

**Item No:** 5.6  
**Application No:** 16/01995/FULH Author: Maxine Ingram  
Date valid: 19 December 2016 ☎: 0191 643 6322  
Target: 13 February 2017 Ward: Weetslade  
decision date:

Application type: Householder Full application

**Location: 57 Birchwood Avenue, North Gosforth, NEWCASTLE UPON TYNE, NE13 6QA,**

**Proposal: Proposed single storey extension to the rear of the existing garage (Retrospective).**

Applicant: Magdalena Gajos-Docherty, 57 Birchwood Avenue North Gosforth  
NEWCASTLE UPON TYNE NE13 6QA

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

a) The main issues in this case are:

- Whether the increased projection and width of the previously approved extension to the rear of the garage will impact upon neighbours living conditions with particular regard to the impact upon outlook and privacy;
- Whether the increased projection and width previously approved extension to the rear of the garage will impact upon the character and appearance of the surrounding area.

### 2.0 Description of the Site

2.1 The site to which the application relates is a north facing, semi detached bungalow located in an established residential area of Wideopen. Members are advised that planning permission was granted in 2014 for various works. Works have commenced on site and Members are advised that some of the previously approved works have been completed, including the dormer windows to the front and rear the extension to the front of the garage and the pitched roof over it and the lean to roof over the rear extension adjacent to No. 55 Birchwood Avenue. As these works have been completed in accordance with the approved planning permission, they have been removed from the description of this current planning application. Members are advised that planning permission was granted for an extension to the rear of the garage. However, this part of the development has been built larger than previously approved scheme.

2.2 The rear garden is enclosed by approximately 1.8m high timber fencing.

2.3 No. 55 Birchwood Avenue has an existing flat roof dormer to rear. There is a small projection to rear. A patio door and window are sited closest to the shared boundary.

2.4 The rear gardens of Nos. 30 and 32 Elmwood Avenue abut the western boundary of the application site. These are two storey properties. There are existing single storey flat roofed extensions to the rear of these properties.

2.5 There are a variety of extensions within the immediate vicinity, including large flat roof dormer windows to the front and rear roof slopes, single storey rear extensions with flat and pitched roofs. Members are also advised that some of the single storey rear extensions have been constructed with a projection that exceeds 2.4m and some have been constructed under the larger home extensions legislation, which allows larger extensions as part of expanded permitted development rights without the need to apply for planning permission.

### 3.0 Description of the Proposed Development

3.1 Retrospective planning permission is sought for the enlargement of the previously approved single storey extension to the rear of the garage. The proposed development would increase the length of the previously approved development by approximately 0.7m and its width by approximately 0.6m. The roof lights have been removed and the doors to the east elevation of the development have been amended. The proposed development accommodates a pitched roof with a ridge height of approximately 4m (approximately 2.9m to eaves).

### 4.0 Relevant Planning History

14/00617/FULH - Extension to the front and rear of the existing garage. Flat roofed dormer window to rear. Two pitched roofed dormers to front. Removal of bay window to front and replace with a door (Amended plan received 3.6.14) – Permitted Extension to the front and rear of the existing garage. Flat roofed dormer window to rear. Two pitched roofed dormers to front. Removal of bay window to front and replace with a door (Amended plan received 3.6.14) Permitted 01.07.14

4.1 Objections were received from No. 28 and No. 30 Elmwood Avenue.

### 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 Issues

7.1 The main issues in this case are:

- Whether the increased projection and width of the previously approved planning permission will impact upon neighbours living conditions with particular regard to the impact upon outlook and privacy;
- Whether the increased projection and width will impact upon the character and appearance of the surrounding area.

7.2 Consultations 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 Members are advised that the applicant has implemented the dormer windows, extension to the front of the garage and the pitched roof over the garage, the pitched roof over the single storey rear extension in accordance with the previously approved planning permission (Ref:14/00617/FULH).

### 8.0 Impact upon neighbouring properties

8.1 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'. The proposed development does not comply with this policy. However, weight should be given to other material planning considerations.

8.2 Letters of objection have been received from No. 30 and No. 32 Elmwood Avenue. Their objections are set out in full in the representations section of this report.

8.3 The external shell of the extension to the rear of garage has been constructed; the internal works and external doors are still to be complete.

8.4 Members are advised that this application seeks to regularise the alterations to the previously approved single storey rear extension to the garage only. The previously approved scheme (Ref: 14/00617/FULH) granted consent for an extension to the front and rear of the garage. This resulted in a development that extended approximately 17.3m adjacent to the shared boundaries with Nos. 30 and 32 Elmwood Avenue. The rear part of this approved development extended approximately 6.2m beyond the rear elevation of the bungalow. Members are advised that the length of the single storey extension to the rear of the garage has been constructed approximately 0.7m longer and approximately 0.6m wider. This results in a development that extends approximately 18m along the shared

boundary adjacent to Nos. 30 and 32 Elmwood Avenue and approximately 6.9m beyond the rear elevation of the bungalow.

It is the view of officers that the increased projection would not result in any materially greater impact on the amenity of No. 32 Elmwood Avenue, over and above that experienced by the previously approved development.

8.5 When assessing the previously approved development, the case officer considered the impact of the proposed development in terms of its impact on Nos. 30 and 32 Elmwood Avenue. It was noted that No. 32 afforded views of the gable of the bungalow and its garage. No. 30 afforded views of the rear garden. Consideration was given to the fact that the views from the ground floor windows of these neighbouring properties were obscured by the existing boundary treatment. Consideration was also given to the fact these neighbouring properties had existing single storey extensions to their rear. From these extensions a separation distance of approximately 11.5m-12m to the proposed development would be retained. This separation distance is similar to accepted privacy/overlooking distances between two storey properties's back to gable, as set out in policy DCPS No. 14, which is 12m. The pitched roof over the extension to the rear of the garage also pulls away from the shared boundary with these neighbouring properties. Officers concluded that on balance the previously approved development was acceptable in terms of outlook.

8.6 The increased projection would be located to the east of No. 30 Elmwood Avenue. It is the view of officers that the increased projection would not result in a materially significant impact on the amenity of No. 30 Elmwood Avenue, over and above that experienced by the previously approved development.

8.7 It is not considered that the increased projection would result in any materially greater impact on the residential amenity of No. 32 Elmwood Avenue, in terms of loss of light and outlook over and above that by the previously approved development.

8.8 There are no windows proposed in the west elevation of this part of the proposed development. Therefore, the privacy of Nos. 30 and 32 Elmwood Avenue would not be affected.

8.9 The width of the single storey extension to the rear of the garage has also been increased. The development would be sited approximately 5.8m from the shared boundary with No. 55 Birchwood Avenue. Therefore, it is not considered that this increase in width would significantly affect the residential amenity of this neighbouring property in terms of loss of light or outlook. There would be no significant impact on the privacy of this neighbouring property as the views into its rear garden would be restricted by the existing boundary treatment.

8.10 There are no windows proposed to the south elevation of the extension to the rear of the garage. Due to the siting of the proposed development, in relation to Nos. 22 and 24 Larchwood Avenue, it is not considered that this part of the proposed development would significantly affect the residential amenity of these properties in terms of loss of light, outlook or privacy.

8.11 No. 28 Elmwood Avenue is located to the south east of the application site. Due to the siting of the proposed development, in relation to this neighbouring property, it is not considered that this part of the proposed development would significantly affect the residential amenity of these properties in terms of loss of light, outlook or privacy.

8.12 Members need to determine whether the 0.6m increase in the width and 0.7m in projection of the previously approved application is acceptable in terms of its impact on residential amenity. It is the view of officers that it is.

#### 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 The objections received regarding the design of the development and its impact on the character and appearance of the area are noted.

9.5 The immediate street scene is characterised by two storey properties and bungalows. There are a number of extensions within the immediate vicinity including dormer windows and a number of single storey rear extensions accommodating both pitched and flat roofs. It is noted that some of these rear extensions exceed the recommended projection of 2.4m and some of these extensions have been constructed under the larger home extensions legislation.

9.6 The previously approved pitched roof extends over the increased width and projection of the single storey extension to the rear of the garage. Views of this part of the proposed development are restricted to neighbouring properties rear gardens. It is the view of officers, that the continuation of this pitched roof is acceptable in terms of its visual impact as it complements the character and form of the pitched roofs within the immediate surrounding area.

9.7 It is acknowledged that the development is large. However, it can be adequately accommodated within the site, as a sufficient level of amenity space would remain within the rear garden.

9.8 Members need to determine whether the design of the development, subject of this application, is acceptable in terms of its impact on the character and appearance of the area. It is the view of officers that the design and its impact on the character and appearance of the area are acceptable.

## 10.0 Other Issues

10.1 The objection raised regarding parking is noted. The issue of parking was previously considered under planning application 14/00617/FULH. It was concluded that the previously approved development would not significantly impact on parking provision within the immediate vicinity or affect highway safety.

10.2 There is no validation requirement for written dimensions to be shown on a plan. The validation requirements require the plans to be drawn to an appropriate scale. Officers can confirm that the plans submitted were drawn to scale.

10.3 Building Regulations are a separate matter to Planning and do not require planning applications to be determined to deal with their procedural requirements.

## 11.0 Conclusion

11.1 Members need to determine whether the increased projection of 0.7m and an increased width of 0.6m to the previously approved single storey extension to the rear of the garage is acceptable in terms of its impact on residential amenity and its design. It is officer advice that the development is acceptable.

**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, including materials.
- Ordnance Survey plan (1:1250)
- Existing site plan (1:200)
- Existing floor plans, elevations and section (Scale 1:100)
- Proposed ground floor plan and roof plan (Scale 1:100)
- Proposed elevations and sections (Scale 1:100)

Reason: To ensure that the development as carried out does not vary from the approved plans.

2. Standard Time Limit 3 Years FUL                      MAN02 \*

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

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

## **Informatives**

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Take Care Proximity to Party Boundary (I21)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)



**Application reference: 16/01995/FULH**

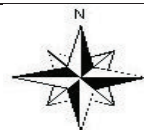
**Location: 57 Birchwood Avenue, North Gosforth, NEWCASTLE UPON TYNE, NE13 6QA**

**Proposal: Proposed single storey extension to the rear of the existing garage (Retrospective).**

Not to scale

Date: 09.02.2017

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





## **Appendix 1 – 16/01995/FULH Item 6**

### **Consultations/representations**

#### **1.0 Ward Councillors**

1.1 Councillor Muriel Green has requested that this application is to be presented at Planning Committee. This request is based on the points raised by the objectors.

1.2 Councillor Anthony McMullen has objected to the proposed development. His objections are set out below:

- Inappropriate design.
- Will result in visual intrusion.
- The plans do not contain any measurements, which makes understanding heights, widths and the impact on the community and the visual landscape of the neighbourhood difficult to judge.
- It is to my understanding that these plans are exceeding standing NPF Guidelines of boundary lines. However with insufficient measurements on plans, this makes it very difficult for an independent assessment of layout along with policy compliance.

#### **2.0 Internal Consultees**

2.1 None.

#### **3.0 Representations**

3.1 Three letters of objection, two of which are from the same property, have been received. These objections are set out below:

- Inappropriate design.
- Loss of visual amenity.
- Loss of residential amenity.
- None compliance with approved policy.
- Out of keeping with surroundings.
- Precedent will be set.
- Will result in visual intrusion.
- This development is totally out of proportion to the original building and the design is not in keeping with other bungalows on the estate. In addition it has had a significant effect on the outlook from the rear of my house, where we spend most of our time, and a major impact on the light entering our property. It is the equivalent of putting up a 4m fence at the bottom of my garden.
- The extension is longer than the original property and is more than half as wide as the original property. All of this is against accepted planning conditions.
- In addition it now extends 5.7m along out shared boundary or roughly  $\frac{3}{4}$  of our boundary. The development has exceeded the original permission granted which I also objected to.
- The planning department seem to not care at all about the views of neighbours and seem to consider everything acceptable without taking a first hand look at what the impact will be.
- Concerns over the height and nearness to my property and find the length overpowering. It virtually goes the full length of my garden and my neighbours

garden. I have not seen anything similar on local properties and do not know if there are any guidelines on too much length overall.

-I now have a view of full extension, the height is of a particular concern, as well as how close it is to my fence, it is very imposing. Looking at some bungalows on the estate, there are hardly any extensions and those are not along attached boundary of the semi detached properties. Most of the other houses are identical in length and if they are extended they usually have a flat roof.

-The extension is potentially creating a nuisance and threat to our established garden and peaceful enjoyment of our property. I know people can build up to the boundary wall/fence. But this is not a terraced house; it is semi detached land on an estate. Also each case is different. The proposed extension is unsuitable in terms of its impact on my property and its overall appearance.

-Despite the letter dated 3 January work has already started. Does this invalidate the application? If I wanted any amendments made I note the letter says we have 21 days however, as I have pointed out work has already started and the external shell looks completed. Has the Building Inspector passed this without the application being passed?

-The original proposal should, in my view, never have been allowed to go ahead. The original plans showed the extension running along my boundary fence by approximately 4.6m if the scale on the drawings provided are accurate and at a height to the ridge of the roof of 4m. The existing fence at the bottom of my garden, and in most gardens, is approximately 1.8m. The development has therefore had a significant affect on the outlook from the rear of my house. My previous view was of the tops of trees in the gardens of the bungalows on Birchwood Avenue and the sky. Now I have the side of the extension which rises to a height more than 2.2 metres above my fence line. The extension has resulted in no direct sunlight entering the backrooms of my house during December and January. The recommendation report considers this minimal and unimportant at it is before midday, but I fail to see that the relevance of what time of day the light is cut out. The back room is our dining area/play area for our children and they have breakfast and play in there every day. In fact they spend most of their time in there as do we. So the light in there is very important to us.

-The fact is that the new application, for which the building work has already been done, has increased the effect on our property. The extension now extends along the boundary fence by 5.7 metres and is only 500 -550mm from our fence line. The extension is also wider than was originally approved. This has created a dead area between the development and my fence which will probably be allowed to grow wild as access to maintain it will be very limited.

-In response to my original complaint about this development, where I referred to the recommended limit of 2.4 metres along the boundary of a property set out in DCPS No.9, but it has been deemed acceptable that the extension more than doubles the recommended limit. The original bungalow did not extend along our boundary at all.

-The extension also increases the length of the original property by 9.4 metres. The original property, when it was built, was only 8.8 metres so they have more than doubled the length of the building which, as far as I've been able to research, goes against all recommendations. The original width of the bungalow was 7 metres so the extension is more than half of the width of the original, again against all the recommendations as far I can tell.

-I stated in my original complaint that there is no way that any council would allow me to erect a 4m high fence at the bottom of my garden but this is in effect what

has been allowed. The applicants have had no regard for any of their neighbours and have wilfully disregarded the original planning application that they were granted. On top of that they have continued with the build assuming they will get retrospective permission.

-All the responses we get state that the loss of light is 'acceptable', the changed outlook from our property is 'acceptable' and the loss of light is considered 'insufficient' to recommend refusal. Not one person, other than our local councillor, has actually been to our house to see how our outlook has changed and no one can tell from drawings on a piece of paper.

-One of the considerations, supposedly to be taken into account, is whether the development has decreased the parking space available to the property. The original bungalow had a driveway of 11.6 metres and a 5 metre garage, the new build has a garage of 3 metres (not suitable for the cars driven by the applicants) and a driveway of 5.2 metres, so significantly reduced. The development is also completely out of place in this area and is not in keeping with any other developments to the bungalows on the same street. It might as well have been completely knocked down and re built.

-I have attached two photographs which show the outlook we used to have and the one we have now, if that is not considered a significant change to our outlook I do not know what is. We can not see at all the dormer windows in the adjoining bungalow anymore. Whenever our friends call round they always comment on how monstrous the extension is and can not believe it's been allowed.

#### 4.0 External Consultees

##### 4.1 None