

Application No:	19/01088/FULH	Author:	Julia Dawson
Date valid:	10 October 2019	☎:	0191 643 6314
Target decision date:	5 December 2019	Ward:	Monkseaton South

Application type: Householder Full application

Location: 54 Grange Park, Whitley Bay, Tyne And Wear, NE25 9RU,

Proposal: Ground floor rear extension with flat roof and parapet wall

Applicant: Mr David Bell, 54 Stirling Drive North Shields Tyne And Wear NE29 8DJ

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Main Issues

1.1 The main issues for Members to consider are:

- (i) Impact on Residential Amenity, and;
- (ii) Impact on Character and Appearance.

1.2 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 also take into account any other material considerations in reaching their decision.

2.0 Description of the Site

2.1 The site to which the application relates is a two-storey detached dwelling located within an established residential area. It is south eastern facing onto Grange Park in Monkseaton. The host property has previously been extended by way of two storey side extensions (to each side of the dwelling) and a flat roofed two storey rear extension. The property has a large irregular shaped (extended) rear garden. The adjacent properties to the south west (No.56) and north east (No.52) are bungalows. Residential bungalows are located to the rear (north west) of the site, these face onto Fairfield Drive.

2.2 No.52 has previously been extended by way of a single storey extension. No.52 has four windows located in its side elevation facing towards the host site (three of these are in the extension and serve a kitchen and bathroom). The side elevation of No.52 is positioned approximately 1m from the 1.8m high closed

boarded boundary fence which is located along the shared boundary. The side elevation of the host dwelling is located approximately 3.4m from the shared boundary. No.56 has an existing single storey rear conservatory which is located adjacent to the shared boundary with the host dwelling.

3.0 Description of the Proposed Development

3.1 The proposal relates to a part retrospective application for planning permission for the erection of a single storey rear extension with a parapet wall.

4.0 Relevant Planning History

77/02389/FUL - Kitchen dining room extension - Approved 23.02.1978

79/00474/FUL - Enclosure of existing porch area in timber frame (glazed) – Approved 14.05.1979

79/02195/FUL - Erection of store and balcony across – Approved 03.12.1979

81/01651/FUL - Provision of bathroom and bedroom – Approved 16.10.1981

82/02291/FUL - Extension of bedroom – Approved 14.12.1982

89/00336/FUL - Extension of existing study. – Approved 04.04.1989

91/01270/FUL - Re-roofing - creation of room in roof space and bedroom extension – Refused 14.11.1991

92/00731/FUL - Re-roofing of house – Approved 09.07.1992

5.0 Development Plan

5.1 North Tyneside Local Plan (2017)

6.0 Government Policy

6.1 National Planning Policy Framework (NPPF) (February 2019)

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 Main Issues

7.1 The main issues for consideration are:

- (i) Impact on Residential Amenity; and
- (ii) Impact on Character and Appearance.

8.0 Impact on Residential Amenity

8.1 The National Planning Policy Framework states that there are three dimensions to sustainable development; economic, social and environmental. The planning system needs to perform each of these roles. The environmental role contributes to protecting and enhancing our natural, built and historic environment, and as part of this, helping minimise waste and pollution.

8.2 Policy S1.4 'General Development Principles' of the North Tyneside Local Plan (2017) states that proposals for development will be considered favourably

where it can be demonstrated that they would accord with the strategic, development management or area specific policies of this Plan. Should the overall evidence based needs for development already be met additional proposals will be considered positively in accordance with the principles for sustainable development. In accordance with the nature of development those proposals should (amongst other criteria):

b. Be acceptable in terms of their impact upon local amenity for new or existing residents and businesses, adjoining premises and land uses.

8.3 Policy DM6.1 'Design of Development' 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 the characteristics of the site, its wider context and the surrounding area. Proposals are expected to demonstrate (amongst other criteria):

b. A positive relationship to neighbouring buildings and spaces; and

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

8.4 Policy DM6.2 'Extending Existing Buildings' states that when assessing applications for extending buildings the Council will consider (amongst other criteria):

c. Implications for amenity on adjacent properties and land such as outlook, loss of light or privacy;

d. The cumulative impact if the building has been previously extended;

f. The form, scale and layout of existing built structures near the site.

8.5 Several objections have been received from the occupants of four neighbouring dwellings and the Monkseaton South Ward Councillor. The content of these are noted. A significant amount of the objections refer to the French doors, which have been installed within the rear elevation at first floor level, and the potential for the use of the roof of the proposed single storey rear extension as an external terrace/balcony accessible via the French doors. Objectors have also advised that the applicant has verbally confirmed to them that it is his intention to use the roof as a balcony and they have suggested that the installation of outward opening French doors reiterates his intent to do this. (The Case Officer has requested clarification from the applicant as to his intentions with regard to the French doors, but no response has been provided.)

8.6 Whilst these points are acknowledged, and it is noted that the planning application is partly retrospective as the proposed single storey rear extension has largely been constructed (albeit works have ceased), it must be pointed out that the installation of the French doors at first floor level do not, in themselves, require planning permission. Such works would be classed as permitted development under Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended. As such, Members are advised that planning permission cannot be withheld for this reason alone.

8.7 The construction of a raised roof terrace/balcony does require planning permission, but the applicant has not actually applied for this. The current application relates solely to a single storey rear extension with a parapet wall to

the roof. An objector has stated that the inclusion of a parapet means that the roof will be used as a balcony (according to the guidance which accompanies the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended). However, this is not necessarily the case. It is often the case that a parapet wall is included by a developer for design reasons or to ensure that all guttering is concealed. In this case, it may or may not have been the original intent of the applicant to use the roof of the proposed extension as a balcony, but this is not what has been applied for and is therefore not for consideration as part of this planning application. However, if planning permission is granted for the single storey rear extension and acknowledging the fears of local residents given that the French doors are in situ, it would be reasonable to prevent the use of the roof as a balcony/raised external terrace by way of the attachment of a suitably worded planning condition.

8.8 It is acknowledged that the host dwelling has been significantly extended over the years. Whilst it is noted that criterion (d) of policy DM6.2 'Extending Existing Buildings' states that in such cases the cumulative impact must be taken into account, it must also be noted that simply because a building has been previously heavily extended does not mean that further development cannot take place. All factors, including the impact on the visual amenity of the site and surroundings, and the impact on the residential amenity of neighbouring occupants must be considered.

8.9 In this particular case, whilst the proposed extension is to project approximately 4m from the rear elevation of the existing two storey rear extension, it will project only slightly beyond the rear elevation of the adjoining dwelling's (No.56's) rear conservatory extension which is located adjacent to the shared boundary. The proposed extension will be located 3.5m from this shared boundary. As such, it is not considered that it will result in any significant loss of outlook, daylight, sunlight or privacy for the occupants of No.56. Any matters relating to the access for building works and the party wall cannot be addressed via planning legislation and would be dealt with separately via the Party Wall Act as a civil matter between the two private property owners.

8.10 The concerns raised by the occupants of No.52 with regard to the impact of the proposed extension on their side windows are also noted, with particular reference to sunlight, daylight, overshadowing and outlook. However, whilst it is noted that the proposed extension will be positioned to the south west of these windows at a height of approximately 3.2m, it will be positioned approximately 3.4m away from the shared boundary. The kitchen window and the obscure glazed bathroom windows are located in the side elevation of No.52's own single storey extension. Whilst the proposed extension will result in some loss of afternoon sunlight, it is not considered that it will have such an adverse impact on the existing standard of daylight, sunlight or outlook currently enjoyed via these windows that the Local Planning Authority could successfully sustain a refusal of planning permission on these grounds.

8.11 The internal use of the proposed rear extension and the outlook from its rear ground floor windows will not result in any harm to the privacy and living conditions of neighbouring occupants and screening is provided by the existing boundary fences.

8.12 Members must determine whether the proposed rear extension is acceptable in terms of its impact on the living conditions of the occupiers of neighbouring dwellings, with particular reference to No's 52 and 56. Officer advice is that the proposed extension is acceptable in this regard.

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. NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development. It also confirms that authorities should set out their own approach to housing density to reflect local circumstances.

9.2 Policy DM6.1 'Design of Development' 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 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.

9.3 Policy DM6.2 Extending Existing Buildings 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 a subservience to the main building. This will involve a lower roof and eaves height, significantly smaller footprint, span and length of elevations. When assessing applications for extending buildings the Council will consider (amongst other criteria):

- b. The location of the extension in relation to the street scene;
- d. The cumulative impact if the building has been previously extended;
- 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.

9.4 The Council's 'Design Quality' Supplementary Planning Document 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.

9.5 Objections have been received in relation to the scale of the proposal due to the existing extensions which the host dwelling has previously had. However, although it is not disputed that the existing dwelling has been heavily extended, the proposed extension must be viewed in context. It will be a single storey flat roofed structure to the rear of an existing two storey flat roofed extension, and it will not project considerably beyond the main rear elevations of either of the neighbouring dwellings.

9.6 Flat roofed rear extensions, often rendered with large expanses of glazing, are considered to be an acceptable and contemporary way to extend dwellings and numerous similar extensions have received planning permission across the Borough. In the context of the host dwelling and the numerous flat roofed extensions in the immediate and surrounding area, the design, scale and massing of the proposed extension will not appear incongruous and it is considered to be acceptable.

9.7 Members must determine whether the proposed extension is acceptable in terms of its impact on the character and appearance of host property and surrounding area. Officer advice is that the proposed extension is acceptable in this regard.

10.0 Local Financial Considerations

10.1 Local financial considerations are defined as a grant or other financial assistance that has been, that will be 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.

11.0 Conclusion

11.1 The proposed single storey extension is considered to be acceptable in terms of its impact on neighbouring amenity and the character and appearance of the site and surrounding area, subject to a condition to ensure that the roof of the extension cannot be brought into use as an external balcony/raised terrace at any future time. With regard to all of the above, approval is 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 07.08.2019
- Site Location Plan, Scale 1:1250, 10/10/2019 15:22
- Site Location Plan, Scale 1:200, July 19
- Proposed alterations at: 54 Grange Park, Monkseaton, North Tyneside, NE25 9RU, Scale 1:100 1:50, July 19

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

2. Standard Time Limit 3 Years FUL MAN02 *

3. The external roof area of the approved single storey rear extension shall not, at any time, be used for recreational/amenity purposes.

Reason: To protect neighbouring residents from noise, disturbance and a loss of privacy in accordance with policy DM5.19 of the North Tyneside Local Plan (2017).

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.

Informatives

Building Regulations Required (I03)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)



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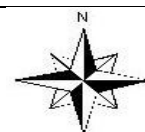
Location: 54 Grange Park, Whitley Bay, Tyne And Wear, NE25 9RU

Proposal: Ground floor rear extension with flat roof and parapet wall

Not to scale

Date: 14.11.2019

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Appendix 1 – 19/01088/FULH Item 2

Consultations/representations

1.0 Representations

1.1 Objections have been received from the occupants of four neighbouring dwellings. These are summarised below:

- Visual intrusion
- Alterations or remedial work to the boundary wall must not be carried out without permission of owner of neighbouring dwelling. No access via neighbouring garage roof without permission.
- Concerns re. precedent being set in the area for balconies, which would result in loss of privacy to neighbouring properties, particularly to the private use of gardens.
- Loss of privacy through windows which are not currently overlooked by the existing window locations at the rear of the property.
- Submitted plans do not match work that has been carried out at the property to date. The work completed so far indicates an intent to use the extension roof as a balcony which the plans do not represent.
- Plans mention 'parapet' which according to the householder permitted development guidance is another term for balcony. The plans do not show a balcony but as the windows were changed to doors which open externally, where are the doors leading to? They cannot be used as doors for a 'Juliet' balcony, because the doors would have to open internally.
- This house has been extensively extended over the years and is already out of character for the area as most of the neighbouring properties are bungalows.
- Overlooking and loss of privacy.
- Noise and disturbance resulting from use.
- Loss of light, sun benefits and overshadowing.
- Out of keeping with surroundings.
- No first floor plan showing use of roof. No information on parapet wall.
- Existing side view gives a misleading impression as it shows No.56's wall and conservatory roof which are further away.
- Plans are not correct – bathroom window has been enlarged, backdoor, window and door have been replaced with a set of French doors, drainpipe missing.
- The plans are not for the applicant named on the form, but for different people.
- Site location plan does not show No.52's kitchen window.
- First floor French doors result in overlooking and loss of privacy. They will provide access to a large roof terrace.
- Host site's very large rear garden can accommodate large terrace without building balcony.
- Lack of dimensions on plans.

2.0 Ward Councillor Sean Brockbank (Monkseaton South)

2.1 Comments submitted 24.10.19:

2.2 I have already made comments on this proposed development in support of a number of residents in the street. I oppose this plan and request to speak to Committee.

2.3 Firstly, this proposal represents a significant development on this residential area with the overall house size increasing largely. This will have an impact on the local area as it is out of keeping with other properties. The property has almost doubled in size since it was built in 1924 when assessing the issue of curtilage.

2.4 Secondly, there is a concern that the height and length of the proposal would present a real risk of visual intrusion to neighbours.

2.5 Thirdly, there is a real risk of loss of privacy for neighbouring properties given the size of the development and also, that it seems most likely that a balcony will be built out so as to pose a risk of total loss of privacy for one neighbour in particular.

2.6 I refer the Officer to case 19/00145/FULH where permission was refused for a development due to a balcony being proposed, and neighbours have been told unequivocally by the owner that this is his intention. If so, the neighbours cannot be responsible for policing any development and the proposal needs to be rejected.

2.7 Comments submitted 06.09.19:

2.8 As an Elected Member, I request that this application be heard at Committee and I would like to speak. I have the opportunity to review this planning application for this property and have concerns that the plans submitted do not correspond with the work being undertaken. Also:

1. I am concerned that the significant development of the property will lead to a loss of privacy for neighbours;
2. The properties on either side will be overlooked;
3. The suggested development is out of keeping with the local area and other properties;
4. The development would lead to a loss of light and overshadowing of other properties;

2.9 Residents have contacted me about their concerns relating to this matter and I support them in raising objections. Also, I am concerned that this is a Delegated Decision, given the impact on neighbours of a serious nature.