provision to be made for archive deposition of the analysis and records of the site investigation 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

HBC Building Control – I can confirm that HBC Building Control are not dealing with this development.

HBC Engineering – No objections.

Hartlepool Water – No representation received.

Northumbrian Water – In making our response to the local planning authority Northumbrian Water will assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/developers.aspx>.

For information only

We can inform you that a sewerage rising main runs along the western boundary of the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/developers.aspx>.

Hartlepool Rural Neighbourhood Plan Group – The Hartlepool Rural Plan Group wishes to reiterate in the strongest terms our objection to this and the original application (H/2015/0353).

The proposed development is in conflict with Policy H1 - Housing Development. The Policy makes it clear that only infill development will be acceptable in Dalton Piercy. This development, of some 31 bungalows, is on a greenfield site, with poor vehicular access and very close to ancient woodland.

The National Planning Framework Guidelines state that development should not be within 16m of these trees but it appears from the plans that some of the gardens fall well within this distance. The NPF Guidelines make clear that gardens may not be used to avoid the requirement for the minimum distance of development from ancient woodlands. We would expect the Borough Council to comply with the NPF Guidelines.

Dalton Piercy Parish Council – Dalton Piercy Parish Council wishes to lodge an objection to the above variation H/2019/0094 on the following grounds.

1. The variation describes the changes necessary to increase the distance between the easement area of the water pipe and positions of garages for plots 3, 4 and 31. However on the amended plans, (notification letter dated 5th July 2019), the opposite appears to be true. All these garages are now closer to the easement limits and in the case of plots 3 and 4 directly abut the boundary line. Can we now expect a further variation application, to utilise the extra land freed up, to apply for additional dwelling/s to be approved?
2. The amended plans request approval for increased ridge heights for some, but not all, of the bungalows. The elevation plans show ridge height increases of approx. 0.8 m for 8 x Type B and 7 x Type C bungalows. Why are some bungalows requiring the ridge height to be increased but not others? Is it the intention for a further variation to be submitted for conversion of these 15 bungalows to dormer bungalows? In addition to the already approved 5 dormer bungalows, this would result in 20 of the original 31 bungalows becoming in effect two storey properties. The original planning approval disregarded the Planning Officer's report recommendation, NPF regulations, the existing and imminent new Local and Rural Plans on many counts. The only argument for approval was cited as the towns need for bungalows. The creep towards the possibility of the majority of these properties being two storey dwellings would contravene the only reason the development was able to be passed by the Planning Committee.
3. Changes to the ridge heights will significantly affect the visual impact of the involved properties. This contradicts the Design Impact Statement that there would be almost no visual impact. An amendment to the finish on the dwellings is that they become brick/grey-green weatherboard as opposed to the approved brick/white render. This will also substantially change the visual impact of the properties. The Heritage, Planning Design & Access Statement pointed out that the development should have "A design in keeping with the village vernacular and sits comfortably with its neighbours." There are no properties in the village with this type of finish. On the contrary, the revised plans will highlight the difference between its appearance and that of the rest of the village.

PLANNING POLICY

2.15 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (2019)

2.16 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective,

a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA058: Enforcement

PARA077: Rural Housing

PARA091: Promoting healthy and safe communities

PARA124: Achieving well-designed places

PARA 125: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA 150: Planning for Climate Change

PARA153: Planning for Climate Change

PARA212: Implementation

Hartlepool Local Plan (2018)

2.17 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change

LS1: Locational Strategy

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

RUR1: Development in the Rural Area

SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan (2018)

2.18 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

GEN1: Development Limits

GEN2: Design Principles

H1: Housing Development

HBC Planning Policy - The application seeks permission to vary condition 2 on permission H/2015/0353 which would lead to amendments to site layout, approved garages and house types as the main alterations.

2.19 Through assessment of the changes by comparison of the proposed site plan with the previously approved plans, it is clear that there are very few changes that are proposed, and these are not thought to have any sort of impact overall on the visual amenity of the site, and is of an appropriate layout, scale and form, as detailed in policy QP4 of the Local Plan. The alterations to the internal road layout, driveways etc. are subject to comments from the Highways team who would identify any potential issues with these. In terms of the alterations to the design of the approved garages and house types, these are also fairly minor alterations and primarily relate to the external finishes. Through comparison of previous to new designs, policy are also satisfied that these changes would not drastically alter the scheme, and appear to still conform to policy QP4 in that they will be aesthetically pleasing and use a variety of design elements relevant to the location and type of the development and respect the surrounding buildings, structures and environment and therefore there are no concerns from a policy perspective, subject to the case officer being satisfied that the amendments will not have a detrimental impact on separation distances.

2.20 Consideration must be given to the Hartlepool Rural Plan, particularly policy GEN2 which stipulates that the design of new development should demonstrate how the design helps to create a sense of place and reinforces the character of the village, respecting the local vernacular building character. Dalton Piercy houses tend to be a mixture of more traditional style white rendered dwellings alongside red brick modern developments. It appears that the proposals would not look out of place within the village and are in accordance with policy GEN2.

PLANNING CONSIDERATIONS

2.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area, the amenity and privacy of neighbouring land users and future occupiers, highway and pedestrian safety, ecology, nature conservation and landscaping, heritage assets and archaeology, and flood risk and drainage. These and all other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.22 Objections have been received from neighbouring properties and from the Hartlepool Rural Neighbourhood Plan Group stating that the development is in conflict with Policy H1 (Housing Development) of the Hartlepool Rural Neighbourhood Plan (HRNP) (2018), and that the development is on a greenfield site. Whilst it is noted that the site is outside of the development limits shown on the Policies Map associated with the HRNP, and the supporting text to Policy H1 states that infill is the only appropriate option within Dalton Piercy, the original planning permission for the development (ref: H/2015/0353) was granted (in November 2017) prior to the adoption of the HRNP (in December 2018), and the principle of residential development on this site has therefore previously been established through this permission. The current application relates only to minor changes to the layout and appearance of the approved (and extant) scheme and does not propose any changes to the fundamental nature of the scheme as a residential development for 31 two, three and four bedroomed bungalows.

2.23 Notwithstanding this, whilst the site has not been included within the development limits of the village as demarcated within the HRNP, the application site is located on unallocated 'white land', within the limits to development, as shown on the Policies Map that accompanies the Hartlepool Local Plan (2018), with the approved scheme taken into account in the preparation of the Borough Council's Local Plan.

2.24 The Council's Planning Policy section has no objections with respect to the proposed amendments. The proposals are therefore considered to be acceptable in principle, subject to the consideration of all other relevant material planning considerations, as set out below.

PLANNING OBLIGATIONS

2.25 It is not considered that the proposed amendments have any implications for the Section 106 Legal Agreement signed as part of planning permission H/2015/0353 for phase 2 of the development, which explicitly stipulates that, if any Section 73 Consent is granted after the date of the legal agreement deed, the obligations in that deed shall relate to and bind such Section 73 Consent(s).

VISUAL AMENITY OF THE APPLICATION SITE AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

2.26 Objections have been received from neighbouring properties and Dalton Piercy Parish Council citing concerns including that the increase in ridge heights and amendments to finishing materials would have a detrimental visual impact and would result in the scheme being out of keeping with the rest of the village in terms of its scale and appearance.

2.27 With respect to the proposed increases to the eaves and ridge heights of the majority of the dwellings across the site. Given that these are relatively modest increases (1.15m maximum increase, lower on some house types and not applicable to all of the dwellings), and as the site is set back from the village green and behind other (in many instances, larger) contemporary dwellings at Dalton Heights, it is not

considered that this would have a significant detrimental impact on the visual amenity of the site or the character and appearance of the surrounding area.

2.28 With respect to the proposals to change the external finishing materials of the dwellings from facing brickwork and (white) render to facing brickwork and (grey/mushroom) weatherboard cladding, given the relatively sparing use of the proposed cladding, the location of the site set back from the village green and behind other contemporary dwellings at Dalton Heights and as there is a variety of house types/designs in the village, it is not considered that this would have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

2.29 With respect to the proposed amendments to alter the position of the water main easement, including changes to the internal road layout, landscaping, dwelling positions, garage layouts and positions, and private and shared driveway layouts and lengths, given the relatively minor nature of these amendments, it is considered that they would not substantially alter the appearance of the development and therefore it is considered would not have a significant detrimental impact on the visual amenity of the application site or the character and appearance of the surrounding area.

2.30 The proposals also include amendments to the layout of house type C, including the removal of a rear offshoot/projection shown on the previously approved plans. Again, given the relatively minor nature of these amendments, it is considered that this will not have any appreciable impact on the visual amenity of the site or the character and appearance of the surrounding area.

2.31 Similarly, it is considered the proposed 2no. new garage types ('DGF' and 'TDG') are largely in keeping, in terms of scale and design, with the approved garage types and therefore will not detract from the visual amenity of the estate.

2.32 The Council's Landscape Architect has been consulted and has confirmed that they have no landscape or visual objections in principle, however any previously agreed landscape proposals should be amended, and a suitable planning condition is recommended to ensure updated landscape proposals are provided in full.

2.33 In view of the above, it is considered that the proposed amendments are acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area, subject to the abovementioned condition(s), and in accordance with paragraphs 124 and 127 of the NPPF (2019) and policy QP4 of the Hartlepool Local Plan (2018).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

2.34 Whilst it is noted the proposals include increases to the eaves and ridge heights of the majority of the dwellings across the site, these are considered to be relatively modest alterations (1.15m maximum increase, lower on some house types and not applicable to all of the dwellings) in the context of the wider area and relationships to adjacent properties, and satisfactory separation distances both within the site and

between the proposed dwellings and neighbouring properties are maintained. It is therefore not considered that these proposed amendments substantially increase the impact of the proposals on the amenity and privacy of neighbouring properties and/or future occupiers of the proposed dwellings.

2.35 Furthermore, due to their relatively minor nature and as satisfactory separation distances are maintained, it is not considered any of the other proposed amendments to the scheme, including alterations to the internal road layout and private and shared driveways, landscaping, garages, dwelling positions and external finishing materials or changes to the layout of House Type C, would have any appreciable impact on the amenity or privacy of neighbouring properties and/or future occupiers.

2.36 Objectors have raised concerns with respect to the failure of the developer to use dust reduction methods. The original planning permission for the site was subject to a planning condition to secure a Construction Management Plan, including details of dust suppression measures, which was subsequently submitted by the applicant and agreed with the Council's Traffic & Transport and Public Protection sections. Notwithstanding this, a planning condition is recommended to secure and agree an update to the Construction Management Plan, to reflect the amendments to the scheme. Any departure from the agreed scheme that is brought to the Council's attention would need to be duly investigated.

2.37 The Council's Public Protection section has been consulted and has confirmed that they have no objections to the proposed variation. A restriction on the hours of construction was applied to the original permission and a further condition would ensure that these hours continue to apply to this application, should permission be granted.

2.38 In view of the above it is considered that the proposed amendments are acceptable with respect to the impact on the amenity and privacy of neighbouring land users, subject to the abovementioned planning condition(s), and is in accordance with paragraph 127 of the NPPF (2019) and policy QP4 of the Hartlepool Local Plan (2018).

HIGHWAY AND PEDESTRIAN SAFETY

2.39 The approved access to the development will be taken from the public highway between 3 and 4 Dalton Heights. The current application does not propose any amendments to the access, however there are a number of alterations to shared and private driveway layouts and lengths and minor changes to the internal road layout.

2.40 Objections have been received from neighbouring properties citing concerns including the development having extremely poor vehicular access. This application does not include any alterations to the vehicular access to the site, which was approved by virtue of planning permission H/2015/0353 and as such these concerns are not relevant to this application.

2.41 Objectors have also raised concerns with respect to delivery vehicles/construction traffic entering the village from Elwick crossroad and

contractors previously parking cars on the pavement and roads of Dalton Heights, resulting in congestion issues. The original planning permission for the site was subject to a planning condition to secure a Construction Management Plan, including details of routing of construction traffic, which was subsequently submitted by the applicant and agreed with the Council's Traffic & Transport and Public Protection sections. Notwithstanding this, a planning condition is recommended to secure and agree an update to the Construction Management Plan, to reflect the amendments to the current scheme. Any departure from the agreed scheme that is brought to the Council's attention would need to be duly investigated and any appropriate enforcement action taken.

2.42 The Council's Highways, Traffic & Transport section has been consulted and has confirmed that there are no highway or traffic concerns.

2.43 The application is therefore considered to be acceptable with respect to the impact on highway and pedestrian safety, subject to the abovementioned planning condition(s).

ECOLOGY, NATURE CONSERVATION AND LANDSCAPING

2.44 Objections have been received from neighbouring properties citing concerns including that the site is too close to ancient woodland/there is insufficient buffer and will have an impact on bats/bat roosts.

2.45 The proposals do not include any further encroachment of the dwellings toward the ancient woodland adjacent, and ecological mitigation measures have been secured by virtue of planning conditions on the original approval, which are recommended to be reapplied to the current application, and it is considered that the amended proposals do not comprise any significant amendments likely to result in any additional adverse impact on ecology. No substantial increase in the built area of the development is proposed, however it is noted that minor changes have been made to landscaping (primarily to the south of the site) to accommodate the amendments to the water main easement. A planning condition(s) is recommended to ensure updated landscape proposals and tree protection measures are provided in full.

2.46 The Council's Ecologist has been consulted and has confirmed that they have no concerns. The Council's Arboricultural Officer has also confirmed that they have no objections to the proposals. The application is therefore considered to be acceptable with respect to matters of ecology, nature conservation and landscaping, subject to the abovementioned condition(s).

HERITAGE ASSETS AND ARCHAEOLOGY

2.47 Objections have been received from neighbouring properties citing concerns that there is no evidence on site that any attention is being paid to potential archaeological finds.

2.48 The original planning permission for the scheme was subject to a planning condition to ensure the protection of any potential archaeological assets, including

requiring that no development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The applicant has complied with this element of the condition, having submitted a Written Scheme of Investigation to the Council, and this element of the planning condition has been discharged.

2.49 Notwithstanding this, Tees Archaeology has reiterated the requirement for this condition to continue to be complied with, and a suitable planning condition ensuring that the original conditions of approval H/2015/0353 continue to apply (unless otherwise addressed by virtue of this application) is recommended accordingly.

2.50 The application site is not within or adjacent to a conservation area, however the site uses an established access which runs alongside a designated heritage asset (College Farm, grade II listed building). The Council's Heritage and Countryside Manager has been consulted and has confirmed that the amendments to the proposal would not impact on any listed buildings or locally listed buildings situated in Dalton Piercy.

2.51 Subject to the abovementioned planning condition(s), the proposals are therefore considered to be acceptable with respect the impact on heritage assets and archaeology.

FLOOD RISK AND DRAINAGE

2.52 Objections have been received citing concerns that the plans do not increase the easement for the identified water main and that it is unclear where rain water is draining to.

2.53 The Council's Engineering section has been consulted and has confirmed that there are no objections (including with respect to matters of flood risk and drainage). Notwithstanding this, a planning condition is recommended to secure final details of surface water drainage measures, taking into account the proposed amendments to the site layout.

2.54 In addition, Northumbrian Water (NWL) has not raised any concerns or objections with respect to the application, however has confirmed that a sewerage rising main runs along the western boundary of the site and may be affected by the proposed development and that NWL do not permit a building over or close to NWL apparatus. NWL has also confirmed that there may be assets that are the responsibility of Northumbrian Water that are not yet included on NWL records, advising that care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. A suitable informative note is therefore recommended to make the applicant aware of this.

2.55 No representations have been received from Hartlepool Water.

2.56 In view of the above and subject to the abovementioned planning condition(s) and informative, it is considered that the proposal is acceptable with respect to matters of flood risk and drainage.

OTHER PLANNING MATTERS

Public Rights of Way

2.57 The Council's Countryside Access Officer has advised that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. It is therefore considered that the proposal is acceptable with respect to the impact on public rights of way.

Contamination

2.58 An objection has been received citing concerns that low grade waste is being used in construction of the site. The original planning permission for the site was subject to a planning condition to deal with the risk associated with contamination of the site, and a suitable planning condition ensuring that the original conditions of approval H/2015/0353 continue to apply (unless otherwise addressed by virtue of this application) is recommended accordingly. Furthermore, the Council's Engineering section has not raised any concerns or requirements with respect to contaminated land. The application is therefore considered to be acceptable in this respect, subject to the abovementioned planning condition(s).

RESIDUAL MATTERS

2.59 A number of objections have been received from neighbouring properties citing concerns with respect to the outcome of the original planning application for this development (ref: H/2015/0353) and raising issues that were subject to consideration as part of that application that do not relate to the minor amendments proposed as part of this application, as such, these cannot be afforded any weight in the determination of this application.

2.60 Objections have also been received citing concerns that the re-positioning of garages could allow for a further property to be built on the site and that increasing ridge/eaves heights could allow for conversion of some of the bungalows to dormer bungalows. However, the current application does not include any proposal for an additional dwelling or amendments to house types to include additional dormer bungalows. Each application must be considered on its own merits in view of the information submitted. Any planning permission granted will be subject to a condition requiring that the works are carried out in accordance with the submitted details, and therefore any proposal to add an additional dwelling to the scheme would require the submission of a further planning application.

2.61 Similarly, the original approval for the scheme (H/2015/0353) was subject to a planning condition stipulating that the dwelling(s) and garages approved shall not be converted or extended, in any way, without the prior written consent of the Local Planning Authority. This will continue to apply to this consent, and therefore a further planning application would also be required for any development to extend the dwellings. Any such future application would be subject to further consideration and neighbour consultation at that time. This therefore cannot be afforded any weight in the determination of this application.

CONCLUSION

2.62 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.63 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.64 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

2.65 There are no Section 17 implications.

REASON FOR DECISION

2.66 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION – APPROVE subject to the following planning conditions;

1. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

1523:P:04 (location plan),
received by the Local Planning Authority on the 20 August 2015,

1808:Land.01 Rev D (Proposed Landscaping Layout Material Schedule & Enclosures Layout),

1523:P.01 Rev H (Proposed Bungalow Range Plans and Elevations),

1523:P.03.01 (Proposed Range of Garages sheet 1 of 2),

1523:P.03.02 (Proposed Range of Garages sheet 2 of 2)

received by the Local Planning Authority on 24 June 2019;

1523:P.05 Rev B (Proposed Plans and Elevations to Plot 5)

received by the Local Planning Authority on 19 July 2019.

For the avoidance of doubt.

2. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice, samples of the desired materials being provided for this purpose. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

3. A detailed plan showing the proposed carriageway gradients shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be implemented in accordance with the approved details.
To enable the Local Planning Authority to control details and in the interests of highway safety
4. Notwithstanding the submitted information, within 1 month of the date of this decision notice a scheme for surface water management shall be submitted to the Local Planning Authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be fully implemented in accordance with the agreed details and timetable, and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
5. Notwithstanding the submitted information, within 1 month of the date of this decision notice a detailed scheme for the disposal of foul water from the development hereby approved shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to the Local Planning Authority. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Thereafter and following the written approval of the Local Planning Authority, the development shall be carried out in accordance with the approved details.
To take into account the position of the buildings and impact on adjacent properties and their associated gardens and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
7. Notwithstanding the submitted information, within 1 month of the date of this decision notice a detailed scheme of landscaping and tree and shrub planting shall be submitted to the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all

open space areas and include a programme of the works to be undertaken. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be implemented in accordance with the approved details and programme of works. 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.

8. Notwithstanding the requirements of condition 7 a scheme of landscaping to be incorporated into the buffer zone between the Howls and plots 15, 16, 17, 18, 19, 20, 21, 23 and 26 as identified on drawing 1808:Land.01 Rev D (Proposed Landscaping Layout Material Schedule & Enclosures Layout) received by the Local Planning Authority on 24 June 2019 shall be submitted to the Local Planning Authority within 1 month of the date of this decision notice. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing and include a programme of the works to be undertaken. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be implemented in accordance with the approved details and programme of works. 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 interest of protection and enhancement of biodiversity of the area.
9. Notwithstanding the submitted information, within 1 month of the date of this decision notice a scheme for the protection during construction works of all trees and hedges to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', shall be submitted to the Local Planning Authority. The existing hedgerow on the western side of the site as indicated on drawing 1808:Land.01 Rev D (Proposed Landscaping Layout Material Schedule & Enclosures Layout) received by the Local Planning Authority on 24 June 2019 shall be retained. Thereafter and following the written approval of the Local Planning Authority, the scheme shall 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) and hedgerows.
10. Notwithstanding the submitted information, within 1 month of the date of this decision notice a Construction Management Plan shall be submitted to the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter and following the written approval of the Local Planning Authority, the development of the site shall accord with the requirements of the approved Construction Management Plan.
To avoid excessive noise and disturbance to the occupants of nearby properties.
 11. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of all walls, fences and other means of boundary enclosure shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the boundary enclosures shall be erected in accordance with the approved details prior to the occupation of the any individual dwelling or completion of the development, whichever is the sooner.
In the interests of visual amenity.
 12. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. Thereafter and following the written approval of the Local Planning Authority, the scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details, prior to the occupation of the dwellings or completion of the development, whichever is the sooner. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area and highway safety.
 13. Notwithstanding the submitted information, within 1 month of the date of this decision notice details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

- To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents, highway safety and natural habitat.
14. Notwithstanding the submitted information, within 1 month of the date of this decision notice a site specific Waste Audit shall be submitted to the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy. Thereafter and following the written approval of the Local Planning Authority, the development of the site shall accord with the requirements of the approved Waste Audit.
To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011
 15. Notwithstanding the submitted information, within 1 month of the date of this decision notice a scheme showing how the energy demand of the development and its CO2 emissions would be reduced by 10% over the maximum CO2 emission rate allowed by the building regulations Part L prevailing at the time of development, shall be submitted to the Local Planning Authority. Prior to the residential occupation of any individual dwelling, the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development.
 16. Notwithstanding the submitted information, within 1 month of the date of this decision notice a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy shall be submitted to the Local Planning Authority. Thereafter and following the written approval of the Local Planning Authority, the renewable energy equipment detailed in the approved report shall be installed, prior to the occupation of the any individual dwelling or completion of the development, whichever is the sooner.
In the interests of promoting sustainable development.
 17. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
To ensure the site is developed in a satisfactory manner.
 18. No dwelling shall be occupied until a scheme for the provision of bat and bird roosting features within at least 10% of the buildings and bird and bat boxes throughout the site, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
In the interests of biodiversity compensation and to accord with the provisions of the NPPF.
 19. This approval relates solely to this application for the variation of condition 2 of planning permission H/2015/0353, to allow for amendments to the approved plans as detailed within the application description. Where not addressed through the other conditions of this approval, the remaining

conditions attached to approval H/2015/0353 (decision date 27th November 2017) shall continue to apply to this consent and shall be complied with.
For the avoidance of doubt.

BACKGROUND PAPERS

2.67 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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LAND AT DALTON HEIGHTS, DALTON PIERCY



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/06/19
	SCALE 1:3,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0094	REV

No: 3.
Number: H/2019/0140
Applicant: MR D DOBSON
Agent:
Date valid: 12/04/2019
Development: Installation of uPVC casement windows (retrospective) and alterations to shop front
Location: 8 THE FRONT, SEATON CAREW, HARTLEPOOL

PURPOSE OF REPORT

3.1 An application has been submitted for the development highlighted within this report, accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

3.2 The following applications are considered relevant to the current proposals:

HFUL/2004/0527 – 8 The Front, Installation of new shop front and disabled access to ground floor and installation of first floor bay windows to front, approved 27/09/04. This application included a condition requiring all doors and windows to be installed in timber.

PROPOSAL

3.3 The application seeks retrospective planning permission for the installation of replacement windows within the front elevation at first floor, including one single window and those within a square bay window. The windows that have been replaced were timber sliding sash windows. Those now installed are uPVC casement windows.

3.4 The previous frame and sashes of the bay window were entirely constructed in timber, with three separate sash openings to the front and one to either side. However, the works carried out have entirely removed the supporting sections of the frame to the front, introducing one replacement uPVC window albeit subdivided into three casement openings in the upper section and by fixed glazing bars at the lower level.

3.5 Permission is also sought to make alterations to the existing shop front at ground floor in order to move the central door to the right side (when viewed from the front) and to introduce a timber stall riser and timber framed windows in the central section in place of the door. These works have not been carried out.

3.6 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

3.7 The application site is located on the western side of The Front, to the south of the Marine Hotel. The property is a three-storey end of terrace building currently in use as a restaurant. The site is within the Seaton Carew Conservation Area, the Marine Hotel to the north is a listed building and the property to the north west, Ashburn Cottage, is locally listed.

PUBLICITY

3.8 The application has been advertised by way of five neighbour letters, site notice and a press notice. To date, two responses have been received from neighbouring land users, one an objection, the other not objecting. These can be summarised as follows:

- Sound insulation measures should be carried out to the property so the works cannot be heard by neighbouring occupiers,
- The property should not be extended forward of the existing front elevation,
- The timber windows should have been repaired,
- Alterations to the doorway should be carried out in timber.

3.9 The period for publicity has expired.

3.10 Copy Letters **C**

CONSULTATIONS

3.11 The following consultation responses have been received:

HBC Heritage & Countryside Manager – The application site is located in Seaton Carew Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, “seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation

approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.”

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties.

The conservation area is considered to be “at risk” under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alterations to windows, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area (that has recently been demolished). Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as “at risk” is a priority for the Borough Council.

Further to this Policy HE6 of the Local Plan seeks to retain historic shop fronts. Replacement shopfronts should, “respond to the context reinforcing or improving the wider appearance of the shopping parade within the street.” Proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

The proposal is the removal of the windows to the shopfront and first floor on the front of the building and their replacement with UPVC.

This property was the subject of a Heritage Economic Regeneration Scheme Grant in 2005 receiving £36,997 from the programme which was funded by English Heritage and ONE. Works included the replacement of the shop front and the windows that are proposed to be removed as part of this application. The owner at the time agreed to the conditions of the grant which stated,

“After completion of the grant aided works, those items which have been specifically subject to repair or restoration, shall be retained and maintained to the same standard as specified by this grant offer letter, using the same materials as appropriate.”

If the timber shop front and windows have been maintained as specified above replacement would not be required. There is no evidence within the application to explain why it is considered the windows and shop front cannot be repaired and require wholesale replacement.

It is considered that the installation of UPVC windows and door would cause less than substantial harm to the designated heritage asset (NPPF, 196). This is because:

- UPVC as a material is not appropriate as the condition of the grant states that grant aided works should be retained and maintained to the same standard as specified.
- UPVC 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 and appearance over time. A UPVC window or door will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.
- The finer detailing of a timber window or door cannot be replicated in UPVC. For example 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.

No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

Updated Comments

The proposed amendments to the application are noted. Whilst it is welcome to see that the shop front will be repaired and restored, it is disappointing that it is proposed to move the door of the shop from the centre to the side of the front. The grant assistance provided enabled a shop front to be installed which reflected the traditional proportions of such frontages, in particular those found in the wider Seaton Carew Conservation Area, where it is common to have a central recessed door with display windows either side. The necessity to reposition the door is not detailed in the information provided and therefore it is considered that such works would cause harm to the significance of the conservation area.

Further to this whilst the additional information provided regarding the upper floor windows is acknowledged this does not demonstrate that the harm caused by the replacement windows will be outweighed by the public benefits of the proposal.

HBC Traffic & Transport – There are no highway or traffic concerns.

HBC Engineering Consultancy – No objection.

Tees Archaeology – This application has no archaeological implications.

Hartlepool Civic Society – The Society wish to object to the retrospective application for the upper floor replacement uPVC windows. This building is in a prominent position within the Conservation area and the original sash windows were an important part of the character of the property. These replacement casement

windows do not provide any significant public benefit and are detrimental to the overall character of the Conservation Area.

PLANNING POLICY

3.12 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (NPPF)

3.13 In July 2018 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 NPPF version. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

3.14 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Role of the planning system
124	Well-designed places
130	Refusal of poor design
185	Positive strategy for the historic environment
192	Proposals affecting heritage assets
190	Proposals affecting heritage assets
193	Considering potential impacts
194	Considering potential impacts
196	Less than substantial harm

200	Considering potential impacts
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Hartlepool Local Plan 2018

3.15 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE7	Heritage at Risk
LT3	Development of Seaton Carew

Planning Policy Comments:

3.16 It is considered that the loss of timber features and replacement with UPVC would be inappropriate and would be harmful to the character and appearance of the conservation area. The harm would be less than substantial. The NPPF in paragraphs 193 and 194 is clear that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Clear and convincing justification of the public benefits has not been provided.

3.17 The proposal is not in accordance with Local Plan policy HE1 Heritage Assets and HE3 Conservation Areas, which seek to preserve and enhance designated heritage assets through resisting unsympathetic works. Nor is it in accordance with policy HE6 on Historic Shopping Parades that specifically notes The Front as a parade where the preservation of traditional examples of shop frontages is important.

3.18 The Seaton Carew conservation area is identified as being “at risk” on the Historic England Heritage at Risk Register. The entry on the Heritage at Risk Register 2018 notes that the conservation area is in very bad condition and is of high vulnerability. The Seaton Carew SPD 2015 further explains that some of the contributory factors that have resulted in the conservation area being identified as at risk include unsympathetic alterations to shop fronts and an increasing use of modern materials diluting the fine architectural details on buildings. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as “at risk” is a priority for the Council. The Council will support proposals that positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat. The installation of inappropriate UPVC features is considered a threat to character and appearance and so the proposal does not accord with the aims of this policy.

3.19 The proposal is not in line with Local Plan policy LT3 Development of Seaton Carew that supports proposals for tourism and leisure developments within Seaton Carew, where they complement the character of the area, through appropriate design, scaling, siting, use of materials and impact on the significance. Proposals for external development of shops are encouraged in this policy to enhance the conservation area.

3.20 The proposal is contrary to local and national planning policy and guidance. Planning Policy cannot support the removal of timber windows and shopfront and their replacement with UPVC.

Updated Comments:

3.21 It is positive to understand the intention now is to retain the exiting timber shopfront, albeit with the doorway repositioned. This would not have an adverse effect upon the character and appearance of the conservation area and can be supported.

3.22 Unfortunately the unauthorised new uPVC windows cannot be supported.

3.23 It cannot be agreed that the new windows match those that they have replaced. The now removed windows were in timber, were sliding sash, had vertical glazing bars and were separated by mullions. The new windows fail to respond to any of these features. uPVC is an alien material to historic properties that cannot match the attractiveness and historical accuracy of timber. The casement opening method removes the variances of depth achieved from a sash opening. The removed windows had a strongly vertical emphasis that was appropriate to the age and style of the host property, due to the vertical glazing bars and the separating mullions. The replacement does not include these features and is more horizontally emphasised. On this matter, I would note that the submitted “proposed” plans do not appear to accurately depict the now installed bay window illustrated in the submitted photograph.

3.24 Local Planning Authorities have a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of conservation areas.

3.25 The NPPF at paragraph 185 sets out that “Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats”. Hartlepool Borough Council has in preparing their Local Plan (2018) set out a highly positive strategy for the conservation of all heritage assets, with specific policy direction provided for conservation areas, historic shopping parades and heritage at risk, all of which have relevance in this case.

3.26 The proposal is not in accordance with Local Plan policy HE1 *Heritage Assets* and HE3 *Conservation Areas*, which seek to preserve and enhance designated heritage assets through resisting unsympathetic works.

3.27 The Seaton Carew conservation area is identified as being “at risk” on the Historic England Heritage at Risk Register, having been first identified in 2012. The entry on the Heritage at Risk Register 2018 notes that the conservation area is in very bad condition and is of high vulnerability. The Seaton Carew SPD 2015 further explains that some of the contributory factors that have resulted in the conservation area being identified as at risk include unsympathetic alterations and an increasing use of modern materials diluting the fine architectural details on buildings. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as “at risk” is a priority for the Council. The Council will support proposals that positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat. The installation of inappropriate uPVC windows is a threat to character and appearance and so the proposal does not accord with the aims of this policy.

3.28 The Council has a Visual Assessment and Management Plan for the Seaton Carew conservation area, which are available on the Council’s website. These documents are clear that unsympathetic, inappropriate alterations and loss of traditional architectural details have had an adverse impact upon the character and appearance of the conservation area and are acknowledged as issues requiring action. The Visual Assessment recommends that where consent is required, the Council should resist unsympathetic alterations and loss of traditional architectural details through positive use of existing development control powers. The Management Plan sets out the objective to ensure the preservation of the architectural integrity of properties in the conservation area, with the specific actions:

- The council will discourage any proposals that seek to introduce inappropriate or oversized windows i.e. none sash, Victorian Canted and Edwardian square windows.
- The council will encourage the reinstatement or repair of original doors, windows and any features that reflect the original features of the area.

3.29 There are several reasons why other uPVC windows may exist within the vicinity of the application site. Such examples may have been installed under permitted development; permitted under different national and local policy regimes, before adoption of the Seaton Carew Visual Assessment and Management Plan, and prior to this conservation area’s “at risk” status; these examples could also have been installed unlawfully but have become lawful over the passing of time. The key point is that each case must be judged on its own merits, within its own contemporary planning policy and guidance context. As noted above, Hartlepool Borough Council currently have a clear, positive strategy for the conservation of heritage assets, including the protection from and removal of risk.

3.30 Poor quality and harmful development should be treat as examples to move away from, not to emulate. The Council would discourage this course of action. Seaton Carew has many examples of retained traditional windows and good quality replicas that the Council would recommend taking a cue from, including those shown on the submitted photograph of The Front and those that have been removed from this property.

3.31 The submitted Planning Statement notes that the removed windows had become water damaged and rotten. Paragraph 191 of NPPF has relevance here in that the condition of a damaged or deteriorated heritage asset cannot be taken into account in making a decision affecting that asset. I understand it was a condition of the grant funding that contributed to the removed windows that they be maintained appropriately and it is regrettable that any damage may have occurred. In any case, removal of damaged windows would not necessitate the replacement with an inappropriate examples as has been done.

3.32 Planning Policy would advise that the replacement uPVC windows are inappropriate and are harmful to the character and appearance of the conservation area. The harm would be less than substantial. The NPPF in paragraphs 193 and 194 is clear that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Clear and convincing justification of the public benefits has not been provided.

PLANNING CONSIDERATIONS

3.33 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

IMPACT ON CHARACTER OF EXISTING BUILDING AND THE CONSERVATION AREA

3.34 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

3.35 Further to this, at a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

3.36 As identified in the comments received from the Council's Heritage and Countryside Manager and the Planning Policy team above, the Seaton Carew Conservation Area derives its significance from the simple architectural detailing of traditional timber shop fronts and windows, and that the area is considered 'at risk' due to the loss of such details and their replacement with inappropriate modern alternatives.

3.37 The works proposed to the ground floor shop front and those already carried out to the windows at first floor do not reflect the character or style of traditional properties within the conservation area, while the windows are also of non-traditional materials. The change in materials, proportions by virtue of the use of uPVC, method of opening, the loss of the traditional form of a timber bay with sash windows within it and the relocation of the central door to the right hand side, all contribute harm to the appearance of the property and wider conservation area.

3.38 The claim within the applicant's supporting statement that the windows installed match the style of those removed is considered to be flawed, while the suggestion that due to the position of the windows being at first floor level they would have no impact on the character and appearance of the property or the wider conservation area is wholly inaccurate. The full front elevation of the property is visible from within the street scene and wider area, particularly given the property's prominent location.

3.39 The NPPF requires works that would result in less than substantial harm is supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. No public benefits have been identified by the applicant as justification for the harm caused. It should be emphasised that public benefit is a high threshold to satisfy.

3.40 The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in the conservation area be classed as 'at risk' and more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area. Accordingly, no such 'precedent' has been set as suggested by the applicant's supporting statement.

3.41 It has been suggested that the windows that were removed were in a poor state of repair, however no evidence to that effect has been provided. It is also noteworthy that the previous windows were not of a significant age (planning permission having been granted for these works in 2004), had they been appropriately maintained there is no reason to suggest they would have been in urgent need of wholesale replacement.

3.42 The Council recently refused a retrospective application for the replacement of a formerly timber bay and mock sash uPVC windows with an entirely uPVC alternative with casement openings at 32 The Front. An appeal was submitted against that decision, however that has since been dismissed and an enforcement notice upheld (the decision and outcome is within the 'items for information' section of this committee agenda). Those works were arguably for a worsening of an already non-traditional appearance due to the presence of uPVC but the Inspector noted this still caused less than substantial harm that was unjustified. In the case of this application, the works carried out have caused greater harm due to the introduction of uPVC where previously there was traditional style windows of traditional openings and in traditional materials and should therefore be strongly resisted.

3.43 Whilst each application is considered on its own individual merits, in consideration of the impacts of the uPVC window at 32 The Front, the Inspector commented that such works “draw the eye to a degree in what is a prominent location. The development constitutes a harmful change to the overall visual cohesion of the appeal property and the wider CA”. In view of the Inspector’s findings relating to similar unauthorised uPVC windows within close proximity of the current application site, it is considered that this adds further weight to Officers view that the current application proposals are unacceptable and inappropriate to the conservation area.

3.44 In view of the above considerations, the proposals, including the alterations to the shop front, are considered to result in a less than substantial harm to the conservation area to which there is no identified public benefits that would outweigh this identified harm. As such, this harm would warrant a refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

3.45 It is not considered that the works carried out have a significant negative impact on the privacy or light of neighbouring occupiers; however the works substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

3.46 The proposals would not alter the footprint of the property and would not therefore have any implications regarding light or outlook for neighbouring occupiers, the reference to the property being extended forward within the comments received from neighbours is not therefore relevant. With regard to the comments made by a neighbouring occupier in relation to sound proofing to prevent noise, this is not a material consideration in an application of this nature and could not therefore be reasonably required of the applicant. Any further concerns in this respect would need to be considered through separate environmental legislation.

CONCLUSION

3.47 It is considered that the introduction of windows of non-traditional design and materials, and the proposed alterations to the shop front, cause less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Seaton Carew Conservation Area, contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.48 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.49 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

3.50 There are no Section 17 implications.

REASON FOR DECISION

3.51 It is considered by Officers that the proposal, in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's report.

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the replacement first floor windows to front and proposed alterations to the shop front cause less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such the development is considered to be contrary to policies HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

BACKGROUND PAPERS

3.52 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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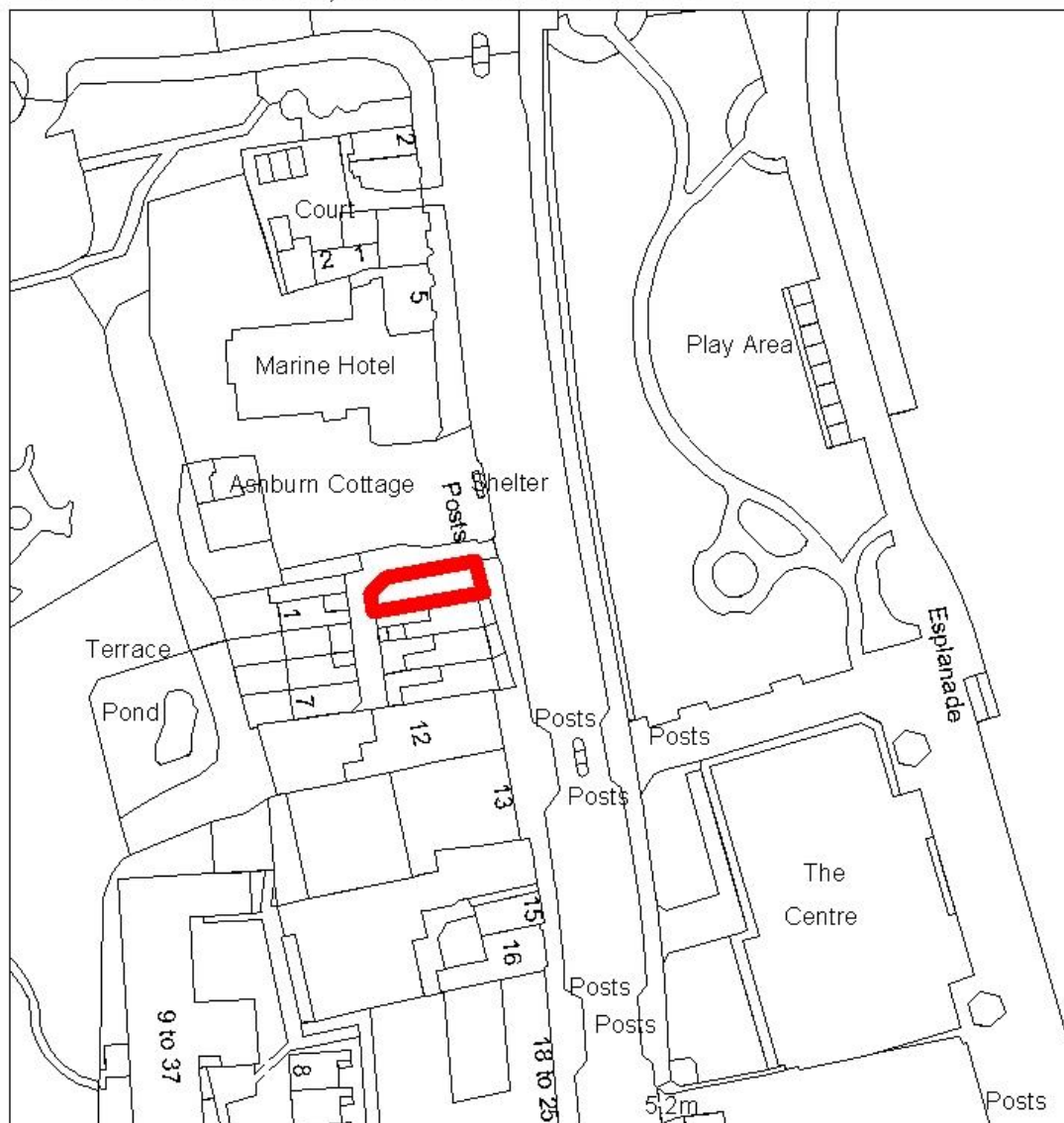
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8 THE FRONT, SEATON CAREW



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 18/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0140	REV

No: 4
Number: H/2019/0191
Applicant: MS G FLETCHER
Agent:
Date valid: 17/05/2019
Development: Installation of replacement windows (Retrospective)
Location: 11 QUEEN STREET HARTLEPOOL

PURPOSE OF REPORT

4.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

4.2 The following planning applications are associated with the application site and considered relevant to the current proposal:

4.3 HFUL/1999/0251 – Retention of alterations to front door – Approved 26/07/1999;

4.4 H/2005/5490 – Erection of a rear sun lounge – Approved 22/08/2005.

PROPOSAL

4.5 The application seeks planning permission retrospectively for the installation of UPVC replacement windows within the north, east and south elevations of the host property (front, side and rear) at both ground floor and first floor levels. The windows that have been replaced were timber windows including sliding sash windows to the north and east elevations, those now installed are UPVC windows.

4.6 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

4.7 The application site is located on the western side of Queen Street with the highway of Victoria Place to the north. The property is a two-storey end of terrace building (linked via the rear). The site is within the Headland Conservation Area and covered by an article 4 direction, which removes permitted development rights to alter or extend properties.

PUBLICITY

4.8 The application has been advertised by way of five neighbour letters, site notice and a press notice. To date, two responses have been received from neighbouring land users, stating no objection to the application.

4.9 The period for publicity has expired.

4.10 Copy Letters D

CONSULTATIONS

4.11 The following consultation responses have been received:

HBC Heritage & Countryside Manager – The application site is located in the Headland Conservation Area, a designated heritage asset. Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

4.12 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

4.13 Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, *‘seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.’*

4.14 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

4.15 Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are often three storey. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by low walls, originally topped with railings.

4.16 The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier type of multi-

paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

4.17 The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows and doors. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as at risk' is a priority for the Borough Council.

4.18 The proposal is a retrospective application for UPVC windows to the front, rear and side of the property. Previous to this the house had timber windows including, sliding sashes to the front side and first floor rear of the building.

4.19 The windows that have been installed are UPVC top hung casement windows. The width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. The shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.

4.20 In addition 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.

4.21 Further to this PVC 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. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

4.22 It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

4.23 It is considered that the works cause less than substantial harm to the significance of the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

PLANNING POLICY

4.24 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (NPPF)

4.25 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development.

4.26 It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

4.27 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Primacy of the Development Plan
6	Contribution to the achievement of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Planning law and development plan
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192	Proposals affecting heritage assets
193	Considering potential impacts
194	Considering potential impacts
196	Less than substantial harm
200	Considering potential impacts

Hartlepool Local Plan 2018

4.28 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP3	Location, accessibility, highway safety and parking
QP4	Layout and Design of Development
QP6	Technical matters
HE1	Heritage assets
HE3	Conservation areas
HE7	Heritage at Risk

HBC Planning Policy Comments:

4.29 It is noted that uPVC windows have been installed at this property, which is located within the Headland conservation area.

4.30 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out under section 72 that local planning authorities shall have special regard to the preservation or enhancement of the character and appearance of conservation areas.

4.31 The relevant policy considerations in this case are Local Plan policies HE1, HE3 and HE7, and NPPF paragraphs 184 and 189-197. Additionally, the Council has a relevant published advice note: “Advice on the Repair and Replacement of Windows”, along with a Character Appraisal for this conservation area that identifies those elements that contribute to and detract from its special character and appearance.

4.32 The windows that have been installed at this historic property are in uPVC with a casement opening method. They have replaced two-over-two timber sliding sash windows. The retention of historic fabric is usually the preferred approach when considering proposals affecting heritage assets, and is in line with Local Plan policy HE3 criterion 3 that encourages the retention of original features of special architectural interest in conservation areas. It is not clear why the timber windows have been removed.

4.33 uPVC is an alien material to historic properties and areas. It cannot match timber terms of detailing and authenticity. Details are rarely produced to the same fine dimensions and finish as could be achieved with timber. The glazing bars, meeting rails and frames tend to not replicate the correct proportions of timber windows. A casement window lacks the variances of depth between different features of the window. The shiny PVCu material often looks incongruous within historic elevations, compared to the natural beauty and historic accuracy of timber. Horn details would be part of a single length of timber whereas those installed appear to be “stuck on”. This is a crude and unattractive approach that is unacceptable.

4.34 The loss of original timber windows and their replacement with uPVC is an acknowledged threat to the significance of conservation areas. The Headland conservation area is identified as being “at risk” on the Historic England Heritage at

Risk Register. The entry on the Heritage at Risk Register 2018 notes that the conservation area is in very bad condition and is of high vulnerability. Local Plan policy HE7 makes clear that the protection and enhancement of heritage assets classified as “at risk” is a priority for the Council. The Council will support proposals that positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat. The installation of inappropriate uPVC windows is a threat to character and appearance and so the proposal does not accord with the aims of this policy.

4.35 Considering all the above, the installed windows are considered to represent harm to the heritage significance of the conservation area. This harm would be less than substantial; nonetheless, the NPPF is clear in paragraphs 193 and 194 that great weight should be given to the conservation of heritage assets, regardless of the scale of harm, and that any harm should require clear and convincing justification. Paragraph 196 goes on to advise that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is not clear why the uPVC windows were installed and there is no evidence of the necessary clear and convincing justification of the public benefits of the installation. The proposal is therefore not in accordance with the NPPF. The proposal also fails to comply with Local Plan policies HE1, HE3 and HE7 by failing to preserve or enhance the character and appearance of the conservation area and by failing to reverse or halt heritage risk.

PLANNING CONSIDERATIONS

4.36 The main material planning considerations when considering this application are the impact on the character and appearance of the building and surrounding conservation area and the impact on the amenity of neighbouring land users.

IMPACT ON CHARACTER OF THE EXISTING BUILDING + CONSERVATION AREA

4.37 The host property comprises a two storey building located in the Headland Conservation Area, which is considered to be designated heritage assets in regard to the determination of the application.

4.38 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192, NPPF).

4.39 Policy HE1 of the Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

4.40 Further to this at a local level, Local Plan Policy HE3 states that the Borough Council will, 'seek to ensure that the distinctive character of conservation areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the conservation areas.'

4.41 The Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. As identified in the comments received from the Council's Heritage and Countryside Manager above, its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

4.42 The detail and standard joinery evident on the Headland contributes to its unique character and it is considered that windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. However, it is noted that some of the earlier types of multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

4.43 The Headland Conservation Area is considered to be 'at risk' using the Historic England methodology due to the accumulation of alterations resulting in a loss of traditional details. Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

4.44 It is noted that the proposal is a retrospective application for UPVC windows to the front, rear and side of the property (north, east and south elevations). Previously the host property house had timber windows including, sliding sashes to the north and eastern elevations of the building.

4.45 The windows that have been installed are UPVC top hung casement windows. The width, bulk of the framing and opening mechanisms of the windows are different to traditional, double hung vertical sliding sash windows constructed in timber. The shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.

4.46 In addition, 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.

4.47 Further to this 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. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

4.48 It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

4.49 It is therefore considered that the works cause less than substantial harm to the significance of the Headland Conservation Area. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal. As such this would warrant a refusal of the application.

AMENITY OF NEIGHBOURING OCCUPIERS

4.50 The proposals would not alter the footprint of the property or introduce any new window openings, and therefore it is not considered that the works carried out have a significant negative impact on the privacy or light of neighbouring occupiers; however the works substantially detract from the visual amenities of the surrounding area to the detriment of the quality of place in the vicinity.

CONCLUSION

4.51 It is considered that the introduction of windows of non-traditional design and materials causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Headland Conservation Area, contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.52 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.53 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

4.54 There are no Section 17 implications.

REASON FOR DECISION

4.55 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the unauthorised uPVC replacement windows installed in No. 11 Queen Street cause less than substantial harm to the designated heritage asset (Headland Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works detract from the character and appearance of the designated heritage asset. It is further considered that insufficient information has been provided to suggest that this harm would be outweighed by any public benefits of the development. As such it is considered to be contrary to policies HE1, HE3 and HE7 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 185, 190, 192, 193, 196 and 200 of the National Planning Policy Framework 2019

BACKGROUND PAPERS

4.56 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0191	REV

No: 5.
Number: H/2019/0206
Applicant: ROBSON & BURLEY DEVELOPMENTS
Agent: PETER GAINEY
Date valid: 14/05/2019
Development: Erection of detached dwellinghouse
Location: LAND ADJACENT TO 28 NINE ACRES HART
HARTLEPOOL

PURPOSE OF REPORT

5.1 An application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

5.2 The following planning applications are associated with the application site and considered relevant to the current proposal:

5.3 H/2011/0421 – Erection of a detached dwellinghouse – Refused 18/11/2011; and

5.4 H/2011/0654 – Erection of a detached dwellinghouse – Refused – Allowed at appeal 23/10/2012. This permission was not implemented and has since lapsed.

PROPOSAL

5.5 The application seeks planning permission for the erection of a two-storey, detached dwelling on the land, with integral garage, driveway and garden area.

5.6 The proposed dwelling would measure approximately 11.0 metres in depth by 13.2 metres in width at its greatest extent (including garage), and comprises a kitchen/dining room, a living room, a study, a hallway/reception area, a utility room and a garage at ground floor, 3 bedrooms, a bathroom, a landing and en-suite at first floor. The proposed dwelling features a dual-pitched hipped roof to the two storey element measuring a maximum height of approximately 7.4 metres at the ridge reducing to approximately 5.4 metres at the eaves. It is also noted that the proposal includes a further single storey rear projection of approximately 3.0 metres. The proposed roof design of the single storey element of the proposal would be a dual-pitched roof measuring a maximum height of approximately 3.5 metres at the ridge reducing to approximately 2.5 metres at the eaves.

5.7 The proposal includes a rooflight to the front elevation, this will serve a stairwell of the proposed dwelling only. The proposal would be served by a driveway to the front. In addition, the proposal includes an attached garage to the southern elevation. The proposed garage would measure approximately 5.5 metres by approximately

2.6 metres. The proposed roof design of the garage element of the proposal would be a dual-pitched roof measuring a maximum height of approximately 4.3 metres at the ridge reducing to approximately 2.5 metres at the eaves.

5.8 It is noted that a chamfered section of land to the south west corner/front of the site is outside of the applicant's ownership; amended plans were submitted to omit this land from the application site boundary (it was originally shown within the application site boundary). This parcel of land is within council ownership and is not designated open space.

5.9 The proposed boundary treatment to the site would be timber fencing of approximately 1.8 metre in height to the northern, eastern and southern boundaries and approximately 0.9 metres to the western (front) boundary.

5.10 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the number of objections received to the application.

SITE CONTEXT

5.11 The application site relates to a vacant area of land, sited adjacent to 28 Nine Acres, at the eastern entrance to Nine Acres, Hart. Nine Acres is a relatively small, linear development formed by two rows of two-storey, mainly semi-detached properties (many of which have been significantly altered with a variety of side and front extensions) located to the west of Hart Village. The application site is screened from the main road by a mature hedge of approximately 2.0 metres in height and there is a bus stop located adjacent to the southern boundary of the site (which steps into the site boundary but does not form part of the application red line boundary).

PUBLICITY

5.12 The application was advertised by way of neighbour letters (9 in total), a site notice and letters to local ward members. To date, four representations have been received from neighbouring properties objecting to the application for the following reasons:

- Land ownership issues –the proposal will take away HBC controlled land to the frontage of the site which is used by the neighbouring properties as a communal parking area;
- The size and scale of the proposed dwelling;
- The development restricts access to and from the street for large utility vehicles (i.e. refuse collection, fire engines, oil deliveries and furniture delivery vans);
- Additional parking issues due to further traffic to Nine Acres;
- The applicant has removed bushes and trees approximately 3 weeks prior to submitting for planning application, without permission in the breeding season for birdlife.

5.13 The period for publicity has expired.

5.14 Copy Letters E

CONSULTATIONS

5.15 The following consultation responses were received;

HBC Traffic and Transport – There are no highway or traffic concerns.

HBC Engineering Consultancy – Requests that a Surface Water Condition is applied to this application.

Northumbrian Water – Actively promotes sustainable surface water management across the region. The developer should develop their surface water drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration);
- Discharge to a surface water body;
- Discharge to a surface water sewer, highway drain, or another drainage system;
or
- As a last resort, discharge to a combined sewer.

HBC Public Protection – Not object.

Cleveland Crime Prevention & Architectural Liaison Officer – Police have no concerns in relation to this application but I would advise that the rear boundary particular that it backs onto open land deters access to rear garden area the boundary fencing should be a min 1.8m and any horizontal support rail placed on the private side of the fence.

Northern Gas Networks - No objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Tees Archaeology – Have no objection to this application or the amended plans.

HBC Ecology – The site is in an area that supports farmland birds, which would benefit from the availability of man-made nest holes and the following should be conditioned:

A single starling or sparrow nesting brick to be built into the new house or garage.
Bird boxes should be east facing where possible.

HBC Arboricultural Officer – The existing tree (to the north west corner of the application site) is a Tibetan Cherry *Prunus serrula* var. *tibetica* which is readily recognisable by its lustrous shiny bark. Ultimately this will become a large tree and will have a root system that will disturb the neighbouring driveway. Although I would like to see this retained in the short term there will be associated problems with this, not least

the overhead conductors that will be affected. In short, I am not insisting that this tree is kept as we made a TPO on a similar mature one a few years ago and finished off revoking it because of numerous associated problems that subsequently arose.

Further comments:

The Arboricultural Officer was made aware of Hart Parish Council's comments regarding the removal of a tree within the council owned land to the front of the site and confirmed that the removed tree was not protected and did not meet the requirement for a Tree Protection Order (TPO) to be considered.

HBC Countryside Access Officer – There is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site.

HBC Heritage and Countryside Manager – The application will not impact on any listed buildings or conservation areas; no objections.

HBC Building Control – Please advise the applicant a building regulation application will be required for the new dwelling.

Hart Parish Council – The resubmitted plans appear to have removed land belonging to HBC from the design. However, no mention is made of replacing the mature tree illegally removed from this site. HPC believes the developer should be required either to plant a similar mature tree or recompense the Borough Council in the sum of £500 for the loss of the amenity.

Hartlepool Rural Neighbourhood Plan Group – Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The group accepts that this application can demonstrate sustainable development as the development of an infill site at this small group of small holdings houses in the open countryside near to Hart Village.

The development is contrary to policies contained in the Hartlepool Rural Neighbourhood Plan (HRNP) which was 'Made' (adopted) by Hartlepool Borough Council on the 20th December 2018 following a substantial positive vote at Public Referendum on 4th October 2018 and six years of consultations.

These are: Policy GEN1 Development Limits, Policy H1 - Housing Development, Policy H4 - Housing in the Countryside.

However given its nature as an infill development we can accept the principle of the development in this instance as a sustainable use of land and in this case make an exception to the policies given the nature of the proposals.

What is of grave concern to the Rural Plan group is that the amended plans still take HBC owned land that is open space. This has been raised by Hart PC and the residents to the planning officer as well as HBC estates and highways teams.

The attached plans demonstrating this and the plan showing the true boundary was produced using information from the land registry. Therefore the Rural Planning Group objects strongly to this application given the land ownership issue has still to be resolved. The open space is an important amenity to the local residents and a tree has been removed on this land.

PLANNING POLICY

5.16 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

National Planning Policy Framework (2019)

5.17 In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan;

PARA 007: Achieving sustainable development;

PARA 008: Achieving sustainable development;

PARA 009: Achieving sustainable development;

PARA 010: Achieving sustainable development;

PARA 011: The presumption in favour of sustainable development;

PARA 012: The presumption in favour of sustainable development;

PARA 038: Decision-Making;

PARA 047: Determining Applications;

PARA 058: Enforcement;

PARA 077: Rural Housing;

PARA 091: Promoting healthy and safe communities;

PARA 124: Achieving well-designed places;

PARA 125: Achieving well-designed places;

PARA 127: Achieving well-designed places;

PARA 130: Achieving well-designed places;

PARA 150: Planning for Climate Change;

PARA 153: Planning for Climate Change; and

PARA 212: Implementation.

Hartlepool Local Plan (2018)

5.18 The following policies in the adopted Hartlepool Local Plan 2018 are relevant to the determination of this application:

CC1: Minimising and adapting to climate change;
 LS1: Locational Strategy;
 QP3: Location, Accessibility, Highway Safety and Parking;
 QP4: Layout and Design of Development;
 QP5: Safety and Security;
 QP6: Technical Matters;
 RUR1: Development in the Rural Area; and
 SUS1: The Presumption in Favour of Sustainable Development.

Hartlepool Rural Neighbourhood Plan (2018)

5.19 The following policies in the adopted Hartlepool Rural Neighbourhood Plan 2018 are relevant to the determination of this application:

GEN1: Development Limits
 GEN2: Design Principles
 H1 - Housing Development
 H4 - Housing in the Countryside

HBC Planning Policy Comments:

5.20 Planning permission is sought for a single detached dwellinghouse within the street Nine Acres.

5.21 The application site is outside of the development limits defined on the Local Plan Policies Map and the Rural Neighbourhood Plan Policies Map. There is a general presumption against new development within the countryside. It is clear however, from the relevant local planning policies and their supporting text that the aim is to avoid isolated new homes within the countryside. This is reflective of paragraph 79 of the NPPF that sets out that planning policies and decisions should avoid the development of isolated homes in the countryside.

5.22 As part of an established street, within what appears to perhaps be an intended plot, it cannot be said that the proposed development would lead to an isolated dwelling. Whilst appreciating the slightly different planning policy context, it is noted that this is a stance that was taken by the Local Planning Authority and the Planning Inspectorate a few years ago.

5.23 Having regard to Local Plan policy QP4 *Layout and Design of Development* and Rural Neighbourhood Plan policy GEN 2 *Design Principles*, it is noted that the proposed dwelling would have a larger footprint than most of the properties within the street but would be similar to the more modern property directly opposite. The proposed dwelling would sit forward of the adjacent properties to the north; however it is noted that there is not an established uniform front building line within the street. The proposed dwelling would include a ground floor area larger than the first floor,

with associated small roof element, and adjoining garage. Whilst these are not original features of the other homes within the street it is noted that several have seen them introduced. These design features would therefore not be considered atypical and would be acceptable. Overall, given the varied design context of the street, the design of the proposed dwelling is acceptable. A condition to manage the appearance of the external materials is recommended.

5.24 The case officer should be satisfied that the separation distance between the proposed dwelling and the window within the rear extension of the dwelling to the north is sufficient to avoid unacceptable over dominance and overshadowing.

5.25 The Tees Valley Design Guide and Specification recommends two in-curtilage car parking spaces for a three bedroomed dwelling.

5.26 Local Plan policies CC1 and QP7 require new development to demonstrate high levels of energy efficiency. The applicant should demonstrate, if feasible, how the dwelling's design minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation; how green infrastructure would be used appropriately to assist in ensuring energy efficiency; and how sustainable construction and drainage methods would be incorporated. If this is not possible, the Council would encourage an attempt to be made to improve the fabric of the building 10% above current Building Regulations. This could be managed via planning condition.

PLANNING CONSIDERATIONS

5.27 As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.28 The main planning considerations with respect to this application are the principle of development; the impact on the character and appearance of the site and street scene; the impact on the amenity and privacy of neighbouring land users; the impact upon highways safety and drainage and flood risk. These and all other planning and any residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

5.29 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

5.30 The application site is outside of the development limits defined on the Hartlepool Local Plan (2018) Policies Map and the Rural Neighbourhood Plan Policies Map and there is a general presumption against new development within the countryside. It is clear however, from the relevant local planning policies and their

supporting text that the aim is to avoid isolated new homes within the countryside. This is reflective of paragraph 79 of the NPPF that sets out that planning policies and decisions should avoid the development of isolated homes in the countryside.

5.31 As part of an established cul de sac, within what appears to perhaps be an intended plot, it is not considered that the proposed development would lead to an isolated dwelling. Whilst appreciating the change in planning policy context since 2012, it is noted that this is a stance that was taken by the Local Planning Authority and the Planning Inspectorate on the allowed appeal decision in 2012 and despite this no longer being an extant permission, this remains a material planning consideration in the determination of this application.

5.32 Overall, it is considered that the proposed development is considered to be in a relatively sustainable location within the development limits of Hartlepool. The Council's Planning Policy section has raised no objections with respect to the proposed development. In view of the above. It is considered that the principle of residential development in this location is acceptable subject to the consideration of other material planning matters.

CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

5.33 It is acknowledged that a representation received has raised concern in regards to the scale and size of the proposed dwelling. The immediate surrounding area is residential in nature with Nine Acres being a relatively small, linear development formed by two rows of two-storey, mainly semi-detached properties located to the west of Hart Village. Notwithstanding the above it is considered that many of the existing dwellings along Nine Acres have been altered with a variety of side and front extensions and it is also noted that a relatively new detached dwellinghouse (Hawkridge) has been built immediately opposite the application site.

5.34 The resultant street scene is therefore considered to be varied with no consistent building line or uniformity in appearance. It is considered due to its scale, form, massing and footprint that the proposed dwelling would be appropriate in the context of the surrounding area would complement the dwellinghouse of Hawkridge, providing a balanced visual entrance point to the cul-de-sac.

5.35 This view was supported within the allowed appeal decision for a dwelling at the application site, in which the Inspector concluded that a proposed dwelling "would not have a detrimental effect on the character and appearance of the area". In view of the above, it is therefore considered that the proposal will not have any significant adverse impact on the existing street scene as to warrant refusal of the application in this instance. The proposal is therefore considered on balance to be acceptable in this respect.

5.36 Details of external finishing materials, soft and hard landscaping, levels and means of enclosure could be secured by appropriate planning conditions.

5.37 The proposal is considered to accord with the provisions of policies QP4 of the Hartlepool Local Plan (2018), [Rural Neighbourhood Plan policy GEN2](#) and paragraphs 124 and 127 of the NPPF (2019). The proposal is considered to be of a

design and scale that respects the character and appearance of the application site and the surrounding area as a whole.

IMPACT ON LANDSCAPE FEATURES

5.38 The Council's Arboricultural Officer was consulted on the proposal and has raised no objections to the application but has made comment in respect of a cherry tree along the northern boundary, towards the front of the site. The Arboricultural Officer has advised that he would not require the tree to be protected by a tree preservation order, raising concerns about potential future problems with its proximity to the proposed dwelling. Notwithstanding this the proposals indicate that the tree is to be retained along with the retention of the mature hedge along the southern boundary and it is considered appropriate in this instance to secure tree and hedge protection measures during construction works by a planning condition.

5.39 In addition to the retained hedgerow, it is anticipated that the rear and sides of the proposed dwelling would be garden areas therefore, in this instance it is considered necessary for the inclusion of a planning condition relating to soft landscaping. It is considered that with the inclusion of this condition the proposal would be acceptable in regards landscape features.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on property to the North (No. 28 Nine Acres)

5.40 It is acknowledged that the adjacent property to the north, No. 28 Nine Acres, shares the north boundary of the application site with the proposed development. It is noted that the proposed dwelling is approximately 1.0 metres to the south of the mentioned boundary with No. 28 at the nearest point and approximately 4.0 metres from the main side elevation of No 28 (which is short of the 10m required between gable to gable where there are windows). However and in respect of such windows it is noted that No. 28 Nine Acres has a single door to the ground floor and a first floor window in the facing gable end, but these feature obscured glass and do not appear to serve habitable rooms. The only other window facing the common boundary is a side window in the rear single storey garden room extension, which is located beyond the main rear elevation of the proposed dwelling; it is noted from the case officers site visit and the plans from the submitted application for this extension, that this garden room extension is served by French doors and windows in the main rear elevation. This relationship remains similar to that considered by the Planning Inspector on the allowed appeal at the site in which the Inspector considered the relationship and any adverse impacts to be acceptable.

5.41 It is further considered that the hipped pitch roof design of the two storey element will assist in reducing the massing of the proposal when viewed from the single side window in the side of No 28. Whilst it is acknowledged that there would be some degree of impact on No. 28 in terms of overshadowing and loss of outlook to this window owing to its presence close to the boundary, in view of the above considerations including the separation distances mentioned above, the proposed two storey element of the dwelling not projecting beyond the two storey rear elevation of No 28, that the garden room serving No 28 is served by French doors

and windows in the rear/east elevation (and would therefore continue to receive light and benefit from an outlook), the proposals would not have a significantly adverse impact upon the residential amenity for existing and future occupiers of No. 28 Nine Acres in terms of outlook, overbearing nature or overlooking of habitable room windows (including first floor windows in the rear of No 28), as to warrant a refusal of the application in this instance.

5.42 It is also noted that the proposal includes a further single storey rear projection of approximately 3.0 metres. The proposed roof design of the single storey element of the proposal would be a dual pitch roof measuring a maximum height of approximately 3.5 metres at the ridge reducing to approximately 2.5 metres at the eaves. This element of the proposal would be approximately 7.0 metres to the south of No. 28 Nine Acres and therefore it is considered that due to the separation distance mentioned above, the scale of this element and the partial screening provided by the proposed 1.8 metre high timber fencing (boundary treatment) this element of the proposal would not have a significantly adverse impact upon the residential amenity and privacy of No. 28 Nine Acres in terms in terms of outlook, overbearing nature or overlooking. Therefore, this element of the proposal is considered acceptable.

5.43 In addition, the proposed dwelling would not project significantly beyond the front elevation of No. 28 and therefore it is considered that the proposal would not have a significantly adverse impact upon the windows in the front elevation of No. 28 Nine Acres in terms in terms of outlook or overbearing nature. Therefore, the proposal is considered acceptable in this regard.

5.44 Furthermore, it is acknowledged the proposal does not include any windows to the northern elevation and there are no direct views from the proposed front or rear elevations to the front or rear of No. 28. Therefore it is considered the impact upon the privacy of the occupiers of No. 28 Nine Acres would be limited and therefore acceptable.

Impact on properties to the West (No. 22 Nine Acres & HawkrIDGE)

5.45 No. 22 Nine Acres and HawkrIDGE (and properties to west) are approximately 18.0 metres to the west of the proposal at the nearest point (proposed dwelling to HawkrIDGE). It is acknowledged that this would be short of the required 20 metre separation distance (principal to principal elevation) of Policy QP4 of the Local Plan. However, in this instance, it is acknowledged that this is a similar distance and relationship between the properties along Nine Acres and this is therefore a characteristic of this street scene. Further consideration is given to the previously allowed appeal decision at the site where a similar distance was in place. The main access road serving the properties in Nine Acres would remain between the two sites.

5.46 Overall and on balance, it is considered that the proposal would not result in an unacceptable loss of amenity and privacy for No. 22 Nine Acres & HawkrIDGE in relation to loss of light, outlook, overshadowing or overlooking as to warrant a refusal of the application in this instance.

5.47 Furthermore it is acknowledged that the application site is bounded by the public highway of Palace Row to the south and by open farmland (agricultural use) to the east therefore, the proposal will not have impact any residential properties in this regard.

5.48 The Council's Public Protection section has been consulted and has confirmed that they have no objections to the application.

5.49 In view of the above it is considered that the proposed development is acceptable with respect to the impact on the amenity and privacy of neighbouring land users, subject to the abovementioned planning condition(s), and is in accordance with paragraph 127 of the NPPF (2019) and policy QP4 of the Hartlepool Local Plan (2018).

HIGHWAY AND PEDESTRIAN SAFETY

5.50 It is noted that objections have been received in regards to the impact of the proposal upon parking and highways safety. It is acknowledged that the proposal includes an integral garage and driveway in relation to the proposed 3 bedroomed dwelling. The Council's Highways, Traffic & Transport section has been consulted and has confirmed there are no highway or traffic concerns with the proposal.

5.51 Notwithstanding this, in view of advice from the Council's Highways, Traffic & Transport section, an informative is recommended to ensure any works within the adopted highway should be carried out by a NRSWA accredited contractor and in accordance with the HBC Design Guide and specification.

FLOODING AND DRAINAGE

5.52 The Council's Engineers and Northumbrian Water were consulted regarding the proposed development. They have raised no objections to the proposal. The Council's Engineers have however requested a planning condition requiring further details of surface water drainage to be submitted prior to commencement of development, which is recommended accordingly.

ECOLOGY

5.53 The Council's Ecologist was consulted on the proposal and have raised no objections to the application subject to a condition relating to a single integral starling or sparrow nesting brick. It is considered that with the inclusion of this condition the proposal would provide a net gain for biodiversity and the proposal would be compliant with the Policy NE1 of the Hartlepool Local Plan (2018) and in accordance with paragraph 170 of the NPPF (2019). Therefore it is considered the proposal is acceptable in this regard.

OTHER PLANNING MATTERS

5.54 Planning Obligations and Other Policy Requirements

With respect to planning obligations, the proposal for 1 dwelling would fall below the threshold for planning obligations. With respect to Policy QP7, it is expected that the

proposed dwelling would be constructed with improved energy efficiency measures (10% above current building regulations) and this can be secured by a planning condition.

5.55 Crime and Safety

The Cleveland Crime Prevention & Architectural Liaison Officer has been consulted upon the application and advised that the Police have no concerns in relation to this application but I would advise that the rear boundary particular that it backs onto open land deters access to rear garden area the boundary fencing should be a minimum of 1.8 metres and any horizontal support rail placed on the private side of the fence, it is considered that the proposal includes rear boundary fencing of approximately 1.8 metres. It is therefore considered that the proposal is acceptable with respect to the impact on of Crime and Safety. The Police's advice can be secured by an informative.

5.56 Public Rights of Way

The Council's Countryside Access Officer has advised that there is no information to imply that there is any data relating to any recorded or unrecorded public rights of way and/or permissive paths running through, abutting to or being affected by the proposed development of this site. It is therefore considered that the proposal is acceptable with respect to the impact on public rights of way.

5.57 Heritage assets and Archaeology

The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted upon the application and advised that they have no objections to the application. It is therefore considered that the proposal is acceptable with respect to the impact on heritage assets and Archaeology.

OTHER MATTERS

5.58 It is noted that a number of objections have been received in relation to the small chamfered parcel of land to the front of the site (which is within council ownership). As noted above and following the submission of amended plans to exclude this parcel of land from the application boundary, the Council's Estates Section were consulted and confirmed that the plans were acceptable. Furthermore, the land is not classed as open space.

5.59 It is acknowledged that the representations received including Hart Parish's consultation response indicate that the applicant has removed bushes and a tree within the aforementioned parcel of land to the front, prior to submitting for planning application. Whilst Officers do not condone such works, the Council's Arboricultural Officer was made aware of Hart Parish Council's comments and confirmed that the removed tree was not protected and did not meet the requirement for a Tree Protection Order (TPO) to be considered and therefore the works did not require permission from the Local Planning Authority. As noted above the land is council owned and outside of the application site boundary the matter would therefore be a civil matter and not a material planning consideration. The Council's Estate have been made aware of this matter.

CONCLUSION

5.60 The application is considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant policies of the adopted Hartlepool Local Plan 2018 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.61 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.62 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making.

5.63 There are no Section 17 implications.

REASON FOR DECISION

5.64 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is acceptable as set out in the Officer's Report.

RECOMMENDATION - APPROVE, subject to the following planning conditions;

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 development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Location Plan, Ref. 721.8, Rev. A (1:1250); Location and Site Plans, Ref. 721.3, Rev. A (1:500); Boundary and Parking Details, Ref. 721.4, Rev. A (1:100), all received 12th June 2019 by the Local Planning Authority; Proposed Elevations, Ref. 721. 2 (1:100); Proposed Plans, Ref. 721.1 (1:50) all received 30th April 2019 by the Local Planning Authority.
For the avoidance of doubt.
3. Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority that shows how the energy demand of the development and its CO2 emissions (measured by the Dwellings Emission Rate (DER)) will be reduced by 10% over what is required to achieve a compliant building in line with the Building Regulations, Part L prevailing at the time of development. Prior to the residential occupation of the dwelling the final Building Regulations compliance report shall be submitted to and agreed in writing with the Local Planning Authority and the agreed final scheme shall be implemented thereafter.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policies QP7 and CC1.

4. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the submitted information and prior to commencement of development, a detailed scheme for the disposal of surface water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
6. Notwithstanding the submitted information, final details of all walls, fences, gates and other means of boundary enclosure, including finishing materials and paint/stain colours, shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation or completion of the development hereby approved, whichever is the sooner, the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
7. Prior to the occupation or completion of the proposed development (whichever is the sooner) hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwelling hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
8. Notwithstanding the submitted information, a detailed scheme of soft landscaping (including any hedge(s), tree(s) and shrub planting) shall be submitted to and approved in writing by the Local Planning Authority before occupation of the building(s) or completion of the development, (whichever is the sooner) hereby approved. The scheme must specify sizes, types and species of planting, 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. All planting, seeding or turfing comprised in the approved details 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 and to ensure a satisfactory form of development.

9. No development shall take place until a scheme for the protection during construction works of the tree (to the north west corner of the site) and hedge along the southern boundary which are to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and 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 retained tree.

10. Prior to above ground construction of the dwelling hereby approved, details of an integral starling or sparrow nesting brick to be incorporated into the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation or completion of the development hereby approved, whichever is the sooner, the scheme shall be implemented in accordance with the approved details.

To ensure the development contributes to biodiversity enhancement in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity.

11. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the building(s) to be erected and any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policy QP4 and LS1 of the Hartlepool Local Plan.

12. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way including the installation of windows in the north/side elevation of the dwelling facing 28 Nine Acres hereby approved without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.

14. The development hereby approved shall be used as a single dwellinghouse as defined by Class C3 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.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 6, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the surrounding area.

BACKGROUND PAPERS

5.65 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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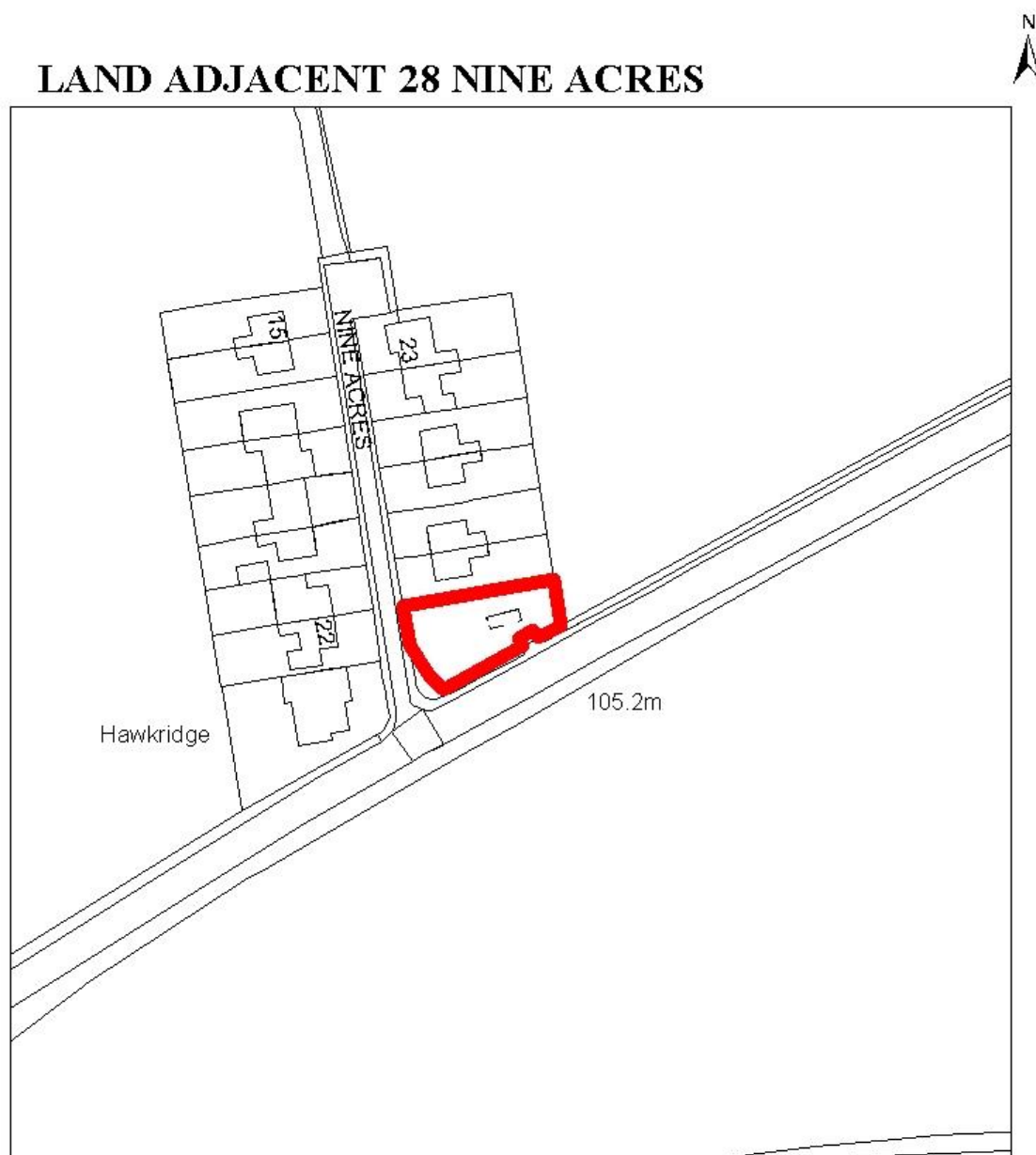
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HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 17/08/19
	SCALE 1:1,000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2019/0206	REV

POLICY NOTE

The following details a precis of the overarching policy documents (including relevant policies) referred to in the main agenda. For the full policies please refer to the relevant document, which can be viewed on the web links below;

HARTLEPOOL LOCAL PLAN POLICIES

<https://www.hartlepool.gov.uk/localplan>

[https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156 -
_final local plan for adoption - may 2018](https://www.hartlepool.gov.uk/downloads/file/4295/ex_hbc_156_-_final_local_plan_for_adoption_-_may_2018)

MINERALS & WASTE DPD 2011

[https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals
_and_waste_development_plan_documents_for_the_tees_valley](https://www.hartlepool.gov.uk/info/20209/local_plan/317/tees_valley_minerals_and_waste_development_plan_documents_for_the_tees_valley)

REVISED NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2019

[https://www.gov.uk/government/publications/national-planning-policy-
framework--2](https://www.gov.uk/government/publications/national-planning-policy-framework--2)

PLANNING COMMITTEE

31st July 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 13 REGENT STREET, HARTLEPOOL
TS24 0QN
APPEAL REF: APP/H0724/Y/19/3222903
Listed building consent for the removal of
unauthorised PVCu windows and installation of
timber windows (H/2018/0412)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal made against the conditions of approval that has been determined in respect of the above referenced listed building consent application at 13 Regent Street, Hartlepool.
- 1.2 Listed Building Consent was granted on 3rd December 2018 for the removal of unauthorised PVCu windows and installation of timber windows. The applicant subsequently appealed to the Planning Inspectorate against conditions 1 (requiring the replacement windows to be installed within 3 months) and 2 (requiring the works to be carried out in accordance with the submitted details, including the installation of timber windows to the rear of the property) of the approval.
- 1.3 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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The Planning Inspectorate

Appeal Decision

Site visit made on 4 June 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 26 June 2019

Appeal Ref: APP/H0724/Y/19/3222903

13 Regent Street, Hartlepool TS24 0QN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the grant of listed building consent subject to conditions.
 - The appeal is made by Mr Timothy I'anson against the decision of Hartlepool Borough Council.
 - Listed building consent Ref H/2018/0412 was granted on 3 December 2018 subject to conditions.
 - The works proposed are removal of PVCu windows and installation of timber windows.
 - The conditions in dispute are Nos 1 and 2, which state that: 1) *'Within 3 months of the date of this Decision Notice the replacement windows hereby approved shall be installed in accordance with the approved details and to the satisfaction of the Local Planning Authority'* and 2) *'The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; Site Location Plan, Ref. D18148 (1:1250); Montage of Window elevations and location references, Ref. D18148; both received by the Local Planning Authority 5th October 2018; Proposed Window Elevations, Ref. D18148 (1:50) received by the Local Planning Authority 11th October 2018; Proposed casement window section, Ref. D18148-5 (1:2); Proposed Sash window horizontal section, Ref. D18148-5 (1:1), Proposed sash window vertical section Ref. D18148-5 (1:2); all received by the Local Planning Authority 5th October 2018'.*
 - The reasons for the conditions are: 1) *'For the avoidance of doubt and in the interests of visual amenity'* and 2) *'For the avoidance of doubt'.*
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the disputed conditions are necessary and reasonable in respect of safeguarding the special architectural or historic interest of 13 Regent Street, a grade II listed building.

Reasons

Background

3. Works comprising the removal of timber windows to the front and back of the appeal site, and their replacement with new uPVC windows, were carried out without listed building consent. The Council considered that these works harmed the significance of the listed building.
4. Subsequently, the appellant submitted a listed building consent application (Ref H/2018/0412), proposing to remove the uPVC windows and reinstate timber windows. The Council were satisfied that these proposals would rectify the

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unauthorised works, and consent was duly granted in December 2018. However, the appellant has since reconsidered his position, and now wishes to keep the uPVC windows and door at the rear of the property.

Significance

5. No 13 is located in the Headland Conservation Area (CA). The CA is primarily characterised by terraced rows of housing which create a tight grain of development. Interspersed with the terraces are other land uses such as churches and pubs, and areas of open space. The appeal site is listed as one of a terrace of dwellings including 9–21 Regent Street. It is a two-storey house dating from the early 19th century. The two bay frontage is rendered and painted. The roof is of Welsh slate, with a brick chimney stack, and features a late 19th century canted and hipped roof dormer.
6. On the left of the ground floor is a late 19th century wood pilaster-and-entablature doorcase with panelled reveals and an overlight. On the first floor, to the right, is a canted oriel window. According to the list description, the previous timber windows were mid/late 20th century, set within the original openings.
7. The rear elevation of the main building is not described. However, the list description states that the rear wings and extensions are not of interest. From my observations on site, and the evidence before me, the back elevation of No 13 is likely to be the original rear elevation, and it contains window openings of a size, style and arrangement typical of such a property.
8. The lower mono-pitched return that forms an L-shape with the back of the main house is commensurate with the size, shape and form of the traditional outshots that are found on modest terraced dwellings of this kind. On my site visit, I saw that each of the listed buildings in the terrace has a similar structure at the back. Therefore, although I take into account the wording of the list description, the evidence would suggest that the rear wings do add to the understanding of the original design and appearance of the buildings. These features all contribute to the significance of the listed building, and also to the significance of the wider CA, as much of the back of the house is visible from the publicly accessible back lane.

Variation of plans condition

9. The second condition of the decision notice confirms the approved plans. The appellant seeks to vary this condition by substituting details of the installed uPVC windows to the rear of the property. Although few details are before me, the Council state that at least one of the two larger windows in the main rear elevation was detailed in a similar fashion to those at the front of the building. To that extent, it would have kept in with the character and style of the listed building. Little evidence is available in respect of the type of the other windows at the back. The appellant states that the rear door and two of the ground floor windows had been replaced in uPVC in 2013. However, there is little evidence that listed building consent was sought or granted for such changes, and so this circumstance would not weigh in favour of the appeal proposal.
10. The Council object to the retention of the uPVC door in the offshoot and state their preference for a painted timber door in this location. The offshoot opening containing the larger top-hung window appears to be of a traditional

size and shape, and so an appropriately detailed timber window would be appropriate here. From what I have seen, I have no basis on which to take a different view. uPVC is a synthetic material whose smooth, shiny, modern appearance does not satisfactorily capture the character of painted timber. It is the case that uPVC replacements are generally bulkier and more crudely detailed than historically accurate timber windows and doors, due to the nature of the material. As a result, the new installations at the rear appear discordant, and out of keeping with the character of the listed building.

11. In their statement of case, the Council argue that two of the offshot window openings appear to be modern in scale and proportion, and so they do not object to the retention of the new uPVC windows in these openings. However, these openings are clearly intervisible with the rest of the rear of the listed building, and thus have a visual impact on its appearance. It would seem to me that to have a mixture of uPVC and timber items in this location would appear incongruous, even if the openings themselves are later. In addition, the smallest upper floor window is clearly visible from the lane, and therefore adversely affects the appearance of the listed building from views within the Headland Conservation Area (CA).
12. Drawing these factors together, I am satisfied that the proposed retention of the uPVC windows and door in the rear elevation and offshot would erode the character and appearance of the listed building, thus harming its special significance. Condition No 2 is therefore both reasonable and necessary to protect the character of the listed building, and also the CA.
13. Accordingly, therefore, the proposal conflicts with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). Further conflict arises with Policy HE1 of the Hartlepool Local Plan (LP), insofar as it seeks to preserve, protect and positively enhance all heritage asset, and requires proposals to be of a high quality design which has a positive impact on the heritage asset.
14. Although serious, the harm to the heritage assets in this case would be less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
15. Insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the assets' conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.

Removal of time condition

16. Condition 1 requires the consented works to be completed within three months of the date of the decision notice. The appellant seeks to remove this condition altogether. However, this would leave the consent open ended. In the context of the great weight that the NPPF assigns to the conservation of heritage assets, and the statutory duty that is conferred by the Planning (Listed Buildings and Conservation Areas) 1990 Act to preserve listed buildings, this

would not be a viable position, as the consent is in place in order to rectify unauthorised works to a heritage asset.

17. The deletion of Condition 1 would thus conflict with LP Policy HE1, which seeks to preserve, protect and positively enhance all heritage assets. Moreover, there is a clear public benefit in requiring the reversal of unauthorised works that have harmed the significance of a grade II listed building.
18. I accept that no enforcement notice has been served by the Council in respect of the unauthorised works. Nonetheless, in my experience, three months is a standard length of time allowed for unauthorised works to listed buildings to be rectified, and so I see no reason why it should not be applied to a listed building consent that seeks to produce the same outcome. I accept the appellant's point that this timescale is not written into policy. However, it appears to me to be commensurate with the statutory duty to protect listed buildings.
19. Therefore, in the absence of any alternative time frame suggested by the appellant, I consider that Condition 1 is reasonable and necessary in respect of the aim of safeguarding the special architectural and historic interest of the listed building.

Other Matters

20. My attention has been drawn to other examples of applications at Friar Terrace, Albion Terrace and Regent Street. However, I am not aware of the full circumstances of these cases, which limits the weight I can afford them. Moreover, the presence of unsympathetic development, even where permitted, would not justify the harm I have identified to the listed building.

Conclusion

21. For the reasons above, the proposed variation and removal of the conditions in question would conflict with the development plan as a whole, and so the appeal is dismissed.

Elaine Gray

INSPECTOR

PLANNING COMMITTEE

31st July 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 27 SCARBOROUGH STREET,
HARTLEPOOL, TS24 7DA
APPEAL REF: APP/H0724/C/18/3214259
INSTALLATION OF REPLACEMENT DOOR
(RETROSPECTIVE) (H/2018/0228)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an enforcement door to remove an unauthorised replacement door at 27 Scarborough Street, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appeal Decision

Site visit made on 11 June 2019

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/H0724/C/18/3214259

27 Scarborough Street, Hartlepool TS24 7DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Dean Dobson against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 1 October 2018.
- The breach of planning control as alleged in the notice is Without planning permission, the installation of a uPVC door and frame with uPVC cladding above door.
- The requirements of the notice are (i) Remove the existing uPVC door, frame and cladding; (ii) Provide a traditionally constructed timber replacement door and frame with glazed fanlight above. Frame to have edge bead moulding to fanlight, door jambs and transom. Fanlight to be a single pane, glazed internally. Door to be four panelled and of traditional mortised and tenoned construction, with weatherboard. Panels to door to be finished with moulding out of stile or planted mouldings; (iii) Provide replacement corbel to right hand pilaster at side of door with corbel to match existing (either side of No. 27A Scarborough Street) in design, size and materials; (iv) Door, frame, timber boarding, pilaster and corbel to be painted in a colour to match existing at 27A Scarborough Street (see photograph attached at appendix 1).
- The period for compliance with the requirements is 2 months.
- The appeal is made on the grounds set out in section 174(2) (a), (c) and (f) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with corrections.

Preliminary Matter

1. The breach of planning control set out in the notice refers to the installation of a uPVC door. However it is evident from the appeal form and the Council's delegated reports that the parties agree the door in question is constructed in a composite material. I am satisfied that the notice can be corrected accordingly without resulting in injustice.

The appeal on ground (c)

2. The ground of appeal is that the matters alleged do not constitute a breach of planning control. A breach of planning control comprises the carrying out of development without the required planning permission. The meaning of development is set out in s55(1) of the Act and includes the carrying out of

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building operations in, on, over or under land. The replacement door, surrounding frame and cladding above the door are fixed in place and are clearly intended to have a significant degree of permanence. Though I recognise that it may not have involved structural work, this would not be a pre-requisite and I find the installation to have amounted to an operation of development as defined by s55(1).

3. Section 55(2) of the Act, however goes on to clarify at subsection (a)(ii) that the carrying out of works which do not materially affect the external appearance of the building shall not be taken to involve development of the land. However from the information provided, there is a clear difference between the present design of the door and frame and that which was previously in place in terms of its appearance and profile. There is also a distinct inherent difference between the appearance of the cladding above the door and the glazed fanlight that was previously in position. I therefore find, taking into account the very prominent position of the building within the public domain, that the installation alleged in the notice goes beyond a repair of what was previously in place, and has resulted in a material change to the external appearance of the building.
4. There is no suggestion that the alterations would amount to permitted development under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). I therefore find that planning permission would have been required for the alleged unauthorised development. The ground (c) appeal therefore fails.

The appeal on ground (f)

5. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and include remedying the breach of planning control by restoring the land to its condition before the breach of planning control took place (s173 (4) (a)). The Council expressly states that it requires steps to be taken to remedy the breach of planning control.
6. The appellant's case is that he is being required to replace the door and frame to a higher standard than that which existed prior to the breach. It is apparent from the photographic information provided by the Council that the specification of door and frame required as part of the notice would exceed the relatively simple unit that was previously in place. Where planning permission has not been granted for the development, the power is simply to restore the land to its previous condition. There is no statutory power to require the appellant to undertake works which would result in an improvement to that previous condition.
7. Furthermore the notice requires certain works to be undertaken, namely the provision of a replacement corbel and the painting of the timber boarding, pilaster and corbel, that relate to matters that have not been identified within the alleged breach of planning control. The requirement for these works would therefore also be excessive.
8. I therefore concur with the appellant that some of the requirements of the notice which are concerned with securing a particular specification of door and frame and the provision of other work are excessive.

Appeal Decision APP/H0724/C/18/3214259

9. However I consider that the notice can be corrected, to require the door, frame and fanlight to be restored to the condition before the breach took place, without resulting in injustice to the parties. The ground (f) appeal therefore succeeds to this limited extent.

Other Matters

10. I acknowledge and have some sympathy with the appellant that the unauthorised works appear to have been undertaken in response to an incident which has resulted in damage to the building and for which he was not at fault, and following the advice of others to secure the property. However this matter and the representations made regarding other similar developments in the area concern the planning merits of the case. In the absence of an appeal on ground (a), that planning permission should be granted, I am unable to address the planning merits.

Conclusion

11. For the reasons given above I conclude that the appeal on ground (c) should not succeed. I shall uphold the enforcement notice with corrections.

Formal Decision

12. It is directed that the enforcement notice be corrected as follows:-

by deleting the words "uPVC door and frame with uPVC cladding above door." in paragraph 3 and substituting the words "composite door and uPVC frame with uPVC cladding above door." instead; and

by deleting the words "existing uPVC door, frame and cladding." in paragraph 5(i) and substituting the words "existing composite door, uPVC frame and cladding." instead; and

by deleting the text at paragraphs 5(ii), 5(iii) and 5(iv) and substituting the following paragraph instead:

"5(ii) Restore the door, frame and fanlight above the door to their condition before the breach took place."; and

by deleting the wording "Steps (i), (ii), (iii) and (iv)" in paragraph 6 and substituting the wording "Steps (i) and (ii)" instead.

13. Subject to these corrections the appeal is dismissed and the enforcement notice is upheld.

Roy Merrett

INSPECTOR

PLANNING COMMITTEE

31st July 2019



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 32 THE FRONT, SEATON CAREW,
HARTLEPOOL TS25 1BS
APPEAL REF: APP/H0724/C/18/32115099
INSTALLATION OF REPLACEMENT WINDOWS
(RETROSPECTIVE APPLICATION) (H/2018/0284)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an installation of replacement windows (retrospective application) within the first floor front elevation of 32 The Front, Seaton Carew, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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The Planning Inspectorate

Appeal Decisions

Site visit made on 11 June 2019

by Roy Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal A: APP/H0724/C/18/3215099

32 The Front, Seaton Carew, Hartlepool TS25 1BS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Leslie Hodgman against an enforcement notice issued by Hartlepool Borough Council.
- The enforcement notice was issued on 23 October 2018.
- The breach of planning control as alleged in the notice is Without planning permission, the installation of a uPVC replacement window.
- The requirements of the notice are (i) Remove the uPVC first floor bay window. (ii) Provide traditionally constructed, double hung, purpose made canted bay window consisting of vertical sliding sash windows including box constructed in softwood to the specification below: a) Centre window and side windows one over one with horns detailed and profiled similar to 16 or 29 The Front; b) Provide bay head, consisting of frieze, cornice including cornice mould, edge mould and lead cloak in code 5 lead with lead rolls to allow for expansion to conform to recommendations of Lead Sheet Association; c) Provide side pilasters in solid timber, fixing plinth blocks and capital moulds. Head and pilasters to match similar to 33 The Front; d) Windows to be one over one constructed with horns in softwood using cords and counterbalance weights, timber sill to window in hardwood. Windows to be constructed with internal ovolo or ogee moulding detail to stiles, rails and glazing bars properly formed not routed after manufacture; e) Windows shall be painted.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice, as corrected, is upheld.

Appeal B: APP/H0724/W/18/3214115

32 The Front, Seaton Carew, Hartlepool TS25 1BS

- 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 Leslie Hodgman against the decision of Hartlepool Borough Council.
- The application Ref H/2018/0284, dated 9 July 2018, was refused by notice dated 4 October 2018.
- The development proposed is Installation of replacement windows (retrospective application).

Summary of Decision: The appeal is dismissed.

Preliminary Matter

1. With regard to Appeal B, I have taken the description of development from the Council's decision notice as reflected on the appeal form.

Appeal A on ground (a) and Appeal B

Main Issue

2. The main issue is the effect of the development on the character and appearance of the Seaton Carew Conservation Area (CA).

Reasons

3. The CA, along The Front is characterised by a variety of building styles, typically including commercial uses at ground floor level. The appeal site is part of a three-storey terrace, in which the units are generally rendered and painted and have projecting bay windows at first floor level. It was apparent from my visit that many properties within the CA have had windows replaced in more modern materials, including uPVC. However I consider that traditional timber sliding sash windows, such as those apparent at Nos 29 and 36 The Front, remain sufficiently represented for this to continue to depict the heritage of the buildings in question and to be an important characteristic of the CA. I am also mindful that the Council's representation that the CA is formally recorded in Historic England's Heritage at Risk register, due to an accumulation of unacceptable minor alterations, has not been disputed.
4. It is also undisputed that the development comprises the replacement of a traditionally detailed timber bay, incorporating uPVC mock sash windows with a uPVC bay and casement windows. The Council states that a traditional timber bay would incorporate a narrower fascia and moulding to create a more subtle profile between it and the windows, so that there are no apparent gaps. Furthermore it says that the pilasters to the side of the new bay lack the finer detail of a timber bay and appear to be separated from the bay head by a gap, rather than appearing as a single entity. The appellant does not specifically seek to challenge the Council's description of the comparative characteristics of the windows, as set out in the officer report, statement and photographs. I have no reason to take a contrary view to the Council in terms of the higher quality detailing of the timber bay.
5. From my visit it was evident that new uPVC frames are relatively thick and heavy in appearance. In addition, the use of uPVC for the bay, which tends to be a uniformly smooth material, would be a departure from the textured, traditional appearance of painted timber. I am in no doubt that the windows lack the narrow, more elegant proportions associated with traditional timber framed, vertical opening windows, such as those evident elsewhere on The Front. Although the previous mock sliding sash windows were also made of uPVC, and were not therefore to this standard, from the comparative photographs provided, they do appear to have incorporated a more traditional profile when considered in vertical section.
6. Despite the apparent symmetry of the bay and that the previous window units themselves were not constructed in a traditional material, from the information before me, when taking into account the bay development as a whole, although the visual impact of the changes to the front elevation would be relatively minor, they would nevertheless draw the eye to a degree in what is a

prominent location. The development constitutes a harmful change to the overall visual cohesion of the appeal property and the wider CA.

7. Notwithstanding that there are a significant number of cases within the surrounding area where more modern materials have been used to replace traditional designs, I am not persuaded that this justifies the harm that I have identified in this case, which I must consider on its own merits. Any similar breaches of planning control would be a matter for the Council to investigate.
8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under Section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the reasons set out above, I conclude that the development on the front elevation causes less than substantial harm to the character and appearance of the building and wider CA. However in terms of the guidance in the National Planning Policy Framework (the Framework), there would still be real and serious harm which is a consideration of significant weight.
9. In such circumstances, where harm is identified to the significance of a designated heritage asset, in this case the CA, the Framework requires that this harm is weighed against the public benefits of the proposal. I acknowledge that it is likely that the replacement window would bring benefits in terms of better weather and noise insulation to the property and that the requirements of the notice will inevitably result in financial loss. However I have not been provided with a compelling argument that there are no other solutions available to improve insulation whilst allowing for satisfactory maintenance, even when taking into account the sea-front location of the site. The residential, as opposed to business, use of the property does not excuse the development. A convincing case has not been made that there would be public benefits from the scheme, sufficient to outweigh the harm I have identified.
10. For the aforementioned reasons the development to the front elevation would be in conflict with the Framework and also with Policies HE1 and HE3 of the Hartlepool Local Plan 2018, insofar as they seek to promote high quality design and conserve or enhance the appearance, character and setting of heritage assets.
11. Although there have not been objections from third parties, and a number of supporting representations, this would not overcome the conflict with planning policy that I have identified.

Appeal A on ground (f)

12. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purposes of an enforcement notice are set out in s173 of the Act and include remedying the breach of planning control by restoring the land to its condition before the breach of planning control took place (s173 (4) (a)).
13. The Council requires, amongst other things, the replacement of the first-floor windows with painted timber sliding sash windows. The appellant's case is that many other buildings in the area have uPVC windows; that over the 30 years the appellant has occupied the property it has not had sash windows and that the sea front location of the property means that the maintenance requirements are that much greater.

Appeal Decisions APP/H0724/C/18/3215099, APP/H0724/W/18/3214115

14. Where planning permission has not been granted for the development, the power is simply to restore the land to its previous condition. There is no statutory power to require the appellant to undertake works which would result in an improvement to that previous condition. In this context I am mindful that the Council has confirmed that the previous window units were constructed in uPVC, in a mock sliding sash design.
15. I therefore concur with the view that some of the requirements of the notice, which are concerned with securing a particular specification of window are excessive.
16. However I consider that the notice can be corrected, to require the window, including bay, to be restored to its condition before the breach took place, without resulting in injustice to the parties. The ground (f) appeal therefore succeeds to this limited extent.

Conclusion

Appeal A

17. For the reasons given above I conclude that the ground (a) appeal should not succeed. I shall uphold the enforcement notice, with corrections, and refuse to grant planning permission on the deemed application.

Appeal B

18. For the reasons given above I conclude that the appeal should be dismissed.

Formal Decisions

Appeal A

19. It is directed that the enforcement notice be corrected by deleting the text at paragraph 5(ii) (including parts a) to e) inclusive) and substituting the following paragraph instead:

"5(ii) Restore the window, including bay, to its condition before the breach took place."
20. Subject to these corrections the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B

21. The appeal is dismissed and planning permission is refused.

Roy Merrett

INSPECTOR

PLANNING COMMITTEE

31st July 2019



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT 34 RILLSTON CLOSE, HARTLEPOOL,
TS26 0PS
APPEAL REF: APP/H0724/D/19/3229981
Erection of a two storey extension at the side, a single
storey extension at the side and a single storey
extension at the rear (H/2019/0024).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against a Planning Decision in respect of a proposed Erection of two storey extension at the side and a single storey extension at the side and a single storey extension at the rear (H/2019/0024).
- 1.2 The application was refused under delegated powers as it was considered that the proposed two storey side extension, would by virtue of the design, siting and scale of the proposed extension, would create an incongruous feature that would not be in keeping with the character and appearance of the host dwelling or street scene to the detriment of the visual amenity of the area. (Report Attached – **APPENDIX 1**).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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APPENDIX 1

DELEGATED REPORT

Proposal	Erection of a two storey extension at the side, a single storey extension at the side and a single storey extension at the rear
Location	34 RILLSTON CLOSE HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	17/02/2019 N/A N/A 17/02/2019 14/03/2019
1) Publicity Expiry		
2) Publicity/Consultations PUBLICITY The application was advertised by way of 8 neighbour letters. To date, 1 representation of objection has been received with the reasons as set out below: <ol style="list-style-type: none"> 1. Objection to double storey extension Reduction in light to kitchen area (side windows) and bathroom windows (upstairs) 2. Single Storey Extension ends close to fence near kitchen Reduction in light and noise levels. CONSULTS HBC Traffic and Transport – There are no highway or traffic concerns. HBC Planning Policy – There are no concerns from planning policy.		
3) Neighbour letters needed	Y	
4) Parish letter needed	N	
5) Policy	<u>Planning Policy</u>	

In February 2019 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012 and 2018 NPPF versions. The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development. It defines the role of planning in achieving sustainable development under three overarching objectives; an economic objective, a social objective and an environmental objective, each mutually dependent. At the heart of the Framework is a presumption in favour of sustainable development. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless policies within the Framework provide a clear reason for refusal or any adverse impacts of doing so would significant and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

National Planning Policy Framework 2019

Paragraph 2 (permission determined in accordance with development plan)
 Paragraphs 7-12 (achieving sustainable development)
 Paragraph 38 (positive approach to decision making)
 Paragraph 47 (determine applications in accordance with development plan)
 Paragraphs 54-57 (planning obligations/conditions)
 Paragraph 91 (healthy, inclusive and safe places)
 Paragraph 124 (ensuring good design)
 Paragraph 127 (design/functionality of developments)
 Paragraph 130 (refusal of poor design)
 Paragraph 150 (reduce greenhouse gases through location, orientation and design)
 Paragraph 153 (minimising energy consumption)

Hartlepool Local Plan 2018

The following local planning policies are considered to be relevant:

SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy
 QP4: Layout and Design of Development
 HSG 11: Extensions to Existing Dwellings

6) Planning Consideration

PLANNING HISTORY

The following applications are relevant to this application:

HFUL/2001/0225 – Erection of a kitchen and utility room extension; Approved 25/06/01

SITE AND SURROUNDINGS

This application site relates to a two storey detached dwelling located within the cul de sac of Rillston Close. This residential area consists predominantly of two storey detached dwellings with amenity space to the front and rear. This street is located to the south of Hayston Road and to the east of Brimston Close in the area of High Throston, Hartlepool. No.33 abounds the application site to the east with No.35 abounding the application site to the north. No's 39 and 40 Rillston Close are located beyond the highway to the north east of the application site. No 23 and 24 Rillston Close are to the south and No's 2 and 3 Brimston Close around the rear garden of the application site to the south west.

PROPOSAL

This application seeks planning permission for the erection of a two storey extension at the side and a single storey extension at the side and rear.

The proposed two storey side extension projects from the existing side wall, above the existing garage and utility room and measures approximately 10.275m in length x 3m in width x a total height of 7.7m. The proposed two storey extension will project forward in line with the existing front elevation of the existing porch. The extension will project forward beyond the existing first floor front elevation by approximately 1.4m and a pitched roof will project forward of the existing first floor roof line and would be in line with the existing garage below. The proposed two storey extension would feature first floor windows to the front and rear and two windows in the side elevation (east). There is a second floor window proposed in the side elevation of the proposed extension. Furthermore, the proposal features a pitched roof in line with the existing roof and a dual pitched gable design to the front of the proposed extension and extends over the existing garage.

The proposed single storey extension projects from the side (east) and rear wall of the existing dwelling and extends from the side wall by approximately 2.8m, has a length of approximately 7.755m and forms an 'L' shape nearest to the eastern boundary of the application site. The proposed single storey extension to the rear measures approximately 3m in projection x 9m in width. The height of the proposed single storey extension would be 3.6m total height with an eaves height of 2.5m. There are a number of windows featured in the rear elevation of the proposed extension and windows and a door featured in the front elevation. A set of French doors are featured in the side elevation (west). The proposal features a mono pitched roof pitching away from the side (east) and rear boundaries and features four roof lights.

The materials proposed for the extension would match the materials of the existing house.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the impact on the character and appearance of the existing dwelling and street scene, the impact on the amenity and privacy of neighbouring land users and the highway safety and parking provision.

IMPACT ON CHARACTER AND APPEARANCE OF THE EXISTING DWELLING + THE SURROUNDING AREA

The host dwelling is situated at the head of the cul de sac (Rillston Close), in the south west corner and is a detached two storey property. The host property is on a corner between No's 33 (east) and 35 Rillston Close (west) facing north west. The host property is set back from the highway by approximately 6.5m with No. 35 set back from the highway by approximately 7m. The host property is set back approximately 2m further from the highway than neighbouring property of No.33 Rillston Close.

It is acknowledged that the proposed extensions are to be constructed of matching materials to the existing dwelling, however the proposed two storey side extension would project forward beyond the existing first floor front elevation in line with the front elevation of the existing projecting garage and porch. The proposal would feature a pitched gable design to a maximum ridge height of approximately 6.1m (reducing to approximately 5m at eaves height). It is considered the two storey extension, due to the projection forward of the main dwelling and the pitched roof gable design, would be of a design and scale that is considered to be out of keeping with the design and proportions of the host property. It is considered that the proposal would result in an ungainly roof form that would have a visually jarring appearance.

Furthermore, it is noted that the proposed two storey side extension would not feature a setback which is generally required to avoid any terracing effect and more importantly to create a sympathetic and subservient design. Whilst the proposal would not create a terracing effect in this instance, it is considered that the proposal would result in an unsympathetic and unbalanced appearance to the host dwelling resulting in a prominent and incongruous feature into the street scene to the detriment of the visual amenity of the surrounding area, contrary to the provisions of local plan Policy HSG 11 which states extensions should be of a design and size that are sympathetic to the existing dwelling and character of the surrounding area.

The case officer has requested the submission of amended plans to show the extension as being set back and subservient to the existing dwelling. However these have not been forthcoming and the application has been considered accordingly.

In respect of the single storey side and rear element of the proposal it is generally considered to accord with the provisions of policies HSG11 owing to its modest design and set back from the front.

Overall and in view of the above it is considered that the proposed two storey side extension would by virtue of the design, siting and scale result in a poor design to the detriment of the character and appearance of the host dwelling and street scene. It is considered that the proposals are contrary to policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127 and 130 of the National Planning Policy Framework (2019) which states that all new developments should be of high quality design and should not adversely affect the character of the surrounding area. Furthermore, permission should be refused for development of poor design.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

Impact on No. 33 Rillston Close (East)

The proposed extensions would project off the side wall of the host dwelling, adjacent to the side boundary of No.33 Rillston Close with the single storey extension being 'set off' from the boundary by approximately 2m and the two storey extension with a 'set off' of approx. 5m. The proposed single storey extension will project from the rear wall of the existing house by approximately 3m and will be set away from the boundary to the east by approximately 4.5m.

It is understood that No.33 Rillston Close has two windows set on the ground floor side elevation facing west, (serving a kitchen/dining room) with a set of French doors in the rear elevation (serving the same kitchen/dining room). Furthermore, it is understood No.33 has a window set on the first floor facing west, (serving bathroom). It is noted that the occupants of No.33 object to the proposal on the grounds that the proposals would result in a loss of light to the ground floor windows in the side elevation (serving kitchen/dining room) and first floor window (serving bathroom).

It is considered the proposal would result in a degree of overshadowing, overbearing and a reduced outlook in relation to these windows (mentioned above), as a result of the siting of the proposed extensions adjacent to the eastern boundary. However, it is considered due to the off-set angle of the existing host property and owing to the French doors in the rear of No.33 (serving the same kitchen/ dining room), and thereby providing an additional light source serving this room which are not considered to be adversely affected by the proposals, the proposals would not on balance, result in a significant adverse impact, when taking into account the existing relationship between the host property and No.33 Rillston Close, in regard to loss of light, overshadowing or overbearing and therefore the impacts would not warrant the refusal of the application in this instance.

In relation to privacy, it is noted that the single storey side extension would not feature any windows (save for a roof light) and would therefore not result in an adverse loss of privacy for No.33. It is acknowledged that the two storey side extension would feature a single window in the first floor side elevation and a single window above this floor (serving loft space) that would offer potential views into the rear garden of No. 33. Had the proposals been acceptable in all respects a condition would have been applied to ensure the windows are obscured. Had the previously mentioned condition been applied, the proposal would not, on balance, result in an unacceptable loss of privacy for No.33 in terms of overlooking.

Furthermore it is noted that there are a number of windows in the rear elevation of the proposed single storey extension. It is considered that these windows would be at least approximately 5m away from the boundary (east) and would not offer any direct views towards No. 33 and its immediate rear garden area. With respect to the window in the proposed first floor rear elevation and the window proposed in the front elevation of the first floor front elevation, owing to the off-set angle, it is considered that on balance the proposal would not have a significant adverse impact in relation to loss of privacy and the proposal would therefore be acceptable in this regard.

Impact on No.35 Rillston Close (North)

No. 35 Rillston Close abounds the host property to the north. It is considered that the proposed two storey extension would not project beyond the front porch or rear of the existing property and the proposed single storey side extension would not extend beyond the front of the property and therefore would be primarily screened by elements of the host property although the projecting first floor would be viewable. It is considered that due to the off-set angle of the proposal and a separation distance of approximately 11m the proposed two storey extension would not have a significant adverse impact upon the residential amenity of this property in relation to loss of light, outlook and overshadowing.

The proposed single storey extension to the rear of the host property would be set away from the boundary, to the west, by approximately 11m. It is considered owing to the above mentioned distance, the modest scale of the proposed extension with a height which does not exceed a maximum of 4m and a mono pitched roof, the proposal would not result in an adverse loss of amenity in terms of overshadowing, overbearing and loss of light on No. 35 Rillston Close

In relation to privacy, it is noted there is a set of French doors in the side elevation of the proposed single storey rear extension facing towards No.35's rear garden. However, owing to the distance the proposed extension is set away from the boundary, the off-set angle of the host property and the presence of a 1.8m (approx.) high, close boarded boundary fence it is considered the proposal would not result in a loss of privacy for No.35 Rillston Close in terms of overlooking.

Impact on No's 23 and 24 Rillston Close and No's 2 and 3 Brimston Close to the Rear (South/South West)

No's 23 and 24 Rillston Close and No's 2 and 3 Brimston Close are approximately 12m to the south/ south west of the proposals at the nearest point (23 Rillston Close rear elevations). Whilst this separation distance does not accord with the distances set out in policy QP4 of the Hartlepool Local Plan, it is considered that due to this distance, the off-set angle of the existing host property and the intervening boundary treatment of approximately 1.8m high, close boarded fence, the proposal would not have a significantly adverse impact on the residential amenity of the occupiers of No's 23 and 24 Rillston Close and No's 2 and 3 Brimston Close in terms of loss of light, overshadowing, overbearing or privacy in terms of overlooking to warrant the refusal of this application. Therefore the proposal would be acceptable in this regard.

Impact on No's 39 and 40 Rillston Close to the Front (North West)

No's 39 and 40 Rillston Close are approximately 32m to the north east of the proposals at the nearest point (front elevation to No.40). It is considered that due to the separation distances across the public highway of Rillston Close (mentioned above), the proposal would not have a significantly adverse impact upon the residential amenity of these properties in relation to loss of light, overshadowing and overbearing or privacy in terms of overlooking, to warrant the refusal of this application in this instance. Therefore the proposal would be acceptable in this regard.

HIGHWAY SAFETY AND CAR PARKING

The Council's Traffic and Transport section have raised no issues; therefore it is considered that the proposal will not have any adverse highway impacts.

CONCLUSION

Having regard for the above policies identified within the Hartlepool Local Plan (May 2018) and relevant paragraphs of the NPPF (February 2019), it is considered the proposed two storey side extension by virtue of design, scale and siting, would not be in keeping with the character and appearance of the host dwelling and would result in an incongruous feature and detrimental loss of visual amenity of the neighbouring street scene and the wider character of the area. It is therefore considered the proposal should be recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

Yes (as per report)

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

N

12) Recommendation

REFUSE for the following reason;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority the proposed two storey side extension, would by virtue of the design, siting and scale of the proposed extension, would create an incongruous feature that would not be in keeping with the character and appearance of the host dwelling or street scene to the detriment of the visual amenity of the area. The development is therefore considered to be contrary to policies QP4 and HSG11 of the Hartlepool Local Plan (2018) and paragraphs 124, 127 and 130 of the National Planning Policy Framework (2019) which states that all new developments should be of high quality design and advises that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

INFORMATIVE

1. Statement of Proactive Engagement

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. The applicant was made aware of the Local Planning Authority's concerns and given the inappropriate siting, massing and design of the proposed development and the resultant impact on the neighbouring street scene, it is not possible to address this key constraint in this instance.

PLANNING COMMITTEE

31 July 2019



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. The erection of an outbuilding in the rear garden of a residential property in Harvester Close.
2. The erection of a single storey rear extension, side boundary wall and siting of a shipping container at a residential property in Rosebery Road.
3. Non-compliance with conditions relating to completion of retaining walls/raised platform/terrace at a householder development in Serpentine Gardens.
4. The siting of a mobile home at a farm on Coal Lane.
5. Non-compliance with the approved plans at a residential development site on Coniscliffe Road.
6. The change of use from a workshop to a childrens' playgroup at an industrial estate in Cromwell Road.
7. Non-compliance with a condition relating to parking restrictions at a commercial premises in Southburn Terrace.
8. Non-compliance with a condition relating to the provision of a landscape buffer at a residential development site at land off Valley Drive.

1.2 Investigations have been completed as a result of the following complaints:

1. The installation of uPVC windows at a residential property in St Pauls Road. Following a recently approved planning application seeking consent to replace the uPVC windows with a more suitable alternative, the approved windows have since been installed.

2. The change of use of first floor residential accommodation to a commercial kitchen and restaurant at a licensed premises in Broadfield Road. The use of the first floor residential accommodation as a commercial kitchen and restaurant has now ceased.
3. Non-compliance with a condition relating to dust suppression and wheel washing at a quarry site in Hart Lane. It was found that the site is operating in accordance with the relevant conditions. The matter was redirected to the Council's Highways section for action as appropriate.
4. Operating a vehicle parts business at a residential property in Meadow Drive. It was found that the business activity did not result in a material change of use of the property as a dwellinghouse.
5. The erection of an outbuilding in the rear garden of a residential property in Cranesbill Avenue. Permitted development rights apply in this case.
6. A single storey side extension not built in accordance with the approved plans at a residential property in Grove Close. A retrospective planning application seeking to regularise the deviations from the approved plans has since been approved.
7. Non-compliance with a condition relating to working hours at a redevelopment site in Lynn Street. It was found that the activity at the site did not relate to the redevelopment of the site. The matter was redirected to the Council's Public Protection section for action as appropriate.
8. Buildings and structures which form part of a crazy golf course not being built in accordance with the approved plans at a recreational site at The Cliff. It was found that the development is being implemented in accordance with the approved plans.
9. Non-compliance with conditions relating to deliveries and a highways mitigation scheme at a commercial development site at Mulberry Rise. The deliveries are now carried out in accordance with the approved details, and the highways mitigation measures have since been implemented.
10. The erection of a timber outbuilding in the rear garden of a residential property in Endeavour Close. A retrospective planning application seeking to regularise the development has since been approved.
11. Non-compliance with the approved levels details at residential development site on Kingsley Avenue. It was found that the development is being carried out in accordance with the approved details.
12. Running a beauty/nails business at a residential property in Grace Close. It was found that the business activity has not resulted in a material change of use of the property as a residential dwelling.

2. RECOMMENDATION

- 2.1 Members note this report.

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