

**Application No:** 22/02152/FULH Author: Claire Dobinson Booth  
Date valid: 2 December 2022 ☎: 0191 643 6341  
Target decision date: 27 January 2023 Ward: St Marys

Application type: Householder Full application

**Location: 54 Brierdene Crescent, Whitley Bay, Tyne And Wear, NE26 4AD,**

**Proposal: Loft conversion with rear dormer and rooflights to front. Roof to be replaced with hip gable roof extensions. Works to include: Installation of cedar cladding to gable ends of the property; lap wood effect in c62 violet blue. Replacement of roof tiles from concrete rosemary to marley modern old english. Cladding of existing dormer in anthracite grey zinc.**

Applicant: Mr and Mrs Taylor

Agent: Outer Space Solutions Ltd

**RECOMMENDATION:** Application Permitted

## **INFORMATION**

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

1.0 The main issues for Members to consider in this case are:  
- Whether the proposed materials are acceptable.

1.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Members need to consider whether this application accords with the development plan and take into account any other material considerations in reaching their decision.

1.2 A key material consideration in this instance is the fall-back position. This is what could be done without an application for planning permission. Regard must be had to the fall-back position, providing that it is realistic and implementable. Members will note an earlier application for a certificate of lawfulness for a proposed use (21/01718/CLPROP) for the same proposal. This application was approved because the proposal was permitted development and hence did not require an application for planning permission. This was on the condition that the materials used for the extensions were of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. The materials are not similar, the proposal is no longer permitted development and hence the current application. It is important for Members to note that if the development

was constructed using materials that are similar to those used in the construction of the exterior of the exterior or the existing dwelling, then this would mean that it could be constructed under permitted development rights without the need for this application. Therefore the principle of the rear dormer with a Juliet balcony and the hip to gable roof alteration are acceptable.

## 2.0 Description of the site

2.1 The site which the application relates is a south facing, two-storey detached dwelling in an established area of Whitley Bay. The property has recently been extended to the side and rear with a contemporary, rendered, flat roof extension.

## 3.0 Description of the proposed development

3.1 Planning permission is sought to construct a loft conversion with rear dormer and rooflights to front. The proposal includes the replacement of the existing roof with hip gable roof extensions. The gable ends will be clad with lap wood effect in c62 violet blue with the dormer clad in anthracite grey zinc. The roof tiles will be replaced with Marley modern old English from concrete rosemary.

## 4.0 Relevant planning history

21/01718/CLPROP, Loft conversion with rear dormer and rooflights to front. Roof to be replaced to match existing with hip to gable roof extensions, permitted September 2021 with a condition requiring materials of the extension to be of a similar appearance to those used in the construction of the exterior of the existing dwelling house.

17/01677/FULH, Demolition of existing garage and outbuildings and replaced with new single storey side and rear extension with flat roof, permitted January 2018.

## 5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

## 6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (July 2021)

6.2 National Planning Practice Guidance (NPPG) (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**

### 7.0 Detailed Planning Considerations

7.1 The main issues for Members to consider in this case are:

- Whether the proposed materials are acceptable.

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.

## 8.0 Relevant Planning Policy

### 8.1 National Planning Policy Framework

8.2 Paragraph 126 of the National Planning Policy Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

8.3 Paragraph 130 states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and; establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

### 9.0 Local Plan (2017) - Policies

9.1 Policy DM6.1 sets out guidance on the design of development. This policy states that:

“Applications will only be permitted where they demonstrate high and consistent design standards. Designs should be specific to the place, based on a clear analysis of the characteristics of the site, its wider context and the surrounding area.”

9.2 Policy DM6.2 sets out guidance on extending existing buildings. It states that: “Extensions should complement the form and character of the original building. This should be achieved either by continuation of the established design form, or through appropriate contrasting, high quality design. The scale, height and mass of an extension and its position should emphasise subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations.”

9.3 Policy DM6.2 states that, amongst other matters, when assessing applications for extending buildings the Council will consider:

e. The effect that the extension will have on the existing property and whether it enhances the overall design.

### 10.0 Supplementary Planning Documents (SPD's)

10.1 The Council's 'Design Quality' SPD (May 2018) 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.

10.2 The Design Quality SPD states that when considering residential extensions, materials should show sensitivity to their surroundings and should aim to be of the highest quality, directly responding to the existing built fabric, whether by utilising similar or sympathetic materials or by positive contrast.

#### 11.0 Whether the proposed materials are acceptable

11.1 The immediate street scene is largely characterised by semi-detached and detached residential dwellings, with single storey bungalows to the rear of the application site. The architectural style of the area is varied with a wide variety of materials and colours evident. There are numerous examples of extensions and dormer windows in the surrounding area.

11.2 The proposal includes violet blue cedar wood cladding to the gable ends of the property, the replacement of roof tiles from concrete rosemary to Marley Modern Old English and the cladding of the dormer in anthracite grey zinc.

11.3 Although the materials that have been used are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse, they would provide a positive contrast in accordance with the advice in the Design Quality SPD.

11.4 Given there is a variety of materials and styles within the surroundings, it is officer advice that the proposal will not have a harmful impact. It will just add to the range of styles and materials within the surrounding area.

11.5 Members need to determine whether the proposed materials are acceptable and whether they would accord with policies DM6.1 and DM6.2, the Design Quality SPD and the advice in NPPF.

#### 12.0 Local Financial Considerations

12.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by the Minister of the Crown (such as New Homes Bonus payments) or sums that a relevant authority has received or will or could receive in payment of the Community Infrastructure Levy (CIL). It is not considered that the proposal results in any local financial considerations.

#### 13.0 Other Matters

13.1 The concerns of Cllr Wallace in terms of size and scale of the proposal are noted, however it is important to note that a development of this size and scale is permitted development and does not require an application for planning permission, providing the materials are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

13.2 The concerns of neighbours in terms of privacy are also noted, however it is important to note that properties to the rear and side are already overlooked by the existing first floor rear windows of the application property. A rear dormer could be constructed under permitted development rights. It would be remiss of the Local Planning Authority to refuse planning permission for the rear dormer on

the grounds of privacy, when it could be built in any event without requiring an application for planning permission.

### 13.0 Conclusion

13.1 Members need to consider whether the proposed materials are acceptable. The proposal only requires an application for planning permission because the materials used are not of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. Even though the materials are not of a similar appearance, it is officer advice that they do not cause harm to the character and appearance of the site or its surroundings. There are a variety of different materials within the street scene and the surroundings and this proposal would be viewed in that context. It is considered that the materials used would provide a positive contrast and would accord with policies DM6.1 and DM6.2, the Design Quality SPD and the advice in NPPF.

13.2 It is therefore recommended that planning permission should be granted subject to conditions.

**RECOMMENDATION:     Application Permitted**

### **Conditions/Reasons**

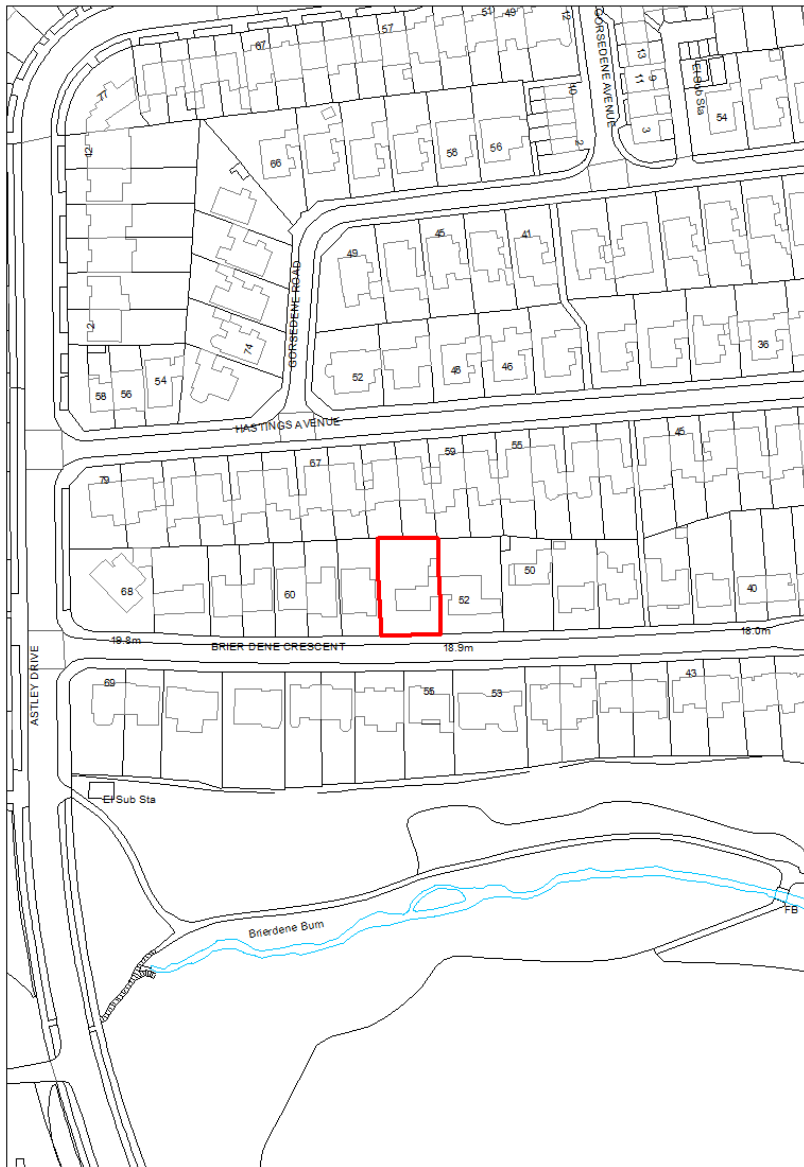
1. The development to which the permission relates shall be carried out in complete accordance with the following approved plans and specifications:
  - Application form
  - 54 Brierdene Cres Site Plan Rev 1
  - Construction for Loft Conversion Rev C01
  - Proposed Second Floor Plan, Section and General Arrangement Rev P01
  - Proposed Second Floor Plan Rev P04

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 Paragraph 38 of the National Planning Policy Framework.



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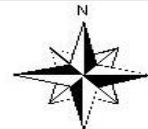
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Not to scale

Date: 06.01.2023

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## **Appendix 1 – 22/02152/FULH Item 3**

### **Consultations/representations**

#### 1.0 Ward Councillors

1.1 Councillor J Wallace (St. Mary's)

1.2 I request that the above application be put before the Planning Committee, rather than decided by officers, my reasons being the size and scale of the development, its affect upon nearby properties and the appearance of the area and its affect upon privacy of neighbouring bungalows. The development would result in a significant change to the character of this area.

1.3 The application has caused concern amongst neighbouring residents and objections have been submitted. Some would welcome the opportunity to address the Committee in person and will seek speaking rights.

#### 2.0 Internal Consultees

None

#### 3.0 Representations

3.1 Eight objections have been received from five neighbouring properties. These are summarised as follows:

- Impact on landscape
- Inappropriate design
- Inappropriate materials
- Loss of privacy
- None compliance with approved policy
- Nuisance - disturbance
- Out of keeping with surroundings
- Will result in visual intrusion
- Precedent will be set
- Never in a million years would anyone agree to this outrageous structure.
- This extension is a massive intrusion of our privacy, the original extension brought the property 15 metres closer to ours. Adding another level is a step too far.
- This is now a three-storey building overlooking single-storey bungalow.
- The height of this extension means that the view from the window looks directly into our bedroom, a further intrusion of our privacy.
- Our garden, and the rear of our bungalow can be visible, and we value our privacy.
- The loft conversion is going to massively infringe on this privacy and that is very upsetting.
- This extension is a massive intrusion of our privacy.
  - It overlooks our back garden, and it is also in a direct line of site of our bedroom window.
  - The purpose of a Juliet balcony is to sit on it and enjoy the view. The only view that they will have is of our back garden and the back of our house.
  - I bought my property approximately four years ago and the main attraction of my house was undoubtedly the privacy in my back garden - this is imperative and of major importance to me. The extension is very much overlooking my back

garden and does substantially impinge on my privacy - this is extremely disappointing and upsetting.

- The already well-advanced extension is out of keeping with the other properties in the area.

- The development comprises a fundamental change in the character of the area.

- I note in your letter the mention of, for example, c62 violet blue, and it does concern me that materials are going to be used which are not similar to the existing house.

- I also have concerns that the cladding and "violet blue" is not in any way in-keeping with the house and surrounding neighbourhood.

- There has been no consultation with the neighbours with regard to this extension.

- There was no prior knowledge of this dormer window until the day it was very rapidly installed. Had anyone taken the trouble to advise us of what was happening, we may have been able to arrive at a compromise acceptable to all parties.

- Work was started 5-6 weeks ago, the situation unacceptable.

#### External Consultees

None.