

**Item No:** 5.6  
**Application No:** 15/01956/FULH Author: Rachael Watts  
Date valid: 7 December 2015 ☎: 0191 643 6311  
Target decision date: 1 February 2016 Ward: Benton

Application type: Householder Full application

**Location: 33 Forest Avenue, Forest Hall, NEWCASTLE UPON TYNE, NE12 9AH,**

**Proposal: Proposed single storey rear extension to provide new accessible bedroom on ground floor and replacement lounge area**

Applicant: Dr Christopher Hartworth, 33 Forest Avenue Forest Hall NEWCASTLE UPON TYNE NE12 9AH

Agent: Mr Aidan Jackson, FAO Mr Aidan Jackson 14 Denewood Forest Hall Newcastle Upon Tyne NE12 7FA

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

### **1.0 Summary Of Key Issues & Conclusions**

#### Key Issues

1.1 Members must consider the following key issues when determining this application:

- Impact upon residential amenity
- Impact upon the appearance of the site and street scene

1.2 The representations received are summarised in the appendix.

#### 2.0 Description of the Site

2.1 The site to which the application relates is a west facing, mid terraced property located in an established residential area of Forest Hall. There is an existing rear extension. The rear garden backs onto Westcroft Road. It is enclosed by approximately 1.6-1.7m high timber fencing.

2.2 The host properties existing rear extension currently projects approximately 1.4m beyond No. 31's rear elevation.

#### 3.0 Description of the Proposed Development

3.1 The development proposed is to construct a single storey rear extension.

#### 4.0 Relevant Planning History

4.1 06/01051/FUL: Conversion of garage to study and toilet. Single storey extension to rear and replacement of existing garage flat roof to pitched roof. Application permitted 02.06.2006.

#### 5.0 Development Plan

5.1 North Tyneside Unitary Development Plan (adopted March 2002)  
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

#### 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (March 2012)

6.2 Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

### **PLANNING OFFICERS REPORT**

#### 7.0 Detailed Planning Considerations

7.1 The main issues in this case are:

- (i) Impact on residential amenity and
- (ii) Impact on the appearance of the site and street scene

7.2 The proposed development would have a total projection of approximately 3.2m and a total width of approximately 6.8m. It would incorporate a flat roof with a ridge height of 3m. A large roof lantern is proposed. The proposed rear extension would be located 0.8m away from the shared boundary of both no. 31 and no. 35 Forest Avenue. Two patio doors are located along the rear elevation.

7.3 Following officer advice amended plans were submitted in order to bring the proposed side elevations in from the shared boundary by 0.8m at either side.

#### 8.1 Impact on neighbours

8.2 DCPS No 9 'Rear Extensions' states 'Ground floor rear extensions on the boundary of a property will normally be restricted to a maximum of 2.4m projection. Other extensions will be assessed on their merits and should not occupy more than half of the rear garden which should be retained for usual domestic needs. The use of flat roofs should be avoided where possible for design and maintenance reasons'.

8.3 Three letters of objection have been received from no. 31 Forest Avenue regarding loss of light, outlook and the industrial advice on the 'Right to light' rule.

8.4 The proposed development would be located to the south of no. 31 Forest Avenue. The proposed development, combined with the existing rear extension, would project a total of 4.6m. The proposed extension would be located approximately 0.8m from the shared boundary. There are no windows proposed along the side elevation and it is therefore officer advice that there would be no impact upon privacy. Whilst it is noted that there would be a large brick expansion along the shared boundary it is noted that no. 31 would still retain its easterly outlook. It is noted that the proposed rear extension will have an impact upon light to no. 31's garden and kitchen. However, as no. 31 has two windows and a roof light which facilitate the kitchen, it is in officer opinion that the impact upon light is acceptable. It is officer advice that the impact on residential amenity to no. 31 is acceptable.

8.5 Two letters of objection have been received from no. 35 Forest Avenue regarding loss of light, outlook and the industrial advice on the 'Right to light' rule.

8.6 The proposed development would be located to the north of no. 35 Forest Avenue. The proposed development would project a total of 2.8m beyond no. 35's existing rear extension. The proposed extension would be located approximately 0.8m from the shared boundary. There are no windows proposed along the side elevation and it is therefore officer advice that there would be no impact upon privacy. Whilst objections are noted that there would be a large brick expansion along the shared boundary it is noted that no. 35 would still retain its easterly outlook from the neighbouring properties kitchen patio door and window. It is in officer opinion that the impact upon outlook is acceptable. Furthermore due to the siting and orientation, it is officer advice that the impact upon light is acceptable.

8.7 Objections from both no.31 and no.35 reference the 'right to light' easement. The *Site Layout Planning for Daylight and Sunlight A guide to good practice, 2nd Edition* by Paul Littlefair (formerly known as BRE 209) is an industrial assessment which analyses the impact of development upon sunlighting and daylighting to habitable windows only. Members must be made aware that the right to light is not an instrument of planning policy. Objectors are able to seek advice and pursue the right to light outside of this planning application.

8.8 The guidance states that a '45 degree' approach should be used for domestic extensions such as this and must fail on both plan and elevation. The objectors have only demonstrated that the development fails on plan. Using plans from no. 35's previous extension (11/01645/FULH) it was possible to establish that the elevation plan is in accordance with the 45 degree rule. Whilst the proposal will impact upon no.31's nearest habitable window to the boundary, this assessment does not take into account other issues such as the orientation of the development and number of other windows serving habitable rooms. No. 31 has an additional window and roof light which serve the neighbouring properties kitchen and still retains its open aspect to the east. Any impact in terms of right to light legislation is a civil matter. In planning terms the proposal is considered to be acceptable in terms of loss of light.

8.9 On balance it is officer advice that the proposed development is considered to have an acceptable impact upon the residential amenity of neighbouring properties.

#### 9.0 Impact on character and appearance

9.1 The National Planning Policy Framework states that good design is a key aspect of sustainable development and that permission should be refused for development of poor design.

9.2 Policy H11 of the UDP seeks to ensure a high standard of design for residential development, including extensions and alterations.

9.3 One of the main aims of the Council is to promote good design. LDD11 'Design Quality' applies to all planning applications that involve building works. It states that extensions must offer a high quality of design that will sustain, enhance and preserve the quality of the built and natural environment. It further states that extensions should complement the form and character of the original building.

9.4 Objections have been received regarding the impact upon character and appearance. Particularly with regards to setting a precedent, destroying the building line, impact upon terraced design and the proposed roof lantern not being in-keeping with the surrounding area.

9.5 The application site backs onto Westcroft Road. Therefore, views of both parts of the proposed development would be afforded. However, the street scene is varied in terms of existing extensions, including detached, flat roofed garages and various sheds. The proposed development is considered to be of an appropriate scale and mass to the main dwelling. Sufficient amenity space would remain upon completion of the proposed works. North Tyneside Council looks at each application solely on its individual planning merits and it is in officer opinion that the impact is acceptable.

9.6 On balance it is officer advice that the proposed development is acceptable in terms of its impact on character and appearance. Members must consider whether the proposed rear extension is in compliance with Policy H11.

#### 10.0 Other Issues

##### 10.1 Residential Objection

10.2 One letter of objection was received from a residential property in High Heaton on behalf of no. 35. The impact on no. 35 has been assessed within this report.

##### 10.3 Garden growth

10.4 Objections have been received from no. 31 and 35 Forest Avenue regarding the impact of light on plant life. It is in officer opinion that the impact on the neighbouring gardens is acceptable and will still maintain adequate sun and daylight.

#### 10.5 Flood and drainage

10.6 Objections have been received with regards to the existing and potential flooding issues within the rear gardens of Forest Avenue. Photographs have been submitted alongside the objections. The site is in flood zone 1 and the floor is not lower than existing. The issue of meeting adequate drainage requirements will be met through building regulation assessments.

#### 10.7 Impact during construction period

10.8 An objection has been received regarding the impact of the construction period on a resident due to personal circumstances. Whilst the personal circumstances are acknowledged, it is officer advice that the impact from the construction period cannot be a reason for refusal.

#### 10.9 Party wall maintenance

10.10 An objection raised the issue of fence maintenance. Fence maintenance is a party wall matter and is not a material planning consideration for this assessment.

#### 10.11 Neighbourhood Consultation Scheme

10.12 One letter of objection has been received stating that the Neighbourhood Consultation Scheme has not been adhered to. The Neighbourhood Consultation Scheme relates to the prior approval scheme, not the planning application process. The appropriate consultation has taken place for this application.

#### 10.13 Planning permission for existing rear extension

10.14 One letter of objection was received regarding the previous planning application (06/01051/FUL). Discrepancies have been identified between the 0.89m projection from no. 31 which was proposed and the 1.43m projection from no. 31 which is now built. Members must only assess the current application which shows the existing projections in which full neighbour notification and consultation has been carried out.

#### 11.0 Conclusion

11.1 Members need to consider whether the proposal is acceptable in terms of its impact on amenity and the appearance of the area. It is officer advice that it is acceptable. Having regard for the above approval is recommended.

**RECOMMENDATION:     Application Permitted**

#### **Conditions/Reasons**

- |    |                                   |       |   |
|----|-----------------------------------|-------|---|
| 1. | In accordance with approved plans | MAN01 | * |
| 2. | Standard Time Limit 3 Years FUL   | MAN02 | * |

- |    |   |       |                        |
|----|---|-------|------------------------|
| 3. | Materials External Surfaces to Match    | MAT01 | *DCPS no. 9<br>and H11 |
| 4. | Gas protection measures for householder | GAS05 | *                      |

**Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):**

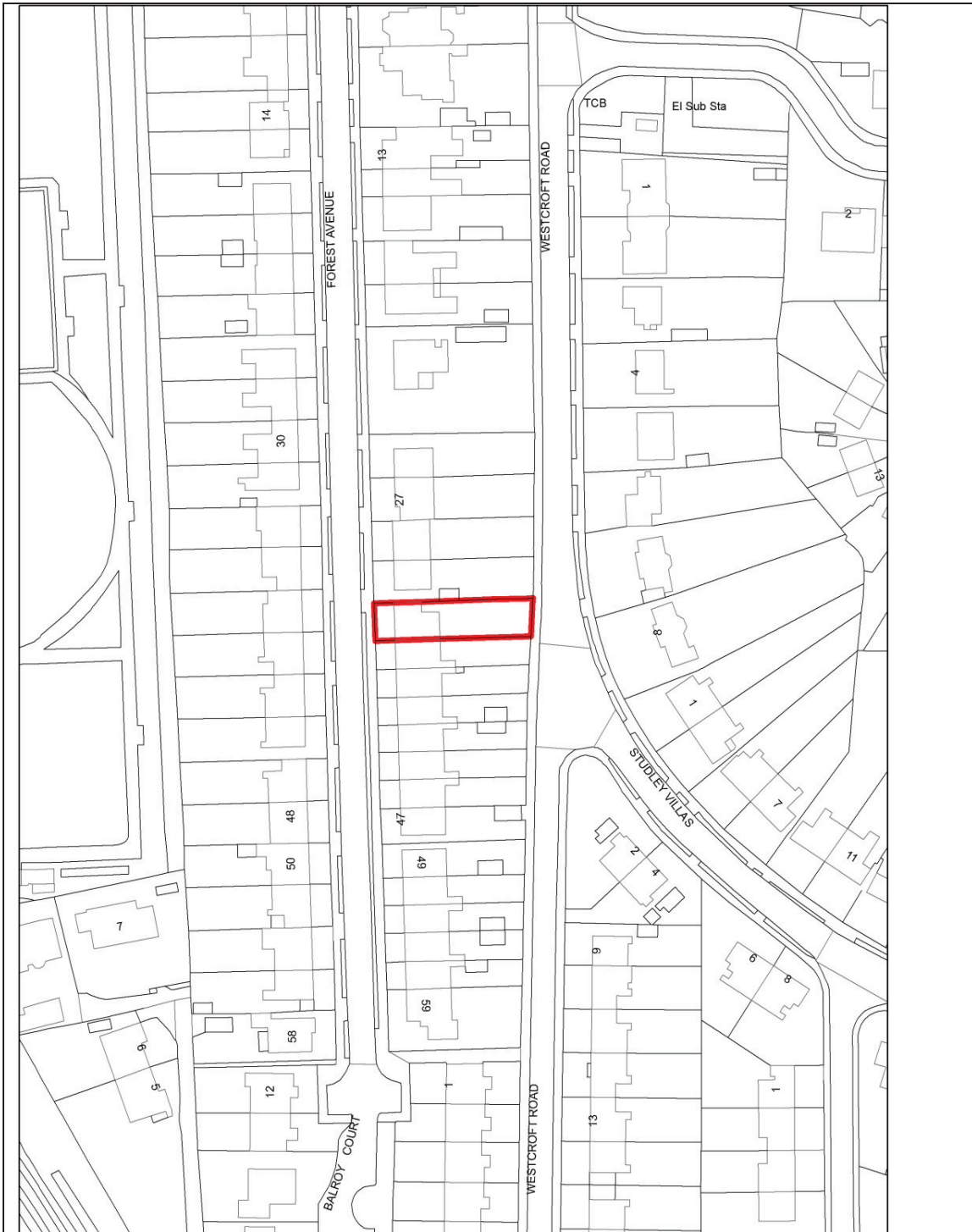
The Local Planning Authority worked proactively and positively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

**Informatives**

Building Regulations Required (I03)

The applicant's attention is drawn to the requirements of the 'Right to Light' easement. The applicant is advised to seek independent advice to ensure full compliance prior to the commencement of any development.

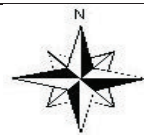
Gas Membrane specification (I48)



**Application reference: 15/01956/FULH**  
**Location: 33 Forest Avenue, Forest Hall, NEWCASTLE UPON TYNE**  
**Proposal: Proposed single storey rear extension to provide new accessible bedroom on ground floor and replacement lounge area**

Not to scale  
 Date: 05.02.2016

© Crown Copyright and database right  
 2011. Ordnance Survey Licence Number  
 0100016801



## Item 5.6

### Appendix 1 – 15/01956/FULH

#### Consultations/representations

##### Consultations/representations

##### 1.0 Internal Consultation

1.2 None received.

##### 1.3 Representations

1.4 Nine letters of objection have been received from five residential households. A summary of the submitted objections has been provided below.

- Impact upon short and narrow neighbouring gardens
- Impact upon light
- Impact upon property value
- Particularly impact on neighbouring residents with disability requirements
- Flooding and raised garden level
- Excessive
- Incorrect plans. Existing plans show 1.430m projection when it is 1.670m
- Enclosed garden
- Restricted views
- Damage to garden growth
- Decrease in useable garden space
- Shadowing effect
- Privacy
- Shadowing will cause further growth of green algae which can be slippery underfoot
- Out of scale
- Setting a precedent
- Would require drainage improvement
- Eyesore
- Distort building line
- Destroy character of the terrace
- Host property has already made a number of changes
- Loss of view
- Outlook obscured by a solid brick wall
- Garage located in neighbouring garden creating an enclosed feel
- Host property has a substantially larger footprint than neighbouring properties
- Impact of construction on neighbouring residents health due to personal circumstances
- Other options are available
- Irreversible change
- Proposed development exceeds the 45 Degree rule under the 'Right to Light'
- Request for a flood risk and run off assessment or drainage plans
- Proposed roof lantern not in-keeping with surrounding area
- Party wall maintenance issues

Photographs and diagrams have been submitted alongside the objections.