

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

18 JANUARY 2012

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

11/3029/FUL

6 Spitalfields, Yarm,

Revised application for two storey extension to the side, single storey extension to rear with chimney and canopy to front (Part retrospective)

Expiry Date 24 January 2012

SUMMARY

This revised application, which is in part retrospective, seeks planning permission for the erection of a two storey extension to the side, single storey extensions to rear with chimney (demolition of existing detached garage) and a canopy to front of No 6 Spitalfields, which is a link-attached two storey dwelling, located along a row of similar style properties, along Spitalfields, Yarm, Stockton on Tees.

The application site already benefits from two planning permissions. The original application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front was approved on 24th September 2008, planning reference 08/1971/FUL. A revised part-retrospective application was later approved in December 2009, planning reference 09/1532/REV. A third application (reference 11/0421/FUL) was withdrawn in April 2011 while a fourth application (reference 11/2420/REV) was withdrawn on 21st November 2011.

The main planning considerations with regard to this application are the extant planning permissions that the site already benefits from, the impact on the existing dwelling and street scene, the impact on the amenity of neighbouring properties, and highway safety and access.

No objections have been received from the Head of Technical Services or the Environmental Health Unit.

Six letters of objection have been received from neighbouring properties, a Local Ward Councillor and Yarm Residents Group. These objections raise concerns that the works will create a terracing effect as opposed to the original 'link' terrace design and would as a result create an incongruous design in the street scene to the detriment of the visual amenity of the surrounding area; the scheme will have an adverse impact on the amenity of adjacent neighbouring properties and the wider area that the applicant has continued to build on the site without the correct planning permission in place; the works could have a detrimental impact on the foundations of the adjacent neighbouring properties and the Party Wall Act should be served.

In view of the number of objections received being more than 5 contrary to the case officer's recommendation, in accordance with the Council's Scheme of Delegation the application is referred to Planning Committee for determination.

It is considered that the scheme accords with Core Strategy Policy CS3, Saved Local Plan Policy HO12 and supplementary planning guidance (SPG2 and SPD3) as the proposal does not lead to an adverse loss of amenity for neighbouring residents. It is also considered that the proposal does

not have an adverse impact on the existing dwelling, street scene, or impact on highway or public safety.

RECOMMENDATION

Planning application 11/2420/REV be Approved subject to the following conditions and informative

01 *The development hereby approved shall be in accordance with the following approved plan(s);*

<i>Plan Reference Number</i>	<i>Date on Plan</i>
<i>SBC0001</i>	<i>29 November 2011</i>
<i>SPITAL/02 REV P3</i>	<i>29 November 2011</i>
<i>SPITAL/01 REV P14</i>	<i>29 November 2011</i>

Reason: To define the consent.

02. *Materials to be used in the construction of the external surfaces walls and roof shall match the existing dwelling.*

Reason: To enable the Local Planning Authority to control details of the proposed development.

03. *All construction operations including delivery of materials on site shall take place only between the hours of 8.00 a.m. - 6.00 p.m. on weekdays and 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.*

Reason: To protect the amenity of neighbouring properties.

INFORMATIVES

General Policy Conformity

The proposed scheme has been considered against the policies and documents identified below. It is considered that the scheme accords with these policies as the proposal does not lead to an unacceptable loss of amenity for neighbouring residents in terms of outlook, overlooking, overbearing and overshadowing. It is also considered that the proposal does not have an adverse impact on the existing dwelling and does not introduce significant incongruous features within the street scene. It is further considered that the proposal does not have an adverse impact on public and highway safety. There are no material planning considerations, which indicate that a decision should be otherwise.

The following policies of the Adopted Core Strategy Development Plan Document (March 2010), the Saved Policies from the Adopted Stockton on Tees Local Plan (1997) and associated documents are considered to be relevant to the determination of this application

Saved Policy HO12 -Domestic Development
Supplementary Planning Guidance Note 2; Householder extension guide (SPG2, 2004)
Supplementary Planning Document 3; Parking provision for new development (SPD3, 2006)

BACKGROUND

Previous planning approvals and applications

1. By way of background, the application site of No 6 Spitalfields already benefits from two planning permissions; the original approved application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front, which was approved on 24th September 2008 (approval reference 08/1971/FUL). A revised (part-retrospective) application was later approved in December 2009 (approval 09/1532/REV). The main revisions of approval 09/1532/REV from the original approval 08/1971/FUL consisted of the erection of a small lean to roof section above the proposed two storey flat extension to the side, the relocation of the proposed chimney (as part of the proposed single storey rear extension), and the increase in length of the proposed two storey side extension towards the rear of the extension (set back approximately 0.110m from the existing rear elevations of the application site and No 4 Spitalfields).
2. Following a Court decision between No's 4 and 6 Spitalfields (regarding the ongoing works), the applicant submitted a third application (reference 11/0421/FUL) which was withdrawn in April 2011; the applicant needed to amend the submitted drawings after he was informed by the case officer of inaccuracies on the submitted plans. The applicant also informed the Local Planning Authority that he wished to make further changes but could not submit the plans within the requested timescale and the application was subsequently withdrawn. A fourth application was also recently withdrawn (reference 11/2420/REV, withdrawn November 2011) following a further court hearing between No's 4 and 6 Spitalfields.

Non-planning related matters

3. With regard to the issue of the court order, Mr Wilkinson of No 4 Spitalfields provided the case officer with the details of the court order during a previously withdrawn application (11/0421/FUL). Whilst these details were acknowledged, following confirmation from the Council's Principle Solicitor, both Mr Wilkinson and the applicant (Mr Spencer) were advised that the Local Planning Authority could only take material planning considerations into account, and that the court order is a civil matter and not a material planning consideration. Both parties were advised that the granting of planning permission does not allow any authority to breach a court order and therefore the Local Planning Authority would not contravene the order had it been minded to approve either of the recently withdrawn applications (11/0421/FUL and 11/2420/REV) or to approve the current application (11/3029/FUL).
4. The case officer informed the applicant's agent at the time of application 11/0421/FUL (April 2011) that this is a matter which must be resolved by the applicant before commencing works (had either of the withdrawn applications, 11/0421/FUL or 11/2420/REV, been approved or whether the applicant chose to submit a further application), but is not a matter for the Local Planning Authority to be involved in; Local Ward Councillors were also made aware of the ongoing issues at the time of application 11/0421/FUL in March 2011 whilst Councillor Houchen was also made aware of the civil matters between No's 4 and 6 Spitalfields during the most recently withdrawn application (11/2420/REV, November 2011). Whether the applicant chose to resolve such a matter with a fifth application is not something that the Local Planning Authority could enforce against and notwithstanding the court order, the applicant could choose to implement either of the extant planning approvals that the site benefits from (08/1971/FUL or 09/1532/REV). Nonetheless, the applicant has now submitted a new fifth application in order to progress the proposals, which are detailed below.

SITE AND SURROUNDINGS

5. The application site is a link-attached two storey dwelling, located along a row of similar style properties, along Spitalfields, Yarm. A detached flat roof garage was originally present to the rear of the application site (stepping over to No 4's rear garden), which is a common

relationship for properties within the vicinity of the site; the majority of the garage has now been demolished with only the outside wall remaining along the adjacent boundary to No 4 (east). This wall in addition to an approximately 1.9m high fence are present along the rear boundary to east, whilst the detached garage of No 8 Spitalfields (west) forms the immediate adjacent boundary to the west. Approximately 1.6m high and 1.8m high fences, trees and other mature landscaping (within the boundary of No 9 Blackfriars) complete the boundary treatment to the north. No's 9, 11 and 13 Blackfriars are present to the rear the site (north), whilst No's 51-57 (odds) Spitalfields are present to the front of the site (south).

PROPOSAL

6. This application seeks planning permission which is for part-retrospective permission for the erection of:
 - two single-storey extensions to the rear of the site (demolition of existing detached flat roof garage)
 - the erection of a two storey extension to the side, adjoined to No 4 Spitalfields (demolition of the existing first floor 'link') - this element is part-retrospective
 - the erection of a canopy to the front of the main dwelling, with the erection of 2 support pillars and the relocation of the main entrance door from the side (east) to the front elevation (south) of the dwelling - this element is retrospective following the recent completion of the porch canopy.

7. The main changes to the most recently approved planning application (09/1532/REV) for the site are:
 - Further set back (reduction of 0.55m from previously approved scheme) of ground floor element of two storey side extension to a total of approximately 1m from the principle elevation of dwelling (in line with proposed first floor element, also set back 1m)
 - Proposed lean to canopy in front of garage stepped in from side wall boundary of No 4 Spitalfields by approximately 0.15m
 - The proposed first floor element will be set in approximately 25 mm (for a length of approximately 1.3m) from the side of No 4 to provide a small gap between the new section of the proposed flat roof and the external wall of the adjacent property (No 4)
 - Increase in height of single storey extensions to rear; the proposed pitched roof extension has been increased from approximately 3.6m in height by an additional 40 cm to approximately 4m in height and the proposed flat roof single storey extension has been increased in height from approximately 2.6m to 3.1m in height
 - The erection of a small lean to roof section above the proposed flat roof single storey extension to the rear. The proposal will measure approximately 2.8m in length x 0.4m in height (overall height of approximately 3.5m) x 0.8m in depth with a lean to roof that runs from south to north. The proposal will feature 2 velux roof lights in the rear (north) elevation.
 - Reduced scale of sliding doors in rear elevation (reduced from 4.5m in width to 3.6m in width) and reduced number of velux roof lights from 8 to 6 velux windows of the proposed single storey extension to rear.

Erection of two storey extension to the side

8. **This element has the benefit of extant planning permission, the difference being a further reduction in the ground floor projection by an additional 0.55 metres,**

providing a total set back of 1m from front elevation at both ground and first floor level.

9. The proposed flat roof extension will replace the existing first floor 'link' extension, which measured approximately 3.6m in length x 3m in width x 5.6m in height. The replacement two storey side extension measures approximately 7.9m in length x 3.1m in width x 5.1m in height and will be set back approximately 1m from the existing front elevation. The proposal will extend the previous bedroom with an en suite facility at first floor level and will feature 1 window in both the front and rear elevations. The proposed scheme also includes the erection of a small lean to roof section above the proposed two storey flat extension to the side. This element of the proposal will be set back approximately 5.9m from the existing front elevation and will measure approximately 2.4m in length x 0.5m in height with a lean to roof that runs from south to north. The proposal will feature 2 velux roof lights in the rear (north) elevation.
10. The proposed garage will be located at ground floor level (in place of the existing car port area). The proposal will feature a lean to canopy that projects approximately 1m forward in line with the front elevations of No's 4 and 6 Spitalfields (but not attached to the side elevation of No 4). The proposal will feature a garage door in the front elevation.

Single storey extensions to the rear (demolition of existing detached flat roof garage)

11. Height of single storey extensions to rear increased; the proposed pitched roof extension has been increased from approximately 3.6m in height by an additional 40 cm to approximately 4m in height and the proposed flat roof single storey extension has been increased by an additional 50 cm in height from approximately 2.6m to 3.1m in height.

12. The adjoined single storey extensions will have a maximum projection of approximately 5.5m x approximately 9.1m in width and will facilitate the creation of lounge and utility rooms. The proposed lounge will feature a pitched roof, which will have a maximum height of approximately 4m, and features a set of sliding doors/windows which measure approximately 2.2m in height x 3.6m in length in the rear elevation (north). The proposed flat roof utility room extension will have a maximum height of approximately 3.1m and will feature a single access door and window in the rear elevation (north). This element of the proposed extension will be built on a similar footprint to that of the existing garage (that has recently been partially demolished).
13. The proposed pitched roof single storey extension will also feature a brick chimney, measuring approximately 4m in height and set approximately 4.8m from the original rear elevation of the dwelling.

Canopy with pillars to front

14. This element has the benefit of planning permission (09/1532/REV)

15. The canopy has a maximum projection of approximately 1.3m x 6.1m in length x 3m in height and features 2 support posts. The internal alterations have also required the main entrance door to be relocated from the side to the front elevation of the dwelling.
16. The submitted plans also address the anomalies highlighted on a previously withdrawn application (reference 11/0421/FUL), notably the plans now show the position of the detached garage to the rear of No 8 Spitalfields and its relation/separation distance to the proposed single storey extension.

17. The applicant has also recently installed new windows of a brown timber frame design in the front and rear elevations of the original dwelling, however these do not require planning permission and are not considered as part of the current application.

CONSULTATIONS

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

Head of Technical Services

Highways Comments

18. This proposal does not increase the number of bedrooms and retains 2 incurtilage car parking spaces for a 3-bedroom house therefore we raise no highway objections.

Landscape & Visual Comments

19. No comments.

Environmental Health Unit

20. I have no objection in principle to the development, however, I do have some concerns and would recommend the conditions as detailed be imposed on the development should it be approved.

21. Construction Noise

All construction operations including delivery of materials on site shall be restricted to 8.00 a.m. - 6.00 p.m. on weekdays, 9.00 a.m. - 1.00 p.m. on a Saturday and no Sunday or Bank Holiday working.

Councillor Ben Houchen

22. I would say that the alterations are not in keeping with the rest of the street scene/character of the area and that small continuous applications are forever eroding the current street scene on Spitalfields.

23. Further to the above I believe it will also have a negative effect on the layout and appearance of the area. I.e. The visual amenity of the area.

24. I am also concerned that such an application may set a precedent for similar developments in the area. This area is, and was designed to be, linked housing. The effect of this application, in conjunction with others is to allow terraced housing which could not be further from that envisaged. It's also not the case at the minute. I, therefore, also object on the design and appearance of the application.

25. Having visited the site the proposal is also of an overbearing nature, not only to immediate neighbours but also to the whole area.

PUBLICITY

26. Neighbours were notified and comments received are set out below

Peter Adams 15 The Larun Beat Yarm

I object to this application as it is overdevelopment and not suitable for the area.

Ms Janet Wilkinson

8 Spitalfields Yarm

E mail sent with additional comments

I object on the following grounds. Please note numbers 8 and 10 did not receive a written notification.

1. Houses on Spitalfields are link detached this kind of construction will make them terraced not what we want.
2. Too much work has been carried out without planning permission which is not socially correct.
3. The colour scheme is against the original covenant and is not in line with surrounding properties.
4. A chimney is proposed to the rear what emissions will we have I don't want smoke drifting into my windows which I fear will happen especially to my rear bedrooms which are higher than the chimney and very close.
5. If this work is to take place the party wall act must be used to protect my property

Previous history.

Dated 12th march 2011

Previous work carried at Mr Spencer's property has been done with a total disregard for my property resulting in criminal damage i.e. scaffolding erected on my garage roof without permission, strip of land to front of property having turf removed and concrete applied causing a drainage problem, heavy lorry delivering concrete on my drive, and the latest being the fence erection to rear where criminal damage has been caused (cutting through supporting fence posts causing my fence to collapse). This new fence has crossed my boundary.

The proposed new plans show a rear extension running parallel to my garage and close proximity; my concern is the design shows the foundations will undermine the stability of my garage and cause damage. I understand a cantilever foundation design should reduce this and therefore be more appropriate. The party wall act has not been followed by number 6 Spitalfields.

Based on the previous problems experienced I would like you to ensure that this construction design and the implementation will be carried out without any further problems and unnecessary distress.

Mr Thomas Wilkinson
4 Spitalfields Yarm

I object to this planning application owing to the terracing effect on my property, the unsuitability for the area, the overdevelopment of the site and the noise polluting effect to my privacy!

Jessie Swalwell
10 Spitalfields Yarm

Not in keeping with the Spital, terraced and a perhaps a smoking chimney.

Bill Johnson

On behalf of Yarm Residents Group I would like to register objections to the above application, 6 Spitalfields.

The proposal constitutes an overdevelopment of the site, is detrimental to the low density character of the area, is out of context in the street scene and over dominant in relation to neighbour's properties. In our view, the application should be rejected.

PLANNING POLICY

27. 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 saved policies of the Stockton on Tees Local Plan (STLP)

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

28. Saved Local Plan 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 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

29. Supplementary Planning Guidance Note 2; Householder extension guide (SPG2, 2004)

30. Supplementary Planning Document 3; Parking provision for new development (SPD3, 2006)

Ministerial Statement from Greg Clark

31. "When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

1. consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession
2. take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing
3. consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity)
4. be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date
5. Ensure that they do not impose unnecessary burdens on development.

32. In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

MATERIAL PLANNING CONSIDERATIONS

33. The main planning considerations in regard to this application are the extant planning permissions that the application site already benefits from, the impact on the existing dwelling and street scene, and the impact on the amenity of neighbouring properties in terms of overlooking, overbearing and overshadowing. Other considerations include the impact on highway safety and access, and any residual matters.
34. 6 letters of objection have been received from the neighbouring properties, the Local Ward Councillor and Yarm Residents Group. These objections can be summarised as follows;
- The works will create a terrace effect as opposed to the original 'link' terrace design, and as a result would create an incongruous design in the street scene that is at odds with adjacent dwellings, constituting over-development, to the detriment of visual amenity of the surrounding area.
 - The proposal will set an undesirable precedent for similar extensions. Small extensions to properties in the area have 'eroded' the street scene
 - The installed brown timber windows and overall colour design is out of keeping with the dwelling and street scene
 - Impact of the proposed chimney to rear on neighbouring properties
 - Impact on amenity of neighbouring properties and surrounding area in terms of overbearing
 - Impact on amenity of No 4 in terms of 'noise pollution' and privacy
 - The applicant has continued to build on the site without the correct planning permission in place
 - The works could have a detrimental impact on the foundations of the adjacent neighbouring property's garage (No 8 Spitalfields) and the Party Wall Act should be served
 - The works will lead to property devaluation
 - Criminal damage has been caused to neighbouring properties as a result of works and machinery on site.

Impact on the street scene and the existing dwelling

35. As noted above, the current application site already benefits from two planning permissions for a two storey extension to the side, single storey extensions to rear with chimney and canopy to front. As such the revisions to the most recently approved scheme in 2009 (approval reference 09/1532/REV) will be assessed as follows;
36. The Council's Supplementary Planning Guidance on Householder Extensions (SPG No. 2) states that extensions should blend in with the existing property in terms of siting, design, scale and materials and that they should be designed to compliment the main house, i.e. being smaller or set back. The guidance states that "*normally a gap of at least 1 metre is required between the outside wall of the extension and the boundary of your plot to avoid creating a terracing effect. Alternatively it may have to be set back from the front of the house by as much as 2 metres for the same reason*".
37. Although the proposal does not meet the recommended guidance set back of up to 2m, given that the specific house type which is linked detached (as opposed to semi detached for which the guidance was devised) both the ground and first floor elements of the proposed extension will be set back 1m from the existing front elevation of the dwelling, which is further back at ground floor level than the previously approved scheme, that the flat roof height of the proposed side extension will be lower than the main ridge height by approximately 2.4m (approximately 1.9m when taking account of the proposed small lean to roof section), and that the proposed canopy roof above the integral garage will further serve to break up the perceived massing of the proposal, it is considered the proposed two

storey side extension to the side will create a subservient design, which complements the host property and the scale of the application site.

38. Taking this into account, that the principle of the design of the proposal has already been established with the two previously approved applications, it is considered that the proposed side extension will have a minimal impact on the existing building due to the matching design, mass and scale of the proposed scheme, which respects the proportions of the existing dwelling. Furthermore, due the presence of similar examples of a link extension with a garage and canopy below within the vicinity of the site (approximately 90m away from the application site, to the south west) at No's 2 and 4 The Larun Beat, it is considered that the proposal will not introduce an incongruous feature within the street scene, which is significant enough to warrant a refusal of this application.
39. Due to the presence of a canopies to front of No 12 Spitalfields (west) and No 2 The Larun Beat (planning approval 05/152/FUL, dated 05.08.2005), it is further considered that the proposed canopy, including the 1.3m high wall to house 2 service units, will not introduce a significant incongruous feature within the street scene as to warrant to refusal of the application.
40. With regard to the proposal's impact on the existing dwelling, the flat roof design of the proposed two storey extension to the side is a common feature within the surrounding area; it is therefore considered to be acceptable in this instance and is in keeping with the surrounding area.
41. With respect to the small lean to roof section of the proposal above, whilst the design of the proposal is an unusual feature and addition to the proposed scheme, this already benefits from planning permission reference 09/1532/REV.
42. The finishing materials of the proposed scheme can be secured by planning condition with finishing materials to match the existing dwelling. As noted above, the installation of the brown colour timber windows in the existing dwelling does not require planning permission.
43. With regard to the two proposed single storey extensions to the rear of the application site, it is considered that the impact of the proposals will be minimal due to the scale and design of the scheme, which respects the proportions of the existing dwelling and the application site. In addition, given that the proposals will be located to the rear and will not be visible from the front of the application site, the proposed extensions will not impact on the street scene.
44. With regard to the proposed chimney to the rear of the site, given that the proposal is located to the rear of the site and is of a modest scale and design, it is considered that the proposal will not have a significant adverse impact on the existing dwelling or introduce an incongruous feature in the surrounding area.
45. Overall, it is considered that the proposed scheme is in keeping with the existing dwelling and is proportionate to the application site, which will retain modest sized front and rear garden. In view of the above considerations, it is considered that the proposal will not lead to an over-development of the site.

Impact on amenity of neighbouring properties

Two storey extension to side

46. Given that the erected two storey side extension does not project any further than the existing front and rear elevations of the main dwelling and the adjacent properties, it is

considered that the extension will not adversely affect the existing levels of amenity for the adjacent neighbouring properties of No's 4 and 8 Spitalfields in terms of outlook, overlooking, overbearing and overshadowing.

47. Owing to the separation distance of approximately 25m from the front of the proposal and No's 51 and 53 Spitalfields, it is considered that the proposal will not result in an adverse loss of amenity for neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing.
48. Due to a separation distance of approximately 34m between the two storey side extension and neighbouring properties to the rear (north) of the site, it is considered that the proposal will not have an adverse impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing.

Two single storey extensions to rear

49. The two proposed single storey extensions (adjoined) to the rear will have a maximum projection of 5.5m and are therefore subject to the 60 degree guidance as set out SPG2: Householder Extension Design Guide.
50. After applying this guidance to the existing conservatory located to the rear of No 4, it is considered that the proposed extensions accord with this guidance. Given that the proposed flat roof extension will not project any further than the original detached flat roof garage (that has recently been partially demolished) along the adjacent boundary to No 4 and is of a similar footprint to the garage, and will only be 0.7m higher than the existing garage (1.2m higher including the small raised section), it is considered that the proposal will not significantly worsen the existing situation or lead to an unacceptable loss of amenity in terms of overbearing or overshadowing for the neighbouring property.
51. The proposed single storey lounge extension with a pitched roof will be increased by approximately 40 cm in height from the previously approved scheme (09/1532/REV). Given that the proposal does not project any further than the flat roof detached garage to the rear of No 8 Spitalfields, located along the shared adjacent boundary to No 6, it is considered that the proposal will not significantly worsen the existing situation or lead to an unacceptable loss of amenity in terms of overbearing and overshadowing for the neighbouring property.
52. No windows will be located in the side elevations of the single storey rear extensions and therefore there will be no direct views towards the rear elevations of No's 4 and 8 Spitalfields. It is therefore considered that the proposal will not lead to an adverse loss of amenity in terms of overlooking for the adjacent properties.
53. Due to the separation distance of approximately 26m from windows and doors located in the proposed extensions and No's 9, 11 and 13 Blackfriars (north), and the presence of mature planting and approximately 1.6m and 1.8m high fences along the adjacent boundary, it is considered the proposals will not have a significant detrimental impact on the amenity of neighbouring properties in terms of overlooking, overbearing and overshadowing.
54. An objection has been received from the neighbouring property of No 4 Spitalfields who has raised concerns that the scheme will lead to an adverse loss of amenity in terms of noise disturbance. The Council's Environmental Health Unit (EHU) has been consulted on this application and has raised no objections to the proposed scheme. The EHU has however recommended that hours of construction are limited, which is considered to be acceptable and can be secured by condition as per the condition attached to approval 09/1532/REV.

Notwithstanding this condition, it is considered that the scheme will not lead to an adverse loss of amenity for neighbouring residents in terms of noise disturbance and that any matters related to the sound insulation of the extension could be dealt with under the associated Building Regulations application.

55. With regard to the impact of the proposed chimney, as noted above the EHU have raised no objections to the scheme including the proposed chimney. Taking into account the modest scale and siting of the proposed chimney, it is considered that the proposal will not lead of amenity for neighbouring properties in terms of outlook and that any other environmental related impacts can be controlled under separate legislation.

Proposed canopy to front

56. This already has the benefit of planning permission (09/1532/REV) and is completed.

Highway issues

57. The Head of Technical Services has raised no objection to the proposed scheme on highway grounds as the application does not propose an increase in the number of bedrooms and therefore no increase in car parking provision will be required as part of this application. It is therefore considered that the proposal will not have an adverse impact on highway or public safety.

Residual Matters

58. With regard to other matters raised in the letters of objection including works being carried out without planning permission, following a site visit in April 2011 by the case officer and the Council's Building Control Officer and following recent site visits by the case officer in early October 2011 and January 2012, it was noted that the works that had been carried out to date (structure of extension to side, canopy structure to front and demolition of garage to rear) appeared to be in accordance with the 2009 approved plans (reference 09/1532/REV), despite the court order and the legal matters between No's 4 and 6 Spitalfields.
59. Following the notification from a resident that works were being carried out outside of the approved hours of construction (as per condition No 03 on approval 09/1532/REV), this matter was immediately brought to the attention of the applicant who was strongly advised that any further breaches of condition (of planning approval 09/1532/REV) could result in the issue of a breach of condition notice. Other than this matter, which appears to have been resolved, the Local Planning Authority is not aware of any unauthorised works being carried out (outside of the planning permissions that No 6 Spitalfields already benefits from). In view of the above and that it appears that no unauthorised development has taken place (outside of the extant planning approvals), it would not be expedient to take enforcement action.
60. With regard to objections relating to any impact on existing foundations of adjacent properties, these are not planning considerations and would be assessed under the requirements of the Building Regulations application.
61. The applicant has served the correct notice (Certificate B) on the relevant neighbour (No 4 Spitalfields) and also indicated on the submitted drawings that the foundations of the proposed single storey rear extension will not encroach upon the foundations or footings of the detached garage to the rear of No 8 Spitalfields. Therefore any matters related to the Party Wall Act and damage to property are civil matters.

62. With regard to the proposal setting an 'undesirable precedent', each application is assessed on its own individual merits. Furthermore, the proposed scheme that forms the current application is considered to be acceptable for the reasons specified above.

63. Covenants associated with the finishing colours to windows and doors on the dwellings in Spitalfields are a civil matter and are not a material planning consideration.

CONCLUSION

64. It is considered that the scheme accords with Saved Local Plan Policy HO12 and supplementary planning guidance (SPG2 and SPD3) as the proposal does not lead to an unacceptable loss of amenity for neighbouring residents. It is also considered that the proposal does not have an unacceptable adverse impact on the existing dwelling, street scene, or impact on highway or public safety.

Corporate Director of Development and Neighbourhood Services
Contact Officer Mr Daniel James Telephone No 01642 528551

WARD AND WARD COUNCILLORS

Ward	Yarm
Ward Councillor	Councillor A B L Sherris
Ward	Yarm
Ward Councillor	Councillor Mark Chatburn
Ward	Yarm
Ward Councillor	Councillor Ben Houchen

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.

Background Papers:

08/1971/FUL: Planning application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front; application approved on 24th September 2008.

09/1532/REV: Revised (part-retrospective) application for the erection of a two storey extension to the side, single storey extensions to the rear and the erection of a canopy to the front; application approved December 16th 2009.

11/0421/FUL: Second revised application withdrawn in April 2011.

11/2420/REV: Third revised application withdrawn November 2011.