

Committee Report

Application No:	DC/17/01109/HHA
Case Officer	Josh Woollard
Date Application Valid	6 October 2017
Applicant	Mr Michael Langdon
Site:	24 Wilsons Lane Low Fell Gateshead NE9 5EQ
Ward:	Low Fell
Proposal:	Proposed roof terrace within rear roof slope with bi-fold doors.
Recommendation:	REFUSE
Application Type	Householder Application

1.0 The Application:**1.1 DESCRIPTION OF THE SITE**

The application site is an upper maisonette with living accommodation over the first and second floor levels (into the roof space). The flat is mid terrace and adjoined on either side by other flats. The terrace has a uniform appearance with all upper floor flats having two Conservation style roof lights on both the front and rear roof slopes. The terrace is finished in stone and natural slate and was recently constructed, having been granted planning permission as a development of a block of 10 apartments in 2008.

1.2 The property is located within a wider residential street scene fronting Wilson's Lane to the North whilst being bounded by terraced properties at Rock Grove to the East and South.

1.3 The property is located within Low Fell Conservation Area. The design of the terrace was influenced by the character of the Conservation Area and it complements the street scene.

1.4 Land levels slope gently upwards in an East to West direction.

1.5 DESCRIPTION OF THE APPLICATION

The application is for the development of a roof terrace with bi-fold doors, built into the rear roof slope of the property, facing south.

1.6 The proposed roof terrace would be 2.9m x 2.1m, with a floor area of approximately 6msq. The works would include the removal of a 2.9m x 3.25m section of roof, along with the existing Conservation style roof lights to the rear.

1.7 The application proposes the installation of new bi-fold doors of grey aluminium with smoked glass which open out onto the external roof terrace from the kitchen, and a new 1m high balustrade of mild steel painted black.

1.8 PLANNING HISTORY

DC/08/00136/FUL - Erection of 1 x 3 storey block of 10 apartments with associated car parking (amended 21/04/08). – Granted – 25 April 2008

DC/14/00431/FUL – 20 Wilsons Lane - Forming balcony area to roof level to the rear of flat – REFUSED – 29 May 2014.

2.0 Consultation Responses:

None received.

3.0 Representations:

3.1 Neighbour consultations were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015, including press and site notices.

3.2 One representation of support has been received from Councillor Beadle, his grounds for supporting the application are:

- that the design is acceptable;
- The development is in character with the area.

Cllr Beadle has also asked that the application is determined by the Planning and Development Committee.

3.3 A petition in support of the application has been submitted by the Applicant. The petition is signed by residents of Rock Grove and states “We do not have any concerns that this development will result in loss of privacy or cause nuisance. We have all viewed the submitted plans, and it is our opinion, that the alteration will enhance the look to the rear of the building, helping to improve the street scene”.

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS14 Wellbeing and Health

CS15 Place Making

ENV3 the Built Environment - Character/Design

ENV7 Development within Conservation Areas

ENV9 Setting of Conservation Areas

DC2 Residential Amenity

HAESPD Householder Alterations- Extensions SPD

IPA17 Conservation Area Character Statements

5.0 Assessment of the Proposal:

5.1 The main issues are considered to be the impact on the street scene and the wider Conservation Area and residential amenity.

5.2 DESIGN

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 requires that new development must be of a high quality sustainable design that makes a positive contribution to the established character and identity of the local area. This is echoed by section seven of the NPPF which places a strong emphasis on the requirement for good design.

5.3 Further, the design, density and scale of new development should make a positive contribution to the established character and identity of its locality. All development will be expected to recognise established design principles with regard to such factors as scale, massing, height, materials, density, legibility, views and vistas. The relationship between buildings and the spaces around and between them must be handled in a sensitive manner.

5.4 Saved policy ENV7 (Development within a Conservation Area) of Gateshead Council's UDP states that development within Conservation Areas must preserve or enhance the area's special architectural or historic character or appearance by (inter alia):

a) Respecting its architectural and historical context particularly in terms of design, massing, height, silhouette, grain, proportion, rhythm, street alignment, plot layout and associated landscaping.

c) Ensuring that traditional or important features both on buildings and contributing to their setting should be retained...

5.5 The purpose built block of 10 apartments, that includes the application premises, was built as a continuation of a late C19 terrace of housing. The design of the block was influenced by the wider Conservation Area, with the block being two storeys with additional accommodation in the roof space, served by roof lights set in a pitched roof, that respects the height, scale and mass of the nearby terraced houses and consequently it reflects the character, grain and appearance of the wider Conservation Area.

5.6 The rear of the block is highly visible from the public realm of Rock Grove and the wider Conservation Area. The proposed roof terrace would radically alter the scale of the building, as the building would then read more obviously as having three storeys. Despite being recessed, the terrace would result in a prominent visual alteration to the roof, detrimentally and significantly changing

the form and appearance of the roof-scape of the terrace whilst not respecting the architectural context of the area. Furthermore, the need to remove part of the slate pitch roof, which is a traditional and significant design feature of this type of terraced property is considered to be detrimental both to the individual property and to the wider Conservation Area.

- 5.7 In light of the above, the proposed roof level terrace is considered to result in less than substantial harm to the significance of the Low Fell Conservation Area, a designated heritage asset. Therefore, in accordance with paragraph 134 of the NPPF, this harm should be weighed against the public benefits of the proposal. In this case, there are no public benefits arising from this development and consequently, nothing to outweigh the identified harm to the significance of the Conservation Area as a designated heritage asset.
- 5.8 Comments have been made in support of the application, that this structure would not constitute overdevelopment, as it would require the removal of a section of roof, thus reducing the overall volume of the property. Officers have not described this proposal as amounting to overdevelopment. However, the simple nature of the existing slate pitched roof, a constant feature within the area, would be detrimentally altered by the creation of this particularly unusually designed roof terrace, that would be completely out of character with the wider Conservation Area.
- 5.9 Comments have been made by Councillor Beadle suggesting that the terrace would be a novel addition, and that other neighbours have plans to create terraces/balconies in the future and this would help provide symmetry once again. However, the potential future plans of other residents are not a material planning consideration, and whilst no weight should be attached to this, if anything, it suggests that this alteration to the roof could set an unwelcome precedent for various other styles of alterations that would further harm the integrity of the roof design and consequently the Conservation Area.
- 5.10 The roof terrace would not make a positive contribution to the established character and identity of its locality as it does not recognise the established design principles with regard to scale, rhythm and proportion. As such, the roof terrace would represent an unacceptable alteration to the block, detrimentally impacting on its uniformity. Given the scale and design of the proposal, the roof terrace would not preserve or enhance the character or appearance of the Low Fell Conservation Area making it contrary to s72 of the Planning (Listed Building and Conservation Areas) Act 1990; it would result in less than substantial harm to a designated heritage asset, without any public benefit to offset that harm, as required by the NPPF. It would also be contrary to CSUCP policy CS15 and UDP policies ENV3 and ENV 7
- 5.11 **RESIDENTIAL AMENITY**
The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CSUCP policy CS14 and saved UDP policy DC2 which seek to ensure that development does not cause any undue disturbance to nearby residents, safeguards the enjoyment of light and privacy

for existing residential properties, and ensures an acceptable level of amenity for existing and future residents.

- 5.12 It is considered that due to the design of the proposed roof terrace as well as its position in relation to the neighbouring properties and nearest windows that it would not result in a significant amount of harm to the residential amenity of the neighbouring properties in terms of loss of light and overshadowing.
- 5.13 When considering proposals the Council's HAESPD advises that as a general rule, acceptable levels of privacy are achieved by keeping a distance of 21m between main facing elevations containing habitable room windows (i.e. living/dining room, kitchen and bedrooms) and 13m between such elevations and a gable elevation. These distances should be increased by 5m for each additional storey of development.
- 5.14 The block is bounded to the East and South by Rock Grove. The separation distances between 1-4 Rock Grove and the rear elevation of 24 Wilsons Lane range from 17m - 22m. As the roof terrace would allow useable external space to be created at third floor level, this would inevitably allow a greater degree of overlooking, albeit obliquely, compared to the current, relatively limited level of overlooking which exists as a result of the two roof lights.
- 5.15 Given the above, the scheme would harm the residential amenity of the neighbouring properties as a result of loss of privacy, contrary to the aims and objectives of the NPPF, policy DC2 of the UDP, and the HAESPD.

6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account it is considered that the proposal will conflict with policies DC2, ENV3 and ENV7 of the Unitary Development Plan for Gateshead, policy CS15 of the CSUCP, the aims and objectives of the National Planning Policy Framework and Gateshead Council's Householder Alterations and Extensions SPD; given its unacceptable impact on the visual amenity of the street scene, the harm to the character and appearance of Low Fell Conservation Area, without any public benefit to outweigh this harm, and the harm to residential amenity arising from loss of privacy.

7.0 Recommendation:

That permission be REFUSED for the following reason(s):

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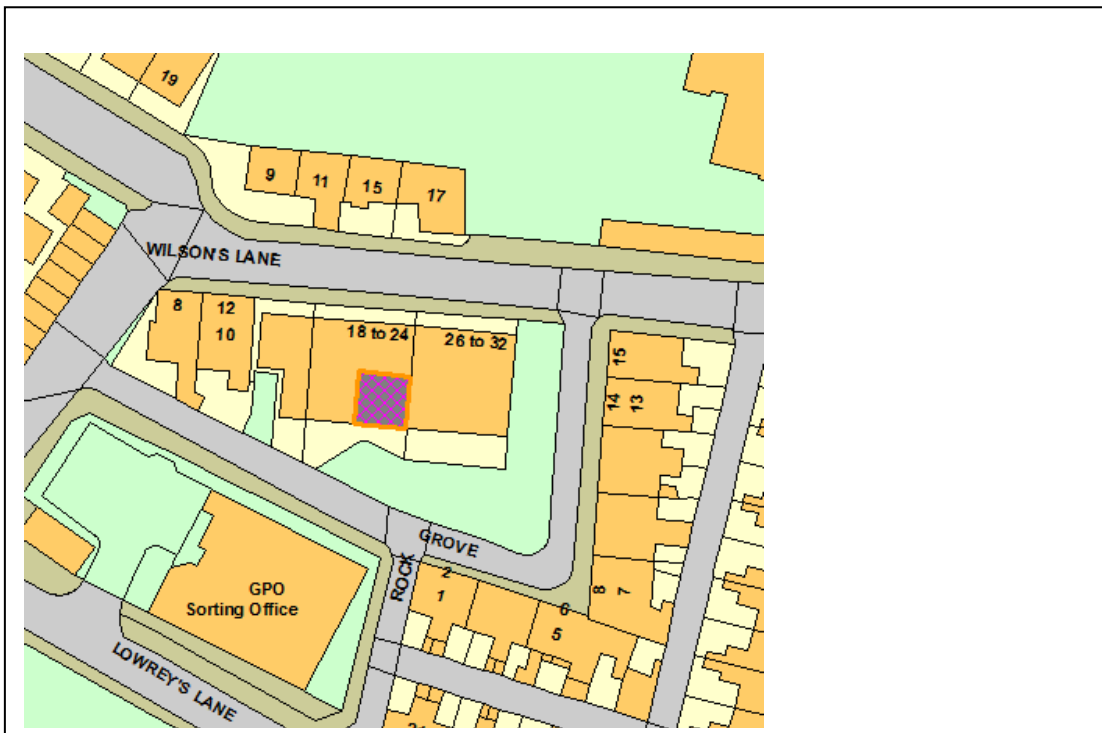
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The proposed external roof terrace, to be formed by the removal of a significant section of roof slope would, by reason of its scale and design, be a visually intrusive and alien feature, altering the character and appearance of the host building. Consequently it would be out of character with the host and surrounding properties. It would result in less than substantial harm to the significance of Low Fell Conservation Area, a designated heritage asset without any public benefit to outweigh this harm, contrary to the National Planning Policy Framework. The

application is also contrary to saved policies ENV3 and ENV7 of the Unitary Development Plan, policy CS15 of the Core Strategy and Urban Core Plan and the adopted Supplementary Planning Document "Household Alterations and Extensions".

2

The size and location of the proposed external roof terrace in relation to neighbouring properties would result in an increase in opportunities for overlooking, both real and perceived, that would be detrimental to the living conditions of neighbouring properties and therefore it would not comply with the National Planning Policy Framework or saved policy DC2 of the Unitary Development Plan.



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