

Application No:	22/00286/FULH	Author:	Maxine Ingram
Date valid:	23 February 2022	☎:	0191 643 6322
Target decision date:	20 April 2022	Ward:	Benton

Application type: Householder Full application

Location: 5 Oakhurst Terrace, Benton, NEWCASTLE UPON TYNE, NE12 9NY

Proposal: Provision of single storey rear ground floor utility room extension with w.c including alterations to existing garden room. Provision of new dormer to replace existing rooflight to rear of existing attic of property

Applicant: Mr John Paul Wellwood, 5 Oakhurst Terrace Benton NEWCASTLE UPON TYNE NE12 9NY

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 Introduction

1.1 Members are advised that this application is being referred to Planning Committee as the applicant is a parent of 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; and,
- The impact of the proposal upon the character and appearance of the surrounding area, including the Benton Conservation 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 west facing, mid-terraced property located in Benton Conservation Area. To the rear of the property there is an existing two storey rear projection, single storey rear projection and a hipped roof single storey rear extension. The rear garden is enclosed by a brick wall. To the rear of the property there is a lane.

3.2 To the rear of Oakhurst Terrace the street scene is characterised by a range of single storey extensions and detached structures. These existing structures/extensions vary in design and size. It is noted that dormer windows are present in the street scene.

4.0 Description of the Proposed Development

4.1 The development proposed is to construct a single storey rear ground floor to accommodate a utility room with w/c, alterations to the existing garden room and a new dormer to rear to replace the existing roof light.

4.2 Members are advised that the applicant has amended the design of the dormer window to accommodate a hipped roof rather than a flat roof.

5.0 Relevant Planning History

12/01079/CLPROP - Proposed development of solar panel installation – Permitted 29.08.2012

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, including the Benton Conservation Area.

8.2 Members are advised that no 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.”

9.6 Policy DM6.1 states, amongst other matters, that proposals are expected to demonstrate:

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

9.7 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.”

9.8 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.

9.9 Policy DM6.6 sets out guidance on the protection, preservation and enhancement of heritage assets. It states that: “Proposals that affect heritage assets or their settings will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner.” It goes on to state that: “Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.”

9.10 Policy DM6.6 states that, amongst other matters, when assessing applications for developments within heritage assets, the Council will consider:

- a. Conserve built fabric and architectural detailing that contributes to the heritage asset’s significance and character;

- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;

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

9.12 Supplementary Planning Documents (SPD's)

9.13 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.

9.14 The Design Quality SPD 'Single Storey Rear Extensions' states:
"The depth of the extension should be carefully considered, especially when adjacent to a shared boundary. When positioned along the boundary, the impacts on neighbours' habitable windows and gardens will be taken into account.....Windows facing boundaries are not normally acceptable but consideration will be given to existing boundary treatments and the use of obscure glazing."

9.15 The Design Quality SPD 'Dormer Windows and Roof Alterations' states:
"Any dormer windows should therefore be of an appropriate scale and design, taking into account the design of the dwelling and the character of the area. They should always appear visually subordinate.

In all cases it is therefore important to ensure that a top heavy design is avoided and that the majority of the original roof slope is retained. To achieve this, dormer windows should be set in from external walls or boundaries and always positioned below the ridge line and above the eaves.....Where there are no dormer windows present in the street, all proposals will be assessed on a case by case basis taking into account the character of the wider area. The design should be in keeping with the character of the street scene".

9.16 Conservation Area Character Appraisal

9.17 Longbenton and Benton Conservation Area Character Appraisal (October 2007) is a material planning consideration when assessing any development within these designated conservation areas.

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

10.1 New sliding doors will replace the existing doors to the east elevation of the existing garden room. A flue is proposed to serve the wood burner. It is the view of officers that these alterations to the existing garden room will not significantly affect the residential amenity of Nos. 4 and 6 Oakhurst Terrace in terms of loss of privacy or outlook.

10.2 A single storey flat roof extension will connect to the two-storey rear projection, and it will back onto the western side of the existing garden room. It will be constructed using western red cedar timber cladding. No windows are proposed to its south elevation. A narrow floor to ceiling window is proposed to its western elevation. It will be located to the north of No. 6 Oakhurst Terrace, and it will be sited approximately 1.1m from this shared boundary. Based on the plans provided, it will be screened from this neighbouring property by the existing boundary treatment. It is the view of officers that this extension, by virtue of its siting, design, positioning of windows and the existing boundary treatment, will not significantly affect the residential amenity of this neighbouring property in terms of loss of light, outlook or privacy.

10.3 A flat roof garden store is proposed to the rear of the existing garden room. It will be sited adjacent to the shared boundary with No. 4 Oakhurst Terrace. Based on the plans provided, it will be screened from this neighbouring property by the existing boundary treatment. It is the view of officers that the garden store will not significantly affect the residential amenity of this neighbouring property in terms of loss of light or outlook.

10.4 The proposed dormer window will accommodate a bedroom. Views over neighbouring gardens will be afforded from this window. However, it is not uncommon for rear bedroom windows to afford views over neighbouring gardens, and it would be no worse than the existing first floor windows. It is the view of officers that the dormer window will not significantly affect the residential amenity of immediate neighbouring properties in terms of privacy and overlooking to such an extent that will sustain a recommendation of refusal.

10.5 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 it is. As such, it is officer advice that the proposed development accords with the LP policies DM6.1(a) and DM6.2(c).

11.0 The impact of the proposal upon the character and appearance of the surrounding area, including the Benton Conservation Area

11.1 The NPPF advises that any harm to the significance of a designated heritage asset should require clear and convincing justification.

11.2 Conservation areas are particularly attractive and sensitive areas of the borough where the Council has responsibilities to ensure that the environmental character is preserved or enhanced. Accordingly, all development proposals will be expected to be of the highest quality of design, should respect the existing scale and character of the area and be constructed in appropriate traditional materials.

11.3 Oakhurst Terrace is located within the Benton Conservation Area. To the rear of this row of terraced properties the street scene has been altered by extensions of varying designs and sizes. The existing boundary treatment screens a large proportion of the single storey extensions from public view. The siting and design of the proposed utility and w/c extension and a garden store will not be visible from outside of the application site. It is officer advice that these

parts of the proposed development and the external alterations to the existing garden room will not significantly affect the character and appearance of this part of the conservation area.

11.4 The flat roof design of both the utility and w/c extension and the garden store are contemporary additions. The use of western red cedar timber cladding provides a clear distinction between the main dwelling and these new additions. It is officer advice that the chosen design approach and materials complement the main dwelling. They are also considered to be of an appropriate scale and mass to the main dwelling.

11.5 The proposed dormer will be more visually prominent within the conservation area. Its design follows the principles set out in the Design Quality SPD as it is set out in from the external walls, it is set back from the eaves, it is subservient to the main ridge, and it does not dominate the roof slope. The hipped roof is consistent with the design of a dormer window at No. 1 Oakhurst Terrace. It will accommodate a natural slate roof to match the main dwelling and the sides of the dormer will be sarnafil. The window will be aluminium. It is officer advice that the chosen materials and design of the dormer will not significantly detract from the character and appearance of the main dwelling or this part of the conservation area to such an extent that will sustain a recommendation of refusal.

11.6 The replacement door to the south elevation of the existing two storey rear projection and landscape alterations (hard and soft landscaping) to the rear garden are considered to be acceptable.

11.7 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 this part of the Benton Conservation Area. As such, it is officer advice that the proposed development accords with the advice in LP policy DM6.1 and DM6.6.

12.0 Other Issues

12.1 The Contaminated Land constraint for this site has been identified. An informative is recommended to advise the applicant that a gas resistant barrier across the footprint of the development to prevent the ingress of land gases may be required.

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 proposed development is acceptable in terms of its impact on residential amenity and its impact on the character and appearance of the Benton Conservation Area. It is the view of officers that the proposed development is acceptable. As such, officers consider

The proposed development lies within an area that falls within an area of contaminated land. You are advised that gas protection measures may need to be provided. Such measures could comprise the use of a gas membrane. If a gas membrane is to be used it will need to be to the highest specification to mitigate against carbon dioxide and methane ingress, unless a site investigation is carried out which demonstrates that the highest specification is not required.



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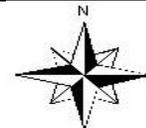
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Not to scale

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**Appendix 1 – 22/00286/FULH
Item 2**

Consultations/representations

1.0 Internal Consultees

1.1 None

2.0 Representations

2.1 None

3.0 External Consultees

3.1 None