

Item No: 3
Application No: 16/01649/FULH Author: Julia Dawson
Date valid: 26 October 2016 ☎: 0191 643 6314
Target: 21 December 2016 Ward: St Marys
decision date:

Application type: Householder Full application

Location: 18 St Lucia Close, Whitley Bay, Tyne And Wear, NE26 3HT,

Proposal: Single storey side extension. 2no. flat roofed dormer windows to existing and extended rear roof slope

Applicant: Mr Paul Hunt, 18 St Lucia Close Whitley Bay Tyne And Wear NE26 3HT

Agent: Mr Donal O Sullivan, 13 Greenfield Road Brunton Park Gosforth Newcastle Upon Tyne NE3 5TN

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1. The Main Issues

1.1 The main issues for Members to consider in this case are as follows:

- Impact on neighbouring residential amenity;
- Design and impact on street scene.

2.0 Description of the Site

2.1 The site to which the application relates is a semi detached bungalow located within the established residential area of Whitley Lodge, in Whitley Bay. The host property occupies a corner position and faces in a south westerly direction onto St Lucia Close. It has a single storey flat roofed entrance porch to the side/northern facing elevation and a single storey flat roofed dining room/utility extension to the same elevation, this projects slightly beyond the rear elevation. A freestanding garage is located within the front garden. The garages faces in a southern direction and is located parallel to the side elevation of the neighbouring property to the west, No.20 St Lucia Close. The front elevation of the garage is set back from the main front elevation of No.20 by approximately 2.4m and is set away from the boundary with this property by approximately 2m.

2.2 Due to its corner position the host dwelling has a large side garden. No.20 has previously been extended by way of a flat roofed two storey side extension, which extends along the shared boundary with the host site. This extension houses a bedroom at first floor level, which has a window in the side elevation facing towards the host site and beyond, and a window in the rear elevation facing No.20's rear garden and beyond. No.20 has a large rear garden, which abuts the boundary with the northern half of the host property's garden.

2.3 The adjoining bungalow, No.16, has a window in its rear elevation, which is located close to the shared boundary with the host dwelling. This boundary consists of a timber fence and shrubbery.

2.4 Beyond the rear boundary of the host site is a large expanse of playing field, which is part of Whitley Lodge First School. Further to the north, beyond the rear boundary of No.20 St Lucia Close, is Whitley Bay Golf Club.

3.0 Description of the Proposed Development

The proposal relates to the construction of a single storey side extension, and two flat roofed dormer windows to the existing and extended rear roof slope.

4.0 Relevant Planning History

85/00425/FUL - Conversion of garage to dining room and provision of new garage – Approved 22.04.1985

5.0 Development Plan

5.1 North Tyneside Council Unitary Development Plan (adopted March 2002)
Direction from Secretary of State under Paragraph 1(3) of Schedule 8 to 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 (March 2012)

6.2 National Planning Practice Guidance (As Amended)

6.3 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. Main Issues

7.1 The main issues for Members to consider in this case are as follows;

- Impact on neighbouring residential amenity;
- Design and Impact on the street scene

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

7.3 Detailed Planning Considerations

7.4 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.

7.5 Policy H11 of the UDP seeks to ensure a high standard of design for residential development, including extensions and alterations. It seeks to resist proposals that would have an adverse impact on the amenities of the occupiers of surrounding land and property. Other matters that are taken into account are the scale and mass of the proposal and the relationship to its site and surroundings.

7.6 Development Control Policy No.9 'Residential Extensions' states that any decision has to take into account the affect upon the amenity of neighbouring occupiers, eg. Loss of sunlight, daylight, outlook or privacy, or the effect of the proposal on the street scene and the character of the area and the extent to which works have a high quality of design that respects the character and materials of the existing building.

7.7 Planning Officer Comments

7.8 Side/Roof Extension

7.9 The proposed extension will have a width of approximately 4.4m (4.5m including roof overhang). The front elevation will be located approximately 7.1m from the side elevation of No.20 St Lucia Close. The proposal will be inset from the main front elevation by approximately 0.4m and will match the depth of the host dwelling. The ridge height of the extended roof will be set approximately 10cm lower than the main roof. A window is to be located within the side elevation of the extended roof space facing in a north westerly direction.

7.10 Several objections have been received in relation to the impact of the proposed extension on the amenity of the occupant/s of No.20 St Lucia Close. These concerns are noted. Firstly, with regard to the impact on privacy due to the introduction of roof lights in the front roof slope, which will face onto a secondary bedroom window in the side elevation of No.20, it is acknowledged that due to the position of the windows in relation to the internal finished floor

level, views out of the windows will be possible. As such, it is considered appropriate to attach a condition to ensure that these windows are obscure glazed and retained as such.

7.11 The proposed gable window will look over the host property's garden and beyond this onto part of No.20's garden and the golf course. Whilst the concern regarding overlooking is noted, it is considered it would be unreasonable to insist that this window is either removed or obscure glazed. The proposed window will be located at least 11m from the shared boundary with No.20 and will not result in any direct views into any habitable rooms within this property. Whilst it will result in partial overlooking of the rear garden of No.20, this garden is already overlooked by the first floor rear windows of neighbouring properties to the south west on St Lucia Close (i.e. No's 22, 24 and 26), and the proposal will not result in such an increased loss of privacy, compared to this existing situation, that refusal could be justified on these grounds. Furthermore, it must be reiterated that No.20's first floor side window is a secondary bedroom window in an extension to this property, which clearly overlooks the garden of the host dwelling.

7.12 Whilst the proposed extension will be visible from the side bedroom window of No.20 it will be located to the south east of this and not directly in front it. As such, the majority of the existing level of outlook across the garden of No.20 (and beyond to the school field) will not be interrupted by the proposed development. Due to the orientation of the properties, the proposal may result in a very small loss of morning sunlight to the side window. However, it will not result in any significant adverse impact on existing levels of sunlight or daylight. This potential small impact during the morning does not justify refusal of the planning application.

7.13 Concern has been raised that the proposed works are out of scale and will harm the visual amenity of the site/pair of semi detached bungalows. Whilst this concern is noted, it is not considered that the proposed side/roof extension will result in such overdevelopment of the site or result in such harm to the street scene that refusal is warranted on the grounds. Due to its corner position, the site of the proposed extension is not clearly visible from the wider street scene and therefore will not appear highly incongruous as it is tucked away in a corner position. Furthermore, the proposal has been well designed so that the ridge height is set slightly subservient to the main ridge, and the front elevation is slightly inset. Both of these features help to reduce the scale and massing of the proposed extension and further lessen its impact on the appearance of the host dwelling and surrounding area.

7.14 In summary, Officer advice is that the proposed side/roof extension is acceptable in terms of its impact on the residential amenity of the occupiers of

the neighbouring dwellings, with particular reference to No.20, and the visual amenity of the site and surrounding area.

7.15 Dormer Windows

7.16 DCPS No.9 provides that dormer extensions on those parts of a dwelling which front a highway are generally discouraged. In all cases large flat roofed dormers should be avoided and traditionally designed modest dormer windows will be encouraged when considered necessary.

7.17 The proposed works include two dormer windows to the existing and extended rear roof slope. Whilst it is acknowledged that the flat roof design of the proposed dormers is not in accordance with advice provided in DCPS No.9, it is considered to be acceptable in this particular case. The dormers will face toward the playing field to the rear and will not be widely visible from any public view point in the surrounding area. In addition, there are existing flat roof dormer windows in the surrounding area, including to a property within sight of the application site, and in this context they will not appear highly incongruous. Furthermore, it is acknowledged that a large flat roofed dormer window could be constructed across the width of the existing roof slope without planning permission (using permitted development rights).

7.18 Due to their location on the roof slope, the proposed dormers will not result in any significant adverse impact on existing levels of privacy, outlook, daylight or sunlight to neighbouring dwellings, with particular reference to the adjoining semi, No.16. Whilst views will be afforded across the rear garden area of this property these will be partial, and there will be no loss of amenity to any of the main habitable rooms in this property.

7.19 The proposed plans also include 2no. roof lights to the original front roof slope and 2no. roof light to the original rear roof slope. These do not require planning permission. Nonetheless, they are acceptable in terms of their impact on neighbouring residential and visual amenity.

7.20 The occupier of No.16 has been consulted on the planning application and no representations have been submitted to date.

7.21 Other Matters

7.22 Concerns have been raised with regard to the impact of the proposed development on the highway, including the impact on access/egress to No.20, and these are noted. The current dwelling has two bedrooms and the proposal will result in three bedrooms.

7.23 The host site has a garage, which is currently used for storage purposes, and a driveway. The applicant has advised that it is his intention to use the

garage to park a vehicle along with the driveway. This results in two incurtilage car parking spaces. The Council's adopted car parking standards are set out in LDD12 'Transport and Highways'. This states that for a three bedroom dwelling 2no. incurtilage spaces should be provided. In this case, the proposal identifies three bedrooms. As such, the Local Planning Authority cannot require the applicant to provide additional spaces.

7.24 In addition, the planning application cannot be used to overcome existing on street parking issues/disputes. The NPPF states that planning permission can only be withheld where the proposal would result in a severe cumulative impact in highways terms. The proposal is in accordance with current policy and would not result in such an impact, therefore permission cannot be withheld for this reason. An informative will be attached to the planning permission to remind the applicant of their responsibility not to obstruct the public highway/footpath at any time.

7.25 Concerns have also been raised that due to the reasons for the proposed works (to provide improved accommodation for a disabled person, and extra space for family members) that additional parking will be required for carers. However, whilst the reason is acknowledged, the property is a residential dwelling and the application must be treated as an extension to a residential property and assessed as such in parking terms.

7.26 Concern has been raised that the proposed works will result in the property becoming two separate flats. Planning permission would be required for the change of use of the host dwelling to 2no. flats and this has not been applied for. Therefore, this is not a material planning matter to be considered by way of this planning application.

7.27 Concern has been raised that the proposal will result in a four bedroom two storey dwelling. This is not the case. The proposal is for an extension to the existing bungalow. Whilst it will include a conversion and extension to the existing roof space, there will be no increase in roof height and the dwelling will not become a two storey property.

7.28 Concern has been raised that the plans are inaccurate, with particular reference to the site plans and the existing ground floor plan. The applicant has confirmed that the room described as a bedroom on the plan is, in fact, a dining room. The plan will be amended to reflect this. There are also slight discrepancies on the site plans, these will be amended prior to planning committee. However, they do not prevent the proposed development from being accurately and fully assessed and there is no reason to withhold planning permission or invalidate the application as a result of these at this stage.

7.29 Concern has been raised with regard to the lack of site notices. Public consultation was carried out in complete accordance with Article 15 of the Development Management Procedure Order, which states that either a site notice is displayed in at least one place on or near the land to which the application relates for not less than 21 days; or notice is served on any adjoining owner or occupier. In this case letters were sent to adjoining owners/occupiers on 27 October 2016.

7.30 Concerns have been raised that works have already commenced. On site inspection it was noted that the applicant was undertaking some works at the site. However, these appeared to relate to internal works and there was no evidence that the proposed development was being constructed.

7.31 The host site is located within a high risk coal authority referral area and a designated 'potential surface coal resource'. As such, it is reasonable and necessary to attach a condition to ensure that appropriate gas protection measures are incorporated into the footprint of the new side extension.

7.32 Local Financial Considerations

7.33 The proposal will provide work in association with the construction of the extensions. This will represent a small financial benefit of this proposal.

7.34 Conclusion

7.35 Members must determine whether the proposed development is acceptable in terms of its impact on the residential amenity of neighbouring occupiers, and the visual amenity of the application site and surrounding area, in accordance with advice provided in the National Planning Policy Framework, unitary development plan policies H11 and DCPS No.9, and LDD12. Officer advice is that the proposed development is acceptable and approval is therefore recommended.

RECOMMENDATION: Application Permitted

Conditions/Reasons

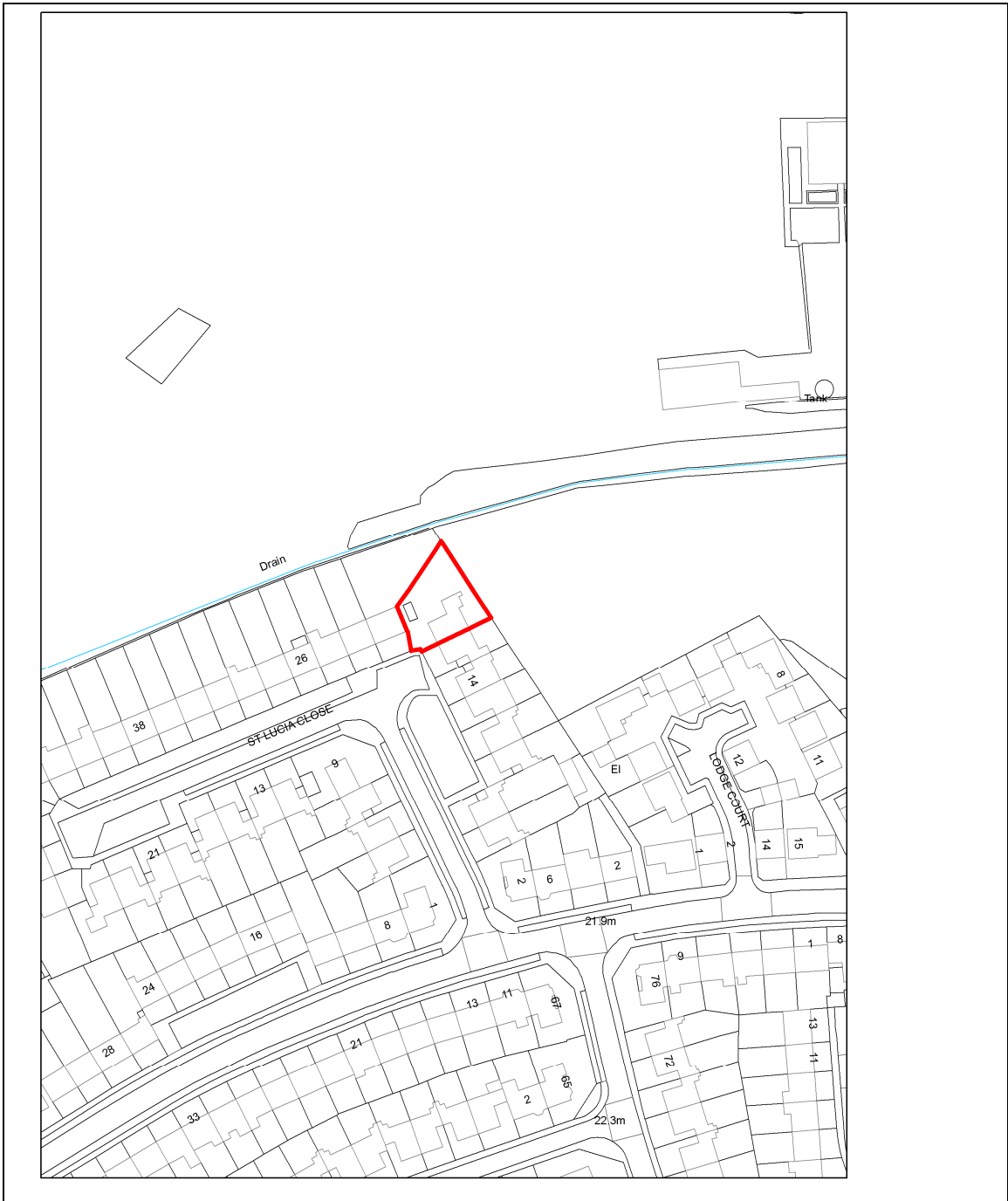
1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
 - Application Form 10.10.2016
 - Site Location Plan (application site outlined in red, scale 1:1250)
 - Proposed Floor Plans and Elevations (Plan Title: Proposed Plans, Sections and Elevations, drg no.02, Rev.A, 24.09.16)

Building Regulations Required (I03)

It is an offence to obstruct the public highway (footway and/or carriageway) without obtaining beforehand, and in writing, the permission of the Council as Highway Authority. Such obstructions may lead to an accident, certainly cause inconvenience to pedestrians and drivers, and are a source of danger to children, elderly people and those pushing prams or buggies. They are a particular hazard to those who are disabled, either by lack of mobility or impaired vision. Please assist the Council by not obstructing the highway with your vehicle or otherwise, and by instructing your building contractor and materials suppliers that obstruction of the highway will not be tolerated by the Council, which is prepared to take legal action against those responsible for such obstructions. Should you find it impossible to avoid placing materials on the public highway, contact the Highways Maintenance Section (tel 0191 643 6130) in advance to discuss the circumstances. In such cases the Council may authorise the placing of materials subject to specified conditions being met.

Advice All Works Within Applicants Land (I29)

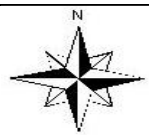
Coal Mining Referral Area , (FULH) (I43)



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Not to scale
 Date: 24.11.2016

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Appendix 1 – 16/01649/FULH
Item 3

Consultations/representations

1. Representations

5no. objections have been received from the occupier and family members of No.20 St Lucia Close, these are summarised below:

- Misleading/ambiguous proposal description.
- Proposal will result in what appears to be a pair of flats, or at least a four bed two storey dwelling (not three bed as shown on the plans).
- Proposal will convert a two bed bungalow into a four bed two storey house. Unsympathetic and insensitive to neighbouring properties.
- Site plans are inaccurate and do not match the property's site boundary. Site plan includes land outwith the applicant's ownership, therefore the (ownership) certificates included with the application are inaccurate.
- Site plan is of an inadequate scale.
- Plans do not show the relationship of the subject property to 20 St Lucia Close. Rear extension will look into the gable wall (which includes a window) of No.20 and will create overlooking issues.
- Door size window in gable end overlooks No.20's garden and needs to be removed.
- Drawings do not reflect the overlooking and impact on the neighbouring properties.
- Existing plan is misleading, the converted garage has never been used a bedroom. Plans should be amended.
- Loss of on site parking. Parking requirements for a number of rooms and type of development are not reflected as there will only be two off road parking spaces (one of which is the garage). This will result in parking problems.
- On site parking needs to be provided to reflect a potential future use as two separate flats.
- Existing parking problems with vehicles blocking drive of No.20.
- Existing garage is too small to hold a car.
- During works measure should be put in place to ensure access/egress to driveway of No.20.
- Roof lights in front roof slope will look directly into No.20 and should be removed from the plans as they are not required, there are sufficient windows to eastern and western elevations.
- Proposed works would dwarf adjoining bungalow at No.16 – proposal is out of scale in terms of visual impact.
- Loss of residential amenity for No.20, it will be overlooked in two directions by proposal.

- Permitted development rights should be removed to prevent the property being further extended and additional roof lights being installed.
- Works have already commenced.
- Proposal could set an over-development precedent for several other bungalows in St Lucia Close.
- Insufficient consultation, no site notices were displayed locally.
- Dwelling is increasing in footprint beyond what is reasonably given planning permission.
- The reasons for the proposal involve the care of a disabled person. Nature of this care will involve carers needing to have adequate off road parking. These cars need to be considered as well as the residents of the property.

2. Ward Councillors

Councillor Ed Hodson (Whitley Bay)

1. The extension of the roof northwards will bring the extended roof very close to House number 20 in an estate where houses are separated in a coherent and open plan.
2. Two specified windows in the west side of the extended roof give the possibility of direct sight into the eastern bedroom of House number 20.
3. The extended roof will reduce the light entering the rooms on the east side of number 20 - made worse by the dark brown tiles fitted to the roof which will create a depressing gloom for House number 20.
4. The house extension will reduce the parking space to a single car on the driveway of House 18 - while there is space for two cars at present. The enlarged house may well acquire more than the current two cars, in the future and there would be a requirement to demark the road in the locality of the houses numbers 16, 18 and 20 in order to preserve the right of access to each house driveway and to avoid potential resident friction.