

Application No: 23/00015/FULH Author: Adam Howarth
Date valid: 17 January 2023 ☎: 0191 643 6334
Target decision date: 14 March 2023 Ward: Tynemouth

Application type: Householder Full application

Location: 23 Monks Way, Tynemouth, Tyne and Wear, NE30 2QN

Proposal: Over garage extension and porch to front elevation. Replacement of timber cladding with smooth white fibre cement cladding (Re-submission)

Applicant: Mr Nathan Sandy

Agent: Butler-Curnow Building Surveyors LLP

RECOMMENDATION: Application Refused

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Introduction

1. Members are advised that this application is being referred to Planning Committee as an objector is a member of the planning team.

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy;
- The impact of the proposal on the character and appearance of the surrounding area.

2.1 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.

3.0 Description of the Site

3.1 The site to which the application relates is a northwest facing semi-detached property in a residential area of Tynemouth. Attached to the southwest elevation of the property there is a garage and kitchen extension.

3.2 The adjoining property to the northeast is no.21 Monks Way. To the west are nos.12 and 14 Marshmont Avenue. Nos. 12 and 14 have a different orientation to the host property. Their rear elevations face the side elevation and rear garden of the host. To the north is 16 Monks Way.

4.0 Description of the proposed development

4.1 Planning permission is sought to construct a first-floor side extension and a porch to the front elevation. The application also includes the replacement of timber cladding with smooth white fibre cement cladding.

4.2 The application is a resubmission of a previous refusal, reference 22/01502/FULH. The previous refusal incorporated a flat roofed side extension whereas a pitched roof is now proposed. In addition the proposed first floor side extension is set in from the front and first floor of the host building by approximately 0.2 metres instead of being set-forward of the front elevation of the dwelling.

5.0 Relevant planning history

22/01502/FULH, Over garage extension and porch to front elevation.

Replacement of timber cladding with smooth white fibre cement cladding, refused 27.09.2022 for the following reasons:

1. The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.
2. The proposed first floor side extension, by virtue of its flat roof, is not in keeping with the design of the existing dwelling and would be out of character with the host dwelling and neighbouring properties. The proposal is therefore considered to be contrary to policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017.

23 Monks Way

87/00762/FUL, Kitchen extension and front porch, permitted 09.07.1987

14 Marshmont Avenue

79/00124/FUL, Erection of porch, permitted 20.02.1970

77/02354/FUL, New garage laundry and porch and fence, permitted 27.02.1978

17 Monks Way:

83/00292/FUL - Bedroom extension over existing garage – permitted 26.04.1983

6.0 Development Plan

6.1 North Tyneside Local Plan (2017)

7.0 Government Policy

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

7.2 National Planning Practice Guidance (NPPG) (As amended)

7.3 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

8.0 Detailed Planning Considerations

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

- The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy; and,
- The impact of the proposal upon the character and appearance of the surrounding area.

8.2 Members are advised that 4No. representations have been received as a result of the consultation process.

9.0 Relevant Planning Policy

9.1 NPPF

9.2 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.

9.3 Local Plan (2017) - Policies

9.4 Policy S1.4 sets out general development principles. Amongst other matters, this states that development should be acceptable in terms of its impacts on local amenity for existing residents and adjoining premises.

9.5 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.”

Proposals are expected to demonstrate:

- a. A design responsive to landscape features, topography, wildlife habitats, site orientation and existing buildings, incorporating where appropriate the provision of public art;
- b. A positive relationship to neighbouring buildings and spaces;
- c. A safe environment that reduces opportunities for crime and antisocial behaviour;
- d. A coherent, legible and appropriately managed public realm that encourages accessibility by walking, cycling and public transport;
- e. Sufficient car parking that is well integrated into the layout; and,

f. A good standard of amenity for existing and future residents and users of buildings and spaces.

9.6 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.”

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

- b. The location of the extension in relation to the street scene;
- c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;
- e. The effect that the extension will have on the existing property and whether it enhances the overall design; and
- f. The form, scale and layout of existing built structures near the site.

9.8 Policy DM5.18 sets out guidance and policies requirements relating to contaminated and unstable land.

9.9 Supplementary Planning Documents (SPD's)

9.10 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. It further states that extensions should complement the form and character of the original building.

9.11 The Design Quality SPD 'Front Extensions and Porches' states : The size of extensions to the front of a property will generally be determined by the amount of available space and the character of the dwelling. Porches should avoid the inclusion of side windows where they would directly overlook a neighbour's habitable window. Obscure glazing may provide an alternative solution in these instances. Windows located on the side elevation of other front extensions will not be supported to protect neighbours privacy. It is also important that the driveway is retained at the lengths set out in the Highways section.

9.12 The Design Quality SPD 'Side Extensions' states: As an alteration affecting the front of a dwelling, it is important that the width of side extension remains subordinate to the original house. It should also reflect the characteristics of the surrounding area,and designed to ensure the dwelling remains balanced in the street scene. Particular care should be given to properties on a corner plot as it must respond appropriately to more than one frontage.

10.0 The impact upon neighbours living conditions with particular regard to the impact upon light, outlook and privacy

10.1 The proposed porch will project out by approximately 1m, to the same level as the existing garage front. Due to the limited projection and the separation

distance to the shared boundary with no.21 Monks Way, it is not considered that the porch extension will significantly impact the light out outlook of no.21. There are no windows proposed on the side elevations of the porch, thus there will be minimal impact on the privacy of no.21. Views towards the front garden of no.21 are already afforded from the existing windows on the front elevation.

10.2 The first-floor side extension is set behind the existing first floor extension by approximately 0.2 metres, however the pitched roof will overhang to the front and will be in-line with the rest of the roof's eaves. Thus, considering the projection and separation distance, the outlook, light and privacy of no.21 will not be significantly impacted.

10.3 The proposed first floor side extension runs along the shared boundary with no.14 Marshmont Avenue for approximately 8.3m and also along a small part of the rear boundary of no.12. Due to the orientation of no.14, which is west facing, the west side elevation of the host's extension is located on the rear boundary of no.14, adjacent to no.14's rear garden and no.14's rear elevation. The rear elevation of no.14 is located approximately 7m from the shared boundary. The extension would impact the light reaching both the rear garden and the windows on the rear elevation of no.14 in the morning. Due to the proximity of the extension to no.14's rear windows, the outlook of from the rear windows and rear garden would be impacted. Therefore, in terms of the impact of the extension on the outlook and light to No.14, it is considered that the side extension would have a detrimental impact. As the side extension will also run along a small part of the shared boundary with no.12 Marshmont Avenue, there will also be some impact to the outlook to the rear of no.12. The addition of a pitched roof to the extension exacerbates the impact on light and outlook compared to the previous refused application.

10.4 There is a frosted window proposed on the southwest side elevation of the extension. Due to this window being located on the shared boundary, this window would need to be obscured glazed to a sufficient level to prevent detriment to the privacy of no.14. However, despite minimising the impact to the privacy of no.14 the impact to the outlook and light to no.14 would still warrant refusal.

10.5 Located to the rear of the host property are the rear gardens of properties on Marshmont Avenue, specifically the rear gardens of nos. 10, 8 and 6 Marshmont Avenue. Due to the separation distances and the existing views already afforded from the existing first floor rear windows of the host property, the proposed side extension would not have a significant impact on the outlook, light and privacy of these properties.

10.6 Similarly, due to the separation distance and the existing views already afforded from the windows on the front elevation of the host property, the proposed porch and side extension will have minimal impact on the residential amenity of the property to the front (No.16 Monks Way).

10.7 Members need to determine whether the proposed development is acceptable in terms of its impact on the amenity of neighbouring and nearby properties. It is officer advice that the proposal would have a detrimental impact

on the amenity of the neighbouring properties to the west, nos. 12 and 14 Marshmont Avenue and is therefore contrary to policies DM6.1 and DM6.2(c).

11.0 The impact of the proposal upon the character and appearance of the surrounding area

11.1 The immediate street scene is largely characterised by semi-detached and detached residential dwellings. There are numerous examples of side and front porch extensions within the area.

11.2 The porch extension accommodates a mono pitched roof, this aids the extension to fit in with the rest of the dwelling. The host property has a hipped roof and the proposed first-floor side extension accommodates a pitched roof with a gable end on the west elevation. The proposed side extension is acceptable in character and appearance. Though most of the properties within the neighbourhood have a hipped roof, the host property's materials and the gable end on the west elevation will not cause significant harm to the overall character of the property or the street-scene.

11.3 The existing timber cladding will be replaced with a smooth white fibre cement cladding. This will not cause significant harm to the street-scene.

11.4 Members need to determine whether the proposed development is acceptable in terms of its impact on the character and appearance of the main dwelling and the surrounding area. It is officer advice that the proposed development is in accordance with DM6.1 and DM6.2 and the Design Quality SPD.

12.0 Other Issues

12.1 The Council's adopted parking standards are set out in the Transport and Highways SPD.

12.2 It is noted that the proposed development would increase the number of bedrooms from three to four. Therefore, the level of parking provision provided does not meet the Council's parking standards set out in the Transport and Highways SPD. However, this estate was built prior to the adoption of the Transport and Highways SPD and there are no parking restrictions or known parking problems in the immediate vicinity. Therefore, it is not considered that this proposal would significantly impact on parking provision within the immediate vicinity or severely affect highway safety.

13.0 Local Financial Considerations

13.1 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.

14.0 Conclusion

14.1 Members need to determine whether the proposal is acceptable in terms of the impact on residential amenity and whether it will have a detrimental impact on the streetscene.

14.2 It is officer advice that the proposal will have a detrimental impact on residential amenity. The application is recommended for refusal.

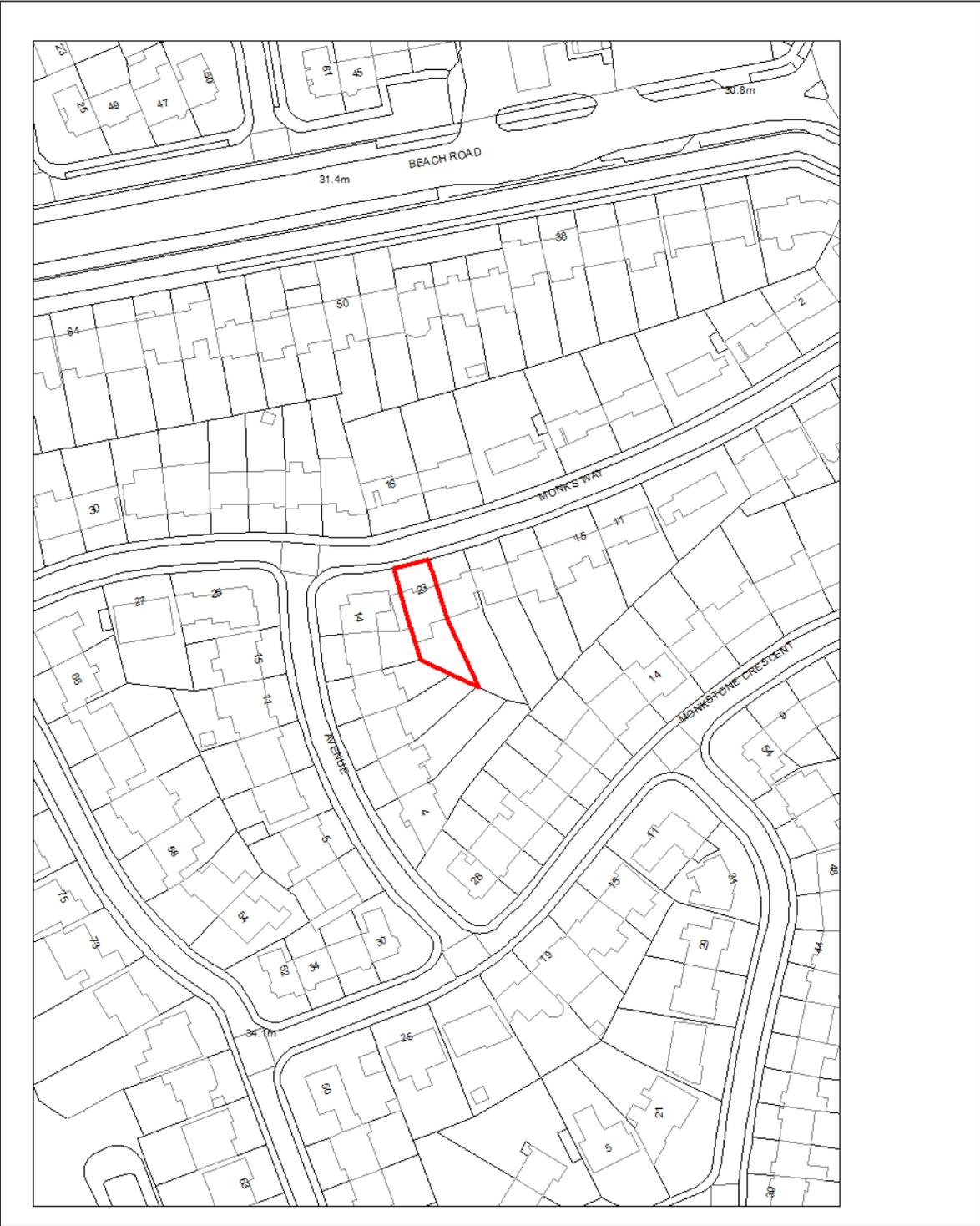
RECOMMENDATION: Application Refused

Conditions/Reasons

1. The proposed first floor side extension, by virtue of its size, height and position in relation to the neighbouring properties, Nos. 12 and 14 Marshmont Avenue, would have a significant overbearing impact on the residents of those properties, resulting in an unacceptable loss of residential amenity in terms of loss of outlook and light from the rear gardens and windows; contrary to Policies DM6.1 and DM6.2 of the North Tyneside Local Plan 2017 and the Design Quality SPD.

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

The proposal would not improve the economic, social and environmental conditions of the area nor does it comply with the development plan and therefore does not comprise sustainable development. There were no amendments to the scheme, or conditions which could reasonably have been imposed, which could have made the development acceptable and it was not therefore possible to approve the application. The Local Planning Authority has therefore implemented the requirements in Paragraph 38 of the National Planning Policy Framework.



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Not to scale
 Date: 02.03.2023

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**Appendix 1 – 23/00015/FULH
Item 7**

Consultations/representations

1.0 Internal Consultees

1.1 None

2.0 Representations

2.1 4No. representations have been received from 3 properties. These are summarised as follows:

- Adverse effect on wildlife
- Impact on landscape
- Loss of privacy
- Loss of residential amenity
- Loss of visual amenity
- Loss of/damage to trees
- Out of keeping with surroundings
- Will result in visual intrusion
- Inappropriate design
- Inappropriate materials
- My objection to the previous proposal stated the over garage extension would significantly impact on our views/sightline from the rear of our property. However, this resubmission and amendment to the previous proposal, with the addition of a full height ridge and gable end, would be overbearingly monolithic, blocking views of the sky and reducing light entering our home. The building would be even more intrusive and would most definitely impact on the value and saleability of ours and our neighbours' properties. It would block light and result in the view from the rear of our property - especially from our bedroom window, being blocked by a huge brick building.
- The proposed rear window would look directly into our garden and rear windows only metres away. Our rear garden is small but is used nine months of the year and is a small sanctuary - to be overwhelmingly overlooked by this huge structure would negatively impact on the use of the garden. The plans state there are no trees/shrubs in the immediate area that would be effected, in fact, our tree sits directly on the corner of the proposed structure with almost inevitable damage to branches at least.
- Some thought could be taken over the impact this would have on privacy and overall outlook from ours and our neighbours' property as this is already proving to be very stressful.
- As stated in my previous objection to the first application: " I wish to object to the proposed extension for the reasons highlighted above. The new rear window would look directly into our rear garden, impacting on our privacy. Also, the build would result in visual intrusion as it would block our views and limit light from the side. This would also impact on visual amenity as the build would be overbearing in addition to the existing brick kitchen extension, which stands at 3m(H) x 4m(W) bordering our small rear garden. The application states there are no trees or shrubs at risk, however, the extension would interfere with our tree, which has regular nesting birds and stands directly at the corner of the proposed extension." Can I also state that this new proposal will have a colossal brick wall from ridge

and gable end. The rear window will overlook on every aspect to our small garden and would feel our privacy would be impeded.

- It is surprising that having been refused planning permission for his previous proposal (22/01502/FULH) partly on the grounds of "unacceptable loss of outlook and light from the rear gardens and windows" of properties in Marshmont Avenue the applicant has submitted another which would result in greater detriment to his neighbours.

- The significant increase in the size of the extended pitched roof and the extra brickwork required to support it will block even more light than the original proposed flat-roofed extension. It will be overbearing and present a very gloomy outlook to the occupants of several other homes. The style of the extended roof and gable end would be conspicuously different to other houses of similar design in Monks Way and nearby.

- There has always been an unfortunate degree of overlooking and intervisibility between the rear aspects of some houses in Monks Way, Marshmont Avenue and Monkstone Crescent. Sixty years ago when "bedrooms" were mainly used only at night for sleeping this was less of a problem. Nowadays, when upstairs rooms are frequently used at any time of day or night for other purposes and more time is spent outdoors in back gardens, privacy is harder to achieve. The addition of a new upstairs rear window at 23 Monks Way whilst beneficial to its occupants could impair the privacy of several other families.

- I am writing in connection with the revised proposals for extensions to No 23. Our interest is that this property is next door, even though our house is on another street. Hence from the rear rooms of this house at no.14, Marshmont Avenue, No 23 is overlooked. In brief, the new application appears not a great deal better than the first submission. The raising of the current line of the front portion of the garage at No 23 is likely to darken the aspect from our rear downstairs windows.

- The current arrangement at least has the interest of a change of level: however, the proposed construction will comprise nothing but an excessively lengthy wall and flat roof. More importantly however, if I have understood the plans correctly, the proposed side elevation will be of unrelieved brickwork with the exception of one small window indicated as 'A' on the drawings. In other words from three bedrooms and one back living room, we will be faced with unpleasant, sizeable areas of brickwork. This will not be an attractive prospect.

- It is true the revised application seems to go some way in tackling the disadvantage of the initial plan - that of the newly-built construction obscuring the light to several of our rooms. However, I'd have assumed that instead of yet more brickwork, the occupants of No 23 could achieve their perfectly understandable objective by converting their loft into living space.

3.0 External Consultees

3.1 None