

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

2 OCTOBER 2013

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

13/1391/FUL

1 The Green, Eggescliffe, Stockton-on-Tees

Application for erection of two storey extension to the rear.

Expiry Date 28 August 2013

SUMMARY

This application seeks planning permission for the erection of a two storey extension to the rear of No 1 The Green (removal of existing conservatory).

The application site sits at the end of a terrace within the Conservation Area of The Green, Eggescliffe. The two storey property is adjoined by No 2 (North West) with Rose Cottage to the front (South West). A farm track runs to the side/south east of the site, leading to properties along Wells Cottages (North East).

The main planning considerations with respect to this application relate to the impact on the character and appearance of the existing dwelling and the Conservation Area, the impact on the amenity of neighbouring properties, highway safety and car parking.

No objections have been received from the Head of Technical Services. The Council's Historic Buildings Officer has also raised no objections.

8 (eight) objections have been received from No 2 The Green Eggescliffe, 1 - 2 Wells Cottages Eggescliffe (submitted on behalf of No 2 The Green); 6 Butts Lane Eggescliffe, 21 Kilburn Road Stockton (Lonsdale); 11 Crockford Close Addlestone, 69 Glaisdale Road, Yarm, Orchard House, Church Road, and 43 Butterfly Meadows, Beverley.

These objections include the proposal being out of character with the property and area; the impact on the amenity (including loss of light) of No 2, a previous application was refused for a two storey rear extension at the site, property devaluation and drainage matters. These and other matters are set out in full below.

Concerns have also been received from the Parish Council with respect to the proposal increasing the number of bedrooms and whether the necessary in curtilage car parking can be achieved.

The proposal is considered to comply with Core Strategy Policy CS3, Local Plan saved Policies EN24 and HO12, Supplementary Planning Guidance (SPG2/SPD3) and the National Planning Policy Framework as it is considered that the extension will be of a suitable design for the existing property (and site) and will not adversely impact on the Eggescliffe Conservation Area. It is further considered that the proposal will not result in an unacceptable loss of amenity for neighbouring properties or result in a loss of highway safety. The application is therefore recommended for approval.

RECOMMENDATION

That planning application 13/1391/FUL be approved subject to the following conditions and informatives below;

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

Plan Reference Number	Date on Plan
SBC0001	11 June 2013
3/4 REV 3	16 September 2013
1/4 REV 4	13 September 2013
2/4 REV 4	13 September 2013

Reason: *To define the consent.*

02. *Notwithstanding the submitted information, construction of the external walls and roof, and installation of windows, shall not commence until details of the materials to be used in the construction of the external surfaces and windows of the structures hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.*

Reason: *In order to safeguard the visual amenity of the surrounding conservation area, in accordance with the provisions of Core Strategy Policy CS3.*

03. *The proposed first floor window to be located within the rear (north east) elevation of the proposed two storey rear extension hereby approved, serving a bedroom (as detailed on plan 2/4 Rev 4, dated 13th September 2013), shall be fixed and obscurely glazed using a minimum of type 4 opaque glass. The approved scheme shall remain for lifetime of the development hereby approved.*

Reason: *In the interests of the privacy and amenity of the occupiers of the adjoining property.*

INFORMATIVE OF REASON FOR PLANNING APPROVAL

The Local Planning Authority has implemented the requirements of the National Planning Policy Framework.

BACKGROUND

1. **92/2385/P**; Planning permission was refused on 26th February 1993 for the erection of a two storey extension to the side and a porch to the rear of the property for the following reasons;
 - 1) *In the opinion of the Local Planning Authority the proposed extension would be unsatisfactory having regard to the adverse effect that it would have on the amenities of the occupants of the adjoining dwelling by reason of its scale and disposition.*
 - 2) *In the opinion of the Local Planning Authority the proposed extension would be unsympathetic to the character of the property and the terrace as a whole and would be prejudicial to the visual amenities of the area and thereby adversely affect the character and appearance of the Eggescliffe Conservation Area.*

2. A copy of the refused plan is attached to the appendices (appendix 8). This decision is discussed in detail within the Material Considerations section.
3. **05/1761/FUL**; Retrospective planning permission was refused for the erection of a conservatory to the rear of the property on 9th August 2005. While the application was refused it was not considered expedient to undertake enforcement action to replace the UPVc material with timber taking into account similar UPVc structures within vicinity of the site that were subsequently brought to the attention of the Local Planning Authority.

SITE AND SURROUNDINGS

4. The application site sits at the end of a terrace within the Conservation Area of The Green, Eggescliffe. The two storey property is not a Listed Building and is adjoined by No 2 (north west) with Rose Cottage to the front (south west). A farm track runs to the side/south east of the site, leading to properties along Wells Cottages (north east).
5. The rear garden area is split into two clear levels, with a difference of 1m in height between the area immediately to the rear of the dwelling (and conservatory) and the raised area. The case officer has visited the rear garden of No 2, in which it was noted that similar levels run through the rear of this property too.
6. The rear boundary line to No 2 is at a splayed angle. A combination of boundary treatment is present along the immediate boundary to No 2 consisting of an approximately 1.1m high brick wall with a 0.95m high fence panels above for approximately 2.7m in length changing to an approximately 1.35m high wall with an additional 1m high brick wall above (which is the rear of the small outhouse to the rear of No 2). Mature hedge planting is present along the raised garden area boundary. The side and rear boundary to the south is enclosed by an approximately 2m high wall.

PROPOSAL

7. This application seeks planning permission for the erection of a two storey extension to the rear of No 1 The Green (removal of existing conservatory).
8. Following the original submission, it was considered necessary for the scheme to be revised; these revisions related to the proposed roof height being reduced, the projecting side element being omitted, revisions to fenestration, and the proposal being set in approximately 0.1m from the adjacent boundary to No 2.
9. As a result of these changes, the proposed extension would feature a maximum projection of approximately 3m from the rear wall x 5m width x 6.4m in height. The northern side elevation would feature a splayed design (resulting in an approximate 3.7m length), taking into account the boundary line. The southern side elevation would run flush with the existing projecting two storey element of the dwelling. The splayed section would return to a gable rear elevation (width approximately 2.765m) that would feature a dual pitched roof with an overall height of approximately 6.4m. As a result of the splay, the roof design of the northern section would feature a sloping roof design, sloping from approximately 5m in height down to approximately 4m for approximately 3.7m in length.
10. The proposal would feature folding doors in the rear elevation and French doors in the ground floor side elevation. The proposal would also feature 1 window in both the first floor rear and side elevations. An additional window would be installed in the existing first floor

side elevation. The proposal would facilitate a sun room (removal of existing conservatory) and an additional (third) bedroom.

CONSULTATIONS

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

Head of Technical Services

Highways Comments

In accordance with SPD3: Parking Provision for Developments 2011, the parking requirement for both 2 and 3-bedroom dwellings is 2 spaces therefore this proposal does not affect car parking provision and there are no highway objections.

Landscape & Visual Comments

This proposal has no landscape or visual implications.

Conservation and Historic Buildings Officer

I have no objection to the revised proposals at 1 the Green

Egglescliffe and Eaglescliffe Council

The parish council is concerned that, although the proposal will add an extra bedroom to the property there is no indication of any plans to increase the number of in curtilage parking spaces.

PUBLICITY

12. Neighbours were notified and the following comments were received (*more than 1 letter or electronic representations were received from the same address however these are only classed as 1 objection in accordance with the Council's Scheme of Delegation*) :-

Brenda Henderson

2 The Green Egglescliffe

I wish to correct the categorization of my submittal of Friday August 15, which is referred to as "neutral". The comments made were intended to reflect my objection to 13/1391.

I see that a revised plan to alter the roof pitch and windows has been submitted, this does nothing to alter the large footprint of the extension that will take most of the light and sun from the back rooms of my house. This plan was sent in while I am away and had it not been for a neighbour contacting me I would not have known anything about it .Has there been a site visit to see the impact it would have?

Additional Comment: As the proposed extension is right near or on the boundary of my property how are they going to build and maintain it, will they need to do it from my property. It will take what little light I have at the back of my small house and algae and slippage are already a problem in that area as it is lower than the rest of the garden.

Ms Victoria Henderson

2 The Green Egglescliffe

Egglescliffe Green is a highly sought after residential area and is valued for its traditional cottages and feeling of countryside and space. An extension to No 1 The Green would greatly affect the neighbouring property, No.2, for the following reasons.

1. Close Proximity. The cottages along The Green are terraced and the proposed extension would stick out beyond and be directly adjacent to the neighbouring

property which would enclose the existing courtyard space in No.2 making the space feel hemmed in, smaller and darker. It will also create health and safety concerns firstly due to rainwater runoff directly into the neighbouring property, potential hazards from falling roof tiles and, through loss of light, an increase in algae and ice on the courtyard flooring in the colder months.

2. Devaluation of the Property. The proposed extension will greatly affect the rear exterior space at No.2 and will, I feel, affect the property value to the detriment of the current owner.
3. Development Not Suitable to the Area. One of the major appeals of The Green in Eggescliffe Village is the cottages. By their nature cottages are generally smaller in size than more modern residential developments. In this instance, the gardens of the properties are already small. Extensions of a two-storey scale are not in keeping with the immediate environment and would not be beneficial to the community or the aesthetics of the area.
4. Loss of Light - the garden of No.2 is a very narrow plot. The addition of a two-storey extension would greatly reduce the natural light available to the rear of the property of No.2 which is of a lower elevation immediately outside the rear of the property. The cottages all have small windows and the loss of natural light will have a detrimental effect to the resident who may require lights on during the day thus incurring a financial and ecological cost.
5. Scale/Size of the Development. A two-storey extension will greatly alter the existing property at No1 that is not in keeping with other properties in the area.
6. Visual Impact. A two-storey extension at No.1 will be an eyesore for other residents in the area. The views from that row of cottages to the rear looks over a working farm and fields beyond. The extension will block the view from the property windows at No.2.
7. The extension will have an impact on the neighbouring property, No.2, due to access for building work. However, this will not end after the extension is complete as in the future access may further be required for maintenance work. This will impede on the rights and privacy of the tenant at No.2.

Finally, I object to proposed two-storey extension and strongly feel that it will greatly affect the aesthetics of the neighbouring property and the whole area of the village in general.

Mr William Barnes
2 The Green Eggescliffe

I am Mrs Henderson's friend and companion. I have noted several objections to the proposals included in 13/1391. I offer the following additional comments in support of the objections:

1. I understand that guidelines for fences, hedges etc. between heretofore undeveloped boundaries between properties in the borough of Stockton should be no more than 2 meters. The plans in 13/1391 call for development of a wall along the boundary between No. 1 The Green and No. 2 The Green which would be considerably more.
2. Implementation of plans in 13/1391 would undoubtedly enhance the value of No. 1 The Green, but would deleteriously affect the value of No. 2 The Green.

Mr Ian Reynolds
1 - 2 Wells Cottages Eggescliffe

I am making these comments on behalf of Mrs Brenda Henderson of No 2 The Green, Eggescliffe as she is currently unable to do so herself.

I object to this application for the following reasons;

Ground levels in parts of Eggescliffe Village are unusual in that rear gardens can be significantly above the house ground floor level. This is particularly the case with my property at No 2 The Green. The rear entrance to the house opens to a small paved area with several steps leading to a narrow garden. A two storey 3m extension on the southern side of my property will have a detrimental effect on the natural light available to my bedrooms and my kitchen. Existing fences on either side of my property already reduce the light entering through the kitchen window and more often than not I need to have the kitchen lights on.

The extension would also reduce the circulation of air in the lowest part of my property immediately outside the rear entrance, the paved area and the steps. I am concerned this would lead to a damper environment with associated surface algal growth and a significant slip hazard. Additionally any snowfall would take much longer to melt adding to the slip hazard.

My rear garden is unusually narrow and is bordered by tall (>2m) shrubs and Leylandii in both neighbours gardens, giving the effect of being in an enclosed space, almost tunnel like. The proposed extension would exacerbate this effect.

Should the planning committee be minded to approve this application I would request that it is conditional on the removal of the Leylandii hedge and re-instatement of a fence of appropriate and agreed height between No1 and No2, or a reduction in height of the Leylandii to well below 2m.

Mr Stephen Henderson
43 Butterfly Meadows Beverley

I object to the application for the following reasons;

Extending the property will adversely affect the natural lighting to the rear patio and rooms of the adjoining property.

The plans seem to indicate the side of the proposed extension will be very close to the property line adjoining #2 The Green. Is there enough space to facilitate building works and future maintenance of the extension (painting, guttering etc.) or will access to the adjoining property be required?

I note a previous planning application for a 2 story extension submitted for #1 the Green was refused, one of the objections being "Adverse effect it would have on the amenities of occupant of adjoining dwelling by reason of its scale and disposition". This planning application proposed an extension that began over 2000 mm from the property line and extended to the rear and opposite side of the dwelling. The new plans adjoin the property line and will therefore have an even greater adverse effect.

The Rev 2 plans show an angled roofline dropping from the proposed rear wall of the extension to the existing dwelling on the side facing the neighbouring property. Given the size of the proposed roof area to be drained and the angle of the roofline (approx. 20 to 30 degrees) I am concerned that should the drainage capacity be exceeded during heavy rainfall excess water run-off will drop directly into the rear patio next to the rear door of the adjoining property.

Additional comments;

I note revised plans have been submitted regarding this application, which amount to moving the wall adjoining the neighbours' property a whole 100 mm into the applicant's property. My objections noted before still stand, apart from the water run off issue which the change should rectify. However the new plans do nothing to address the other issues brought up in my original objection so I remain opposed to this development.

Joan Henderson

43 Butterfly Meadows Beverley

I would like to place an objection regarding the planning permission being sought for No.1 The Green, Egglecliffe, Ref: 13/1391

The suggested change would make the back of my mother's house very dark and therefore start to create damp issues. I don't feel permission should be given for such an extension on a location with such period properties full of character which were not designed to cope with such change.

I sincerely hope you will take into account the detrimental impact on the adjacent house before making a decision on this planning application.

Mr Albert Lonsdale

21 Kilburn Road Stockton-on-Tees

I wish to put in my objection to the proposed extension to No 1, The Green, Egglecliffe Village. Although this extension would in no doubt improve the living standards and the value of this property, it would on the other hand be detrimental to the next door neighbour No 3. This extension would enclose an already small backyard area, also would extensively restrict the natural light to the kitchen window of No 3, leading to damp in the near future. I am also sure the above problems this extension would cause, would definitely decrease the value of No 3.

Amendment to my objection on the proposed extension to No 1 The Green Egglecliffe Village, I mentioned the neighbour as living at No 3 and it is not it is No 2.

Mr Matthew Tracy

11 Crockford Close Addlestone, Surrey

My Mother-in-law is the owner of the neighbouring property, No.2 The Green. I would like to object as I feel the proposed extension would have an adverse effect due to loss of light and will be detrimental to the value of her property.

Mrs Lynn Brown

69 Glaisdale Road, Yarm

The close proximity of the planned development would have a detrimental effect on the valuation of my Aunts house who is the owner of number 2 The Green. It would seriously impact on the garden amenities for number 2 and would cause considerable stress to my Aunt. The scale and size of the development is not in keeping with the traditional cottage and is certainly not in keeping with the other cottages. All current residents have limited changes to the interior of their homes

Mr Christopher Brown

69 Glaisdale Road, Yarm

I object to the development as it would completely detract from the amenities and garden area belonging to number 2 The Green, Egglecliffe.

The original houses were designed as cottages, the scale of the planned development would completely change the character and would have a detrimental effect due to loss of light and encroaching into the relaxation area of the garden for No.2.

Mrs Astrid Merritt
Orchard House Church Road, Eggescliffe

Planned extension would greatly reduce the natural light at the rear of the adjoining property No 2 The Green in particular through the kitchen window. The rear door of No. 2 opens on to a small paved area approximately 1 m below garden level. The natural light is already reduced due to the proximity of fences on the adjoining gardens Nos. 1 and 3. There are steps going into the garden at No. 2 which is of reasonable length but very narrow. The narrowness is already exacerbated by tall leylandii in No. 1's garden and tall shrubs on the other side in No. 3's garden. The proposed extension would be very close to the boundary between No. 1 and No. 2 and because of the relatively small area perhaps the committee should also look at how such an extension could be built, rendered and painted without access to No. 2's garden

Mr Roger Osborne
6 Butts Lane, Eggescliffe

It is obvious from the site plan that the gardens behind this row of cottages are irregular in shape and not orientated with the properties. In particular, the garden of Number 2 The Green is particularly narrow and the proposed erection of a two storey extension will severely restrict the amount of light to the rear of this property.

As a consequence, whilst the value of the property making the application will be greatly enhanced, it will have a detrimental effect on the property next door.

PLANNING POLICY

13. 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
14. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations
15. The following planning policies are considered to be relevant to the consideration of this application:-
16. National Planning Policy Framework
Paragraph 14. At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking;

For decision-taking this means:
approving development proposals that accord with the development without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or-
- specific policies in this Framework indicate development should be restricted.

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

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.

18. Saved Policy HO12 of the adopted Stockton on Tees Local Plan

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.

19. Saved Policy EN24 of the adopted Stockton on Tees Local Plan

New development within conservation areas will be permitted where:

- (i) The siting and design of the proposal does not harm the character or appearance of the conservation area; and
- (ii) The scale, mass, detailing and materials are appropriate to the character and appearance of the area

20. Supplementary Planning Guidance Note 2 (SPG2): Householder Extension Design Guide, adopted March 2004.

(relevant extracts)

1 GENERAL PURPOSE OF THIS GUIDANCE

1.2 The guidance gives information as to how Policy HO12 in the Adopted Local Plan may be implemented by:-

- Detailing what makes a successful extension and how the components work together;
- Showing how an extension can affect the whole street, not just the single house to which it is attached;
- Highlighting good and bad examples, and some pitfalls to avoid;

1.4 It is recognised that there is considerable variation in the size and type of housing in the Borough and therefore there cannot be a single design guide that will always apply. Each proposed extension will be assessed on its relative merits which means that in some cases

the guidance may be 'out ranked' by the circumstances. However, the overall aim of the guide is to ensure that the quality of householder development is raised and therefore it will be used as a material consideration in determining planning applications.

2 GUIDING PRINCIPLES.

2.5 Extensions must be designed so that they complement the main house for example through being smaller or set back. Often such designs are more successful in visual terms than large extensions built flush with the front of the house. This will obviously vary depending on the size and shape of the original house. However, in all cases it is necessary to leave a useable amount of private amenity space - approximately two thirds of the plot - and this may limit the size of the extension you can build. The garden space must be a useable shape too. If you really do need a large house it may be more advisable to buy a bigger house to start with rather than try to cram a huge house onto a small plot.

2.6 The shape of the extension will have a significant impact on the appearance, and it may be possible to have a very large extension that complements the house or a relatively small extension that is very obtrusive. Therefore the design is critical to ensure that it fits in with the street scene, but is not judged solely on the size of the footprint.

2.7 Any extension should be sited and designed to minimise the impact on neighbouring properties in terms of light, overlooking and overbearing. However it is the purpose of this guidance note to limit such impacts through good practice advice. It may be necessary to adjust the dimensions of proposed extensions to compromise between additional space and good neighbourliness. Although every application is assessed on its own merits, the Local Planning Authority would normally seek a minimum separation distance of 21 metres between the windows of the main habitable rooms (for example bedrooms and living rooms) of the proposed extension that face windows of the main habitable rooms of the neighbouring property. Where a side extension would face the rear of the neighbouring property (or a rear extension would face the side of the neighbouring property) a gap of 11 metres is normally required between the windows of the main habitable rooms to prevent overlooking. These standards may be reduced if obscured glazing is used or where the windows are those of secondary rooms (for example bathrooms, hallways and landings).

6 REAR EXTENSION.

6.1 Building around the back does not mean that you can ignore the need for good design! Although fewer people will see it on a daily basis, a poorly designed extension to the rear will still lower the value of your house. The same broad principles for shape, materials and neighbour impact that apply for extending to the side of your house, also apply to extending to the rear of your house.

6.2 From experience it is found that a reasonable compromise between impact on neighbours and the need for space allows about a 3-metre extension at the back, although it will vary from plot to plot. Any extensions that project further than 3 metres will be subject to the 45 and 60 degree rules as explained below.

6.3 In order to assess the impact of a single storey extension on a neighbouring property, the Council will apply the '60 degree rule'. This is simply a line drawn at 60 degrees from the centre of your neighbour's nearest window of a habitable room. Your extension should not cross that line otherwise there could be an unacceptable impact on the amenity of the neighbouring property.

21. Supplementary Planning Document 3: Parking Provision for Developments 2011

MATERIAL PLANNING CONSIDERATIONS

22. The main planning considerations with respect to this application relate to the impact on the character and appearance of the existing dwelling and the conservation area, the impact on the amenity of neighbouring properties and matters of highway safety and car parking. These and any residual matters are set out below.
23. 8 (eight) objections, set out in full above, were received. Concerns have also been received from the Parish Council with respect to whether in curtilage car parking can be achieved. These objections and concerns are summarised as follows;
- The proposal is not in keeping with the traditional character and cottage design and is out of keeping with other properties;
 - The development not suitable for the area and would create an 'eyesore';
 - Concerns are raised with respect to how the proposal would be constructed and maintained, and whether access would be required from No 2;
 - The proposal will result in a loss of natural light to kitchen and bedroom windows and the rear garden area of No 2. Light into these rooms and the rear garden area is already limited by the narrow rear garden, existing boundary fences and planting - the proposal would exacerbate this impact in terms of overbearing and creating a tunnelling effect;
 - The proposal will result in a damper environment with an increase in algae and slippage to the rear of No 2. The extension would also reduce the circulation of air in the lowest part of No 2;
 - Any approval should be conditioned for the removal of the existing leylandii hedge and re-instatement of a fence of appropriate and agreed height between No's 1 and 2 or the reduction in height of the existing hedge;
 - A previous planning application for a 2 story extension to the rear of No 1 the Green was refused;
 - Concerns are raised that should the drainage capacity be exceeded during heavy rainfall excess water run-off would drop directly into the rear patio of the adjoining property;
 - The proposal would result in property devaluation;
 - The proposal would exceed the permitted 2m high boundary fence height;
 - Concerns are also raised with respect to achieving satisfactory car parking provision.

Impact on character and appearance of existing dwelling and conservation area

24. Paragraph 126 of the National Planning Policy Framework (NPPF) states that in determining planning applications, local planning authorities should take account of:
'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
'the desirability of new development making a positive contribution to local character and distinctiveness.
25. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets' conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The designated heritage asset in this instance is the Eggescliffe Conservation Area.

26. The NPPF also states "*the Government attaches great importance to the design of the built environment*". The NPPF states "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".
27. In addition Local Plan Saved Policy EN24 states that new development within conservation areas will be permitted where:
- (i) *The siting and design of the proposal does not harm the character or appearance of the conservation area; and*
 - (ii) *The scale, mass, detailing and materials are appropriate to the character and appearance of the area*
28. With respect to the design of extensions, the Council's Supplementary Planning Guidance Note; Householder Extension Design Guide (SPG2, 2004) 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 complement the main house.
29. The proposed extension would feature a modest projection with a reduced ridge height to that of the main dwelling, and stepped down again from the existing projecting two storey rear element, thereby adding to the tight knit, urban grain characteristic for this type of property. It is also considered that the indicated design, scale and siting of windows and doors (including the additional first floor window to the existing side elevation) are in keeping with the fenestration of the existing dwelling.
30. With respect to the splayed roof section, whilst it is acknowledged that this would result in an unusual design, taking into account the limited views achievable to this element from surrounding areas, and the various additions and alterations, including both single storey and two storey extensions to the rear of the properties along the same terrace, it is considered that the proposal would not result in an incongruous feature in the surrounding area and consequently the Historic Buildings Officer has raised no objections to the scheme.
31. In view of the above considerations, it is considered that the proposal would result in a design and scale that respects the proportions of the existing dwelling and application site, and would therefore not adversely affect the character and appearance of the host dwelling.
32. It is noted that a number of properties along the same terrace have been extended. Planning permission was recently granted for the erection of a single storey extension to the rear of No 7 The Green (approval 13/0001/REV, dated March 2013). With respect to this proposal, the Historic Buildings Officer has commented
- The terrace is made up of a mix of dwellings with extensions to the rear and it appears that there is a strong building line for two storey additions. To the rear of the Green there are a mix of differing extension designs in the terrace is considered and it is not considered that the small extension as proposed on the footprint of an existing extension would have a detrimental effect on conservation area. The extension will not be visible from the wider context of the village Green.*
33. As noted above, a farm track and access runs to the south of the application site that is enclosed by an approximately 2m high wall and as such it is considered that only limited views would be achievable from these areas. Furthermore, in view of the positioning of the dwelling and the siting of the proposal to the rear, it is considered that the proposal would not be visible from the wider context of the village Green and that the proposal would not adversely affect the character and appearance of the Conservation Area.

34. As noted above, planning permission was refused in 1993 for the erection of a two storey extension to the side/rear of the property. The proposal related to a large two storey element that projected beyond the existing side elevation of the dwelling and it was considered that the proposal would have resulted in a highly prominent feature that would have been *"unsympathetic to the character of the property and the terrace as a whole"*. In view of the above considerations, including the proposal not projecting beyond the existing side elevation and the reduced ridge height, it is considered that the proposed scheme is not instantly comparable to this refusal, and that the proposal is considered to be acceptable in this instance for the above reasons.
35. In view of the above considerations, the proposal is therefore considered to accord with the provisions of saved Policies HO12 and EN24, SPG2 and the provisions of the NPPF (Para 126).
36. Notwithstanding the above, details of the external finishing materials including windows and doors can be secured by way of a planning condition, which would further assist in blending in with the surrounding area.

Amenity of neighbouring residents

37. Local Plan Saved Policy HO12 states that extension *"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"*.
38. The above referenced SPG2: Householder Extension Design Guide provides information as to how Saved Policy HO12 may be implemented. SPG2 states that *"any extension should be sited and designed to minimise the impact on neighbouring properties in terms of light, overlooking and overbearing. However it is the purpose of this guidance note to limit such impacts through good practice advice"*. The Guidance recognises that *"there is considerable variation in the size and type of housing in the Borough and therefore there cannot be a single design guide that will always apply...each proposed extension is assessed on its relative merits which means that in some cases the guidance may be 'out ranked' by the circumstances"*. Nonetheless, SPG2 states that *"the overall aim of the guide is to ensure that the quality of householder development is raised and therefore it will be used as a material consideration in determining planning applications"*.
39. SPG2 states that rear extensions can be particularly overbearing in terms of the impact on neighbouring properties and a 3m projection is often considered a reasonable compromise between the need for space by the applicant and an acceptable impact on the neighbouring properties. In cases where the projection of a two storey or first floor extension is greater than 3m then the 45 degree guidance is applied, guidance of which can be found in SPG2.
40. Given that the proposal does not exceed 3m in projection from the main rear wall of the dwellinghouse, the 45 degree guidance is therefore not applicable in this instance.

Impact on No 2 The Green

41. The case officer has undertaken a site visit and assessment of the proposal from the rear garden areas of No 2 The Green. The owner of No 2 has verbally confirmed that the 1 single access door and 1 window in the ground floor rear elevation of No 2 serve a kitchen; of the 2 first floor rear windows, the nearest window serves a bedroom and the other window serves a bathroom. The neighbour has confirmed that the velux roof lights in the roof space serve an attic.

42. The rear elevation of No 2 The Green is set marginally forward of the rear elevation of the host dwelling (by approximately 0.38m). As noted above, both the host dwelling and No 2 feature immediate garden/patio areas that step up to a raised garden area (a difference of approximately 1m in levels at both properties).
43. The proposed extension would feature a splayed section along the immediate adjacent boundary to No 2, which has an eaves height sloping from a minimum height of approximately 4m up to 5m in height for approximately 3.7m in length; this would then return to the main rear elevation of the proposal that features a gable end and a maximum height of approximately 6.4m (and maximum projection of approximately 3m). As such, it is considered that the splayed side section would be the most visible section when viewed from windows in the rear elevation of No 2 and its immediate rear garden/patio area. The highest point of the proposal (6.4m in height) would be notably set in from the adjacent boundary to No 2 as illustrated on Appendix 6.
44. It is noted that the existing rear patio and garden area of No 2 is enclosed by splayed boundaries on both sides with boundary fences and mature planting. It is also acknowledged that proposal would result in a degree of overshadowing and overbearing on habitable room windows and the immediate garden/patio area serving No 2 which is generally a resulting impact for any two storey extension to the rear of a terraced dwelling.
45. However taking into account the above considerations, including the proposal's general conformity to SPG2 (in terms of its main 3m projection), that the immediate section of extension would be the splayed element with the highest point set away from the boundary, and the historical layout of the properties including the tight-knit character of the properties, it is considered that the proposal would not result in an unacceptable loss of amenity in terms of outlook, overbearing and overshadowing as to warrant a refusal of the application.
46. It is noted that reason 02 of refusal 92/2385/P in 1993 for a two storey extension related to the proposal being "*unsatisfactory having regard to the adverse effect that it would have on the amenities of the occupants of the adjoining dwelling by reason of its scale and disposition*". It is acknowledged that the proposal would be sited closer to the adjacent boundary than the refused application in 1993. However, since that time the material planning guidance in considering residential extensions changed with the adoption of the Council's Supplementary Planning Guidance in 2004, which sets out the parameters that proposed extensions should now accord with. 'Right to Light' is a civil matter and is set out under the residual matters section of this report. In view of the above considerations, it is considered that the current proposal is acceptable in this instance.
47. With respect to matters of overlooking, it was noted from the case officer's site visit the close proximity of the raised garden area serving No 2 and the potential for overlooking into this area from the proposed first floor window of the extension. As such, it was considered necessary for this window to be reduced in size (to reduce the perception of any overlooking) and for the window to be fixed and obscurely glazed in order to prevent any actual direct overlooking. The applicant has subsequently updated the drawing to reflect this requirement, the implementation of which can be secured by way of a planning condition.
48. In view of the existing boundary treatment along the immediate boundary between No's 1 and 2, it is considered that no direct views would be achievable between the proposed folding doors in the ground floor rear elevation and the rear elevation and immediate garden areas serving No 2. It is considered that no views would be achievable between the windows in the side/south elevation of the proposal and the front and rear elevations of No 2. Therefore in view of the above considerations it is considered that the proposal will not result in an adverse loss of overlooking for occupiers of No 2 in this instance.

Properties to rear (north east)

49. The proposal would be sited at an oblique separation distance of approximately 21m from the front elevation of the nearest properties to the rear (No's 1- 2 Wells Cottages) with the presence of mature planting in between. In view of this distance, it is considered that the proposal will not result in an adverse loss of amenity in terms of outlook, overlooking, overbearing and overshadowing for occupiers of neighbouring properties to the rear.

Properties to front (south)

50. Following the revision to the proposed scheme, no part of the proposal would project beyond either the existing side or front elevations of the host dwelling. It is also considered that no direct views would be achievable between windows in the side elevation of the proposal and windows in the front elevation of Rose Cottage (front). It is therefore considered that the proposal will not result in an adverse loss of amenity in terms of outlook, overlooking, overbearing and overshadowing for occupiers of neighbouring properties to the rear.

Highway safety and car parking

51. In accordance with SPD3: Parking Provision for Developments 2011, the parking requirement for both 2 and 3-bedroom dwellings is two spaces, which are achieved on the existing, enclosed driveway. The Head of Technical Services therefore raises no objection to the application, commenting that the proposal does not affect car parking provision. It is therefore considered that the proposal will not result in an adverse loss of highway or pedestrian safety or an increase in on street car parking.

Residual Matters

Human Rights Implications

52. With respect to objections relating to the 'loss of light', matters of Right to Light and Right to a View operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way which is compatible with Convention rights.
53. The human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on their land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.
54. The determination of a planning application in accordance with Town and Country Planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and

overshadowing has been assessed within the material considerations above. The human rights of the owners/occupiers of the application site may be engaged under the First Protocol Article 1 that is the right to make use of their land. A refusal of planning permission may infringe that right but the right is a qualified right and may be balanced against the need to protect the environment and the amenity of neighbouring residents.

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

Other matters

56. With respect to a condition for the removal of the existing leylandii hedge (and replacement with a suitable fence) or the reduction in height of the existing planting, these matters are not considered to be material in the assessment and determination of the current application, which is considered to be acceptable for the reasons detailed above. As such, these are civil matters between occupiers of No's 1 and 2.
57. With respect to the comments from Mr Barnes (2 The Green) and the proposal exceeding the permitted 2m height for boundary fences, the 2m height restriction relates to the erection of means of enclosure set out in the General Permitted Development Order Regulations and is not applicable in the assessment of a two storey domestic extension.
58. With respect to the proposal resulting in water running onto the rear patio area of No 2, the proposed design was amended to show a 100mm step in from the adjacent boundary to ensure that guttering remains within the curtilage of the host dwelling. Drainage details would be subject to the Building Regulation. With respect to matters of slippage and an increase in algae, whilst these comments are noted, these are not material planning considerations.
59. With respect to air flow circulation to rooms within No 2, whilst this is not a planning consideration, it is not anticipated that the proposal will adversely affect air flow, whilst the area directly to the rear of No 2 would remain open.
60. Property devaluation is not a material planning consideration.
61. With respect to the construction and maintenance of the proposal, these matters, including access, are civil matters between the applicant and neighbouring property and are not material planning considerations.

CONCLUSION

62. The proposal is considered to comply with policies CS3, saved policies EN24 and HO12 of the STLP, Supplementary Planning Guidance (SPG2/SPD3) and the NPPF as it is considered that the extension will be of a suitable design for the existing property and will not adversely impact on the Eggescliffe Conservation Area. It is further considered that the proposal will not result in an unacceptable loss of amenity for neighbouring properties or result in a loss of highway safety.
63. It is recommended that the application be Approved with Conditions for the reason(s) specified above.

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

WARD AND WARD COUNCILLORS

Ward **Eaglescliffe**
Ward Councillor **Councillor A L Lewis**

Ward **Eaglescliffe**
Ward Councillor **Councillor Mrs M. Rigg**

Ward **Eaglescliffe**
Ward Councillor **Councillor Phillip Dennis**

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

Supplementary Planning Document 3: Parking Provision for New Developments October 2011.

Supplementary Planning Guidance Note 2: Householder Extension Guide February 2004.