

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

2 FEBRUARY 2011

**REPORT OF CORPORATE DIRECTOR,
DEVELOPMENT AND
NEIGHBOURHOOD SERVICES**

10/3078/FUL

7 The Green, Long Newton, Stockton-on-Tees

First floor en-suite shower room to be built over existing ground floor dining room

Expiry Date 2 February 2011

SUMMARY

Approval is sought for the erection of a first floor extension above an existing dining room extension at ground floor level. The proposal would provide en-suite and dressing room facilities for a disabled user. Two objections has been received from the neighbouring property to the north east of the application site on the grounds that the proposal will appear overbearing, overshadow and result in a loss of light. The objectors also state that the design of the proposal will result in a detrimental visual impact upon the street scene. Two letters have been received from the applicant in response to these claims.

However given the position of the proposed extension in relation to the primary bedroom window in the side elevation facing the application site it is considered that the proposal would have a detrimental impact upon the amenity of this neighbouring property in terms of appearing overbearing. As such the proposed extension is considered to be contrary to policy HO12 of the Local Plan and is therefore considered to be unacceptable.

Under the scheme of delegation, it is necessary for the committee to consider this application as one of the objector's works within planning services.

RECOMMENDATION

Planning application 10/3078/FUL be Refused for the following reason

01. In the opinion of the Local Planning Authority the proposed development would, by virtue of its size, height, design and position in relation to the neighbouring property, have an overbearing impact, to the detriment of the amenity of occupants of the neighbouring property to the north, number 8 The Green, contrary to policy HO12 of the Stockton on Tees Local Plan and Supplementary Planning Guidance Note 2: Householder Extension Guide.

BACKGROUND

1. Two letters have been received from the applicant which are summarised below;
2. In response to objection letter the applicant has submitted a letter of representation dated 29 December 2010. The applicant questions the reliability submitted by the objector as there is no time or date supplied; therefore he considers that this is unreliable. The applicant states that the proposal has been designed to reduce overlooking and that there are similar situations within the street scene where properties do not benefit from a view and this characterises the area. Furthermore owing to the position the applicant considers that it will not result in terracing or result in a visual impact upon the street scene. However owing to the position the applicant asserts that there will be a continuing open aspect to the south. As such the applicant considers that the proposal complies with guidance within SPG2.
3. The letter states that the windows in the objectors' property facing on to the proposal other than the bedroom are not serving habitable rooms. Comments in the letter suggest that amendments suggested by the objector regarding internal layout are not acceptable to meet the requirements of a disabled user.
4. A further letter received from the applicant dated 6 January 2011 raises concerns that no alternatives have been suggested and that the view taken on impact upon overshadowing is not based on any calculations. The applicant suggests that the shading will not be significant and will only result in partial for the smallest bedroom in the middle portion of the day when it is least likely to be occupied. The letter continues to states that no compromise was offered by the officer in relation to roof design or massing to reduce the shadowing or overbearing impact of the proposal. Photos have been included to demonstrate that views will be maintained from the window.
5. Secondly the applicant raises the issue that the resident is registered disabled and the proposal's primary aim is to provide en-suite facilities which is large enough to be adapted for future needs. The existing bathroom has restricted head room and includes a step down into the room. The applicant states that it is not practical or economically viable to raise the height of the bathroom floor or ceiling. Concerns are raised that the Council do not have an access officer and that there is no guidance which specifically relates to access and disability.
6. The applicant makes reference to an alternative suggested, by the officer, which would rely on internal alterations however this is also considered to be unacceptable. Finally the letter raises concern that no efforts have been made to avoid an appeal with the officer suggesting that this is the only option available to the applicant should the application be approved.
7. The applicant has submitted a revised design to include a hipped roof.

PROPOSAL

8. Approval is sought for the erection of a first floor extension above an existing ground floor, dining room extension to measure 3.95 metres in width and 5.31 metres in length. A revised plan was submitted to incorporate a hipped roof

design with a maximum height of approximately 6.6 metres. The proposed extension will provide a dressing room with en-suite shower room in order to provide facilities required for a disabled resident.

CONSULTATIONS

The following Consultees were notified and comments received are set out below:-

PUBLICITY

9. Mr C B Whaler 8 The Green Long Newton

Only objection is how the proposal will adversely affect the bedroom window and the entrance area in terms of restricted light and view. I do not know what distances are required but I would ask that they are adequate.

Margaret Whaler

8 The Green Long Newton

Objection largely on the grounds that there is an existing single storey extension to the side which has a blank gable wall on the front elevation adjacent to my driveway. Whilst this has no windows which prevents overlooking and loss of privacy however this design is not aesthetically pleasing. The proposal to extend above with a high level window will result in a loss of visual amenity for the whole street scene. Owing to the height of the pitched roof the proposal will appear overbearing and result in loss of light and overshadowing to the side and front of my property (photo included).

The bedroom window in the side elevation is the only bedroom window serving this room and will be approximately 4.5 metres from the proposed extension resulting in loss of light and visual amenity. Other properties in a similar situation have a distance of approximately 6 metres and have an open aspect. The corner location of number 7 and 8 will exacerbate this problem and give a courtyard appearance. Loss of light will also affect the bathroom and entrance hall with the properties appearing almost jointed together. The proposal does not appear to adhere to guidance within SPG2. Whilst I sympathise with the applicant for the need for a level bathroom this could be accommodated elsewhere or significantly set back the proposed extension.

PLANNING POLICY

10. Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and Stockton on Tees Local Plan (STLP)

11. The following planning policies are considered to be relevant to the consideration of this application:-

Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

1. All new residential developments will achieve a minimum of Level 3 of the Code for Sustainable Homes up to 2013, and thereafter a minimum of Code Level 4.

2. All new non-residential developments will be completed to a Building Research Establishment Environmental Assessment Method (BREEAM) of 'very good' up to 2013 and thereafter a minimum rating of 'excellent'.
3. The minimum carbon reduction targets will remain in line with Part L of the Building Regulations, achieving carbon neutral domestic properties by 2016, and non domestic properties by 2019, although it is expected that developers will aspire to meet targets prior to these dates.
4. To meet carbon reduction targets, energy efficiency measures should be embedded in all new buildings. If this is not possible, or the targets are not met, then on-site district renewable and low carbon energy schemes will be used. Where it can be demonstrated that neither of these options is suitable, micro renewable, micro carbon energy technologies or a contribution towards an off-site renewable energy scheme will be considered.
5. For all major developments, including residential developments comprising 10 or more units, and non-residential developments exceeding 1000 square metres gross floor space, at least 10% of total predicted energy requirements will be provided, on site, from renewable energy sources.
6. All major development proposals will be encouraged to make use of renewable and low carbon decentralised energy systems to support the sustainable development of major growth locations within the Borough.
7. Where suitable proposals come forward for medium to small scale renewable energy generation, which meet the criteria set out in Policy 40 of the Regional Spatial Strategy, these will be supported. Broad locations for renewable energy generation may be identified in the Regeneration Development Plan Document.
8. Additionally, in designing new development, proposals will:
 - _ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
 - _ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
 - _ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
 - _ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.
9. The reduction, reuse, sorting, recovery and recycling of waste will be encouraged, and details will be set out in the Joint Tees Valley Minerals and Waste Development Plan Documents.

12. Policy HO12

Where planning permission is required, all extensions to dwellings should be in keeping with the property and the street scene in terms of style, proportion and materials and should avoid significant loss of privacy and amenity for the residents of neighbouring properties.

Permission for two-storey rear extensions close to a common boundary will not normally be granted if the extension would shadow or dominate neighbouring property to a substantial degree.

Permission for two-storey side extensions close to a common boundary will not normally be granted unless they are set back from the boundary or set back from the front wall of the dwelling

SITE AND SURROUNDINGS

13. The application site is a detached dwelling house located within a predominantly residential cul de sac. To the south east of the application site there is a modern dwelling house which was approved in 2000 (planning reference number 00/1821/P). To the north east of the application site there is a dwelling house. Directly in front of the application site is the turning head of the cul de sac beyond which is the school field.
14. To the rear of the application site is the Village Green. The boundary treatments that enclose the site consist of a mix of 1.8 metre high fencing; mature planting and low level fencing.

MATERIAL PLANNING CONSIDERATIONS

15. The main issues for consideration when assessing this application are the impact upon the amenity of neighbouring properties, in terms of overlooking and appearing overbearing and the impact of the design of the proposal in relation to the street scene and the character of the surrounding area. Also necessary for consideration are the potential implications for highway safety.
16. Two letters of objection have been received from the neighbouring property outlining concerns regarding the overbearing impact and loss of light in relation to the bedroom, entrance hall and bathroom. Also the impact of the design in relation to the surrounding street scene.

Amenity of Neighbouring Properties

17. The neighbouring property to the north east, number 8 the green is an L-shared property. As such the front elevation is staggered and there is window in the side elevation which faces on to the application site. This window is the primary window serving a bedroom. Guidance within SPG2: Householder extension Design Guide states that there should be a minimum separation distance of 11 metres between habitable room windows and gable walls which do not include habitable room windows. There will be a separation distance of approximately 4.5 metres between the proposed extension and the neighbouring property. As such this contravenes the guidance within SPG2. The applicant makes reference to similar relationships within the street scene however these were approved as part of the original scheme and are approximately 1 metre larger than the separation distance proposed. Given

that this is the primary window serving the bedroom and the limited distance to the proposal it is considered that the proposal will appear overbearing to the detriment of the amenity of the neighbouring property. Whilst the objector makes reference to the bathroom and hall given that these windows do not serve habitable rooms it is not considered that the impact upon these rooms, alone, would warrant refusal of the application.

18. The proposed extensions would largely be screened from the neighbouring property to the west of the application site by the existing dwelling house. As such it is not considered that the proposal will result in a detrimental impact upon the amenity of this neighbouring property.
19. To the rear of the property is the village green. As such there are no neighbouring residential properties to the rear.

Design of the Proposal

20. The design of the proposed extension has been amended to include a hipped roof. Comments made by the objector are noted however it is considered that given the location of the proposal, in the corner of the cul de sac, and the design of the surrounding properties it is not considered that the proposal will result in an incongruous feature. Furthermore the design of the proposal is considered to be in keeping with the character of the existing dwelling in terms of style, scale and materials.
21. Guidance within SPG2: Supplementary Planning Guidance 2 states that normally a gap of at least 1 metre is required between the outside wall of the extension and the boundary of the plot to avoid terracing. However the application site and its neighbouring properties are detached. Moreover there is a separation distance of approximately 1.4 metres to the boundary of the application site front the side elevation of the proposed extension, providing a distance of approximately 2.6 metres to number 8 The Green. As such it is not considered that the proposed extension will result in a terracing effect. Therefore it is not considered that the proposal will result in a detrimental impact upon the character or appearance of the surrounding street scene.

Highway safety

22. The proposal does not include any additional bedrooms or alter the existing parking arrangements. As such it is not considered that the proposal will result in an adverse impact upon highway safety.

Residual Matters

23. The objector refers to loss of view however the right to a view is not a material planning consideration and cannot be taken into account when assessing this application.

CONCLUSION

24. Overall which is it is acknowledged that the proposal will not result in a detrimental impact upon highway safety or the character of the surrounding area, it is considered that the proposed extension will result in a detrimental impact upon the amenity of the residents of number 8 The Green in terms of

appearing overbearing. Therefore the proposal is considered to be contrary to policy HO12 of the Local Plan.

**Corporate Director of Development and Neighbourhood Services
Contact Officer Miss Helen Turnbull Telephone No 01642 526063**

WARD AND WARD COUNCILLORS

**Ward Western Parishes
Ward Councillor Councillor F. G. Salt,**

IMPLICATIONS

Financial Implications:

As Report

Environmental Implications:

As Report

Human Rights Implications:

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report

Community Safety Implications:

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report.