

Committee Report

Application No:	DC/18/00542/HHA
Case Officer	Josh Woollard
Date Application Valid	30 May 2018
Applicant	Mr Paul Churnside
Site:	6 Coalway Lane Whickham NE16 4BX
Ward:	Dunston Hill And Whickham East
Proposal:	First floor side extension and canopy to create covered car port, and Juliet balcony to rear (description amended 27.06.18, amended plans received 08.09.18)
Recommendation:	GRANT
Application Type	Householder Application

1.0 The Application:**1.1 BACKGROUND**

This planning application was considered at the Council's Planning and Development Committee on 19 September 2018 where Members resolved to defer the application for a site visit. The site visit took place on 4 October 2018.

1.2 DESCRIPTION OF THE SITE

The application site is a link-detached bungalow of brick and tile construction. The host property has previously been extended by dormer windows to the rear roof plane to provide a second floor of living space and a single storey front extension. Land levels on the site are relatively flat, however, the topography of the area slopes steeply down towards the north, therefore each property is slightly set down from the neighbouring property to the south.

1.3 The streetscene comprises of linked detached bungalows with a staggered building line on the east side of Coalway Lane; two-storey semis and blocks of garages line the west side of the road. The bungalows all have an attached garage to the side (south) elevation which are set back from the front elevation. The bungalows have their main entrance door within their side elevation.

1.4 DESCRIPTION OF THE APPLICATION

The application seeks planning permission for the erection of a first floor side extension and the creation of a car-port.

1.5 The application proposes the extension to be the full width of the existing single storey garage and would fill the void at first floor level between the side elevation of the host property and the gable wall of number 4 Coalway Lane. The extension would be 7.7m in length. The existing garage is set back 5.9m from the front wall of the dwelling, and the proposed extension would project 3.1m beyond the front elevation of the garage at first floor level. This section would be cantilevered, supported by steel beams.

1.6 To the front, a roof window is proposed within the brick-facing wall and would extend upwards into the roof slope. To the rear, the scheme proposes a dormer with a depth of 3.8m, obscurely glazed French doors and a Juliet balcony.

1.7 Materials used in the construction of the extension would match the existing dwelling.

1.8 RELEVANT PLANNING HISTORY

DC/04/00345/FUL - Installation of dormer windows on east side of dwellinghouse to provide additional living accommodation in roofspace. – Granted 15.04.2004

DC/10/00464/HHA - Erection of single-storey extension at front of dwellinghouse. – Granted 07.07.2010

DC/17/00661/HHA - Proposed erection of first floor side extension (amended 28/07/17 & 18/09/17). – Withdrawn 17.10.2017

2.0 Consultation Responses:

None received.

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with the formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 A total of 10 households have objected to the proposed development. In addition, a petition with 24 signatories has been received.

3.3 Further, an objection has been received from Ward Councillors Maughan and McClurey respectively.

3.5 The objections are summarized as follows:

- The proposal would lead to link-detached bungalows becoming semi-detached
- Loss of property value
- Overdevelopment
- The extension at 2 Church Rise is not in-keeping and 6 Coalway Lane is even larger
- Overbearing
- Detrimental to the visual amenity of the local area and inappropriate use of the premises
- The proposal will provide an otherwise unavailable outlook...negatively impacting on privacy of neighbouring properties

- No view of how the proposed extension will be attached to neighbouring property
- No site plan showing details of surrounding properties
- No construction dimensions that can be followed
- Plans are cynically designed with minimum information – Lack of dimensions
- Previous extension is unfinished and of poor quality
- Out of character
- Granting permission will only encourage others to do the same
- Noise and dust as a result of construction
- Requirement of 21m between neighbouring properties
- Details of mechanical ventilation included on plan
- Scanned document 14 (Location Plan) does not include conservatory
- Plans don't accurately show adjacent property number 4
- Queries regarding foundations
- Both gable ends have been built up...which is disproportionate
- 2 Church Rise is located on a corner plot and does not overlook other gardens. 6 Coalway is located in the middle meaning the impact of the proposed works will be greater
- Increased noise and disruption as a result of the extension
- Drainage problems as a result of foundations and construction works
- Article 1 (peaceful enjoyment of their possessions) and Article 8 (substantive right to privacy) of the Human Rights Act 1998
- Unable to maintain roof/chimney/gable wall of number 4
- 4 Coalway Lane would lose all use of the gable wall e.g. installing a Sky dish, flue or air vent
- Restricting future development at number 4
- Breach of deeds
- Built on Coal Authority High Risk Area
- Plans are not a true representation of what is on site, in terms of structure and layout
- Can the structure of the existing garage take the weight of the extension
- The proposal does not comply with Gateshead Council's HAESPD
- Openness and spaciousness of site will be lost
- The proposal is against the original planning of the estate
- Issues regarding workmanship of previous extensions

4.0 Policies:

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

HAESPD Householder Alterations- Extensions SPD

5.0 Assessment of the Proposal:

- 5.1 The main planning issues in this case are considered to be the impact on the street scene/design, residential amenity, and highway safety.
- 5.2 **IMPACT ON STREET SCENE/DESIGN**
Saved Unitary Development Plan (UDP) policy ENV3 along with 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 12 of the NPPF which places a strong emphasis on the requirement for good design.
- 5.3 In principle, the scheme proposes to infill the space above the garage between two properties. The proposal, as highlighted by an objection, will ultimately result in the character of the property changing from link-detached to semi-detached but this is not considered to result in such harm to the street scene to warrant refusal.
- 5.4 With regard to the specific design of the extension, Gateshead Council's HAESPD advises of the 'terracing'/linked effect which can occur as a result of first floor side extensions and the infilling of spaces between properties. To avoid this, the HAESPD outlines a range of design requirements that should be incorporated into the design of the extension such as a lower ridgeline and a first floor set back from the front elevation. It goes on to state that these requirements may not be necessary if there is a significant difference in ground levels with the neighbouring property.
- 5.5 The topography of the area slopes steeply downwards to the north, resulting in the host property being set down approximately 0.9m from its adjoining neighbour to the south, 4 Coalway Lane. Due to this difference, it is not considered necessary to incorporate a lower ridgeline into the design of the extension. In line with HAESPD guidance, the extension is set back approximately 2.8m from the front wall of the host property, and is also set back approximately 0.2m from the front wall of 4 Coalway Lane. It is considered that the proposed extension has been designed insofar as to reduce its impact on the street scene and appear subservient to the host property.
- 5.6 A number of objections raise the issue of overdevelopment of the site. The extension, however, exclusively utilises the airspace between the properties, does not constitute any further encroachment into the front or rear garden of the property, and is consistent with the prevailing height and form of the neighbouring properties. It is therefore considered that the proposal is sustainably designed.

- 5.7 A considerate design has been utilised to reduce the impact the extension would have on the street scene. In terms of the front elevation, the garage wall will be built up 1.5m with a pitched roof of matching shape and slope to the host property above. As a result, the extension would not project beyond the front elevation of number 4 Coalway Lane. To break up the expanse of brick, a small feature window is proposed. The scheme also proposes matching materials to the host property.
- 5.8 Taking into account the above assessment and all representations received, it is considered that the proposed extension would not result in an unacceptable impact on the street scene, and complies with the aims and objectives of the NPPF, Saved policy ENV3 of the UDP, CS15 of the CSUCP, and Gateshead Council's HAESPD.
- 5.9 **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.
- 5.10 When assessing the effect of an extension on neighbouring properties, Gateshead Council's HAESPD advises that acceptable levels of privacy are achieved by keeping a distance of 21m between main facing elevations containing habitable room windows. It is the intention to achieve the same standards of spacing between extensions and adjacent dwellings which have not been extended. Where an adjacent house has been extended, the distance considered will be that to the wall of the house as originally built. In terms of overcoming problems caused by loss of privacy, the HAESPD recommends the use of opaque glass.
- 5.11 Regarding the neighbour to the north (8 Coalway Lane), it is considered that no unacceptable amenity impact would occur. The proposal would be 'shielded' from view by the existing dwellinghouse and no additional overlooking of existing garden space would occur.
- 5.12 In regard to the properties to the east along Church Rise, the minimum separation distance achieved is 18.6m between the proposed dormer and the rear elevation of the extension at 13 Church Rise. However, the distance considered will be to the wall of the house as originally built. The separation distance then increases to approximately 20.2m. Despite falling marginally short of the recommended distance, the proposal utilises obscure glazing which, as set out within the HAESPD, can be used to overcome any outstanding privacy concerns and this can be secured via condition (Condition 4). The proposal does incorporate a 21m separation distance between the extension and number's 11 and 15 Church Rise. In terms of overshadowing of these properties, the host property is located directly west. Taking into account

the separation distance, the obscure glazing, and the orientation of the host property, the proposal is not considered to have an unacceptable impact on the residential amenity of the properties along Church Rise.

- 5.13 In relation to 4 Coalway Lane, the host property is located to the north and the extension will be attached to/face a blank gable. The proposal would not project beyond the front elevation of number 4 and only a small section of the roof of the rear dormer would project beyond the roofline of number 4. The face of the rear dormer would be set back 0.5m from the rear elevation of number 4. As such, it is not considered that the proposal would have an unacceptable impact in terms of overshadowing or overbearing as it would be hidden within the shadow of the gable wall. Further, the rear window/door would not aid any unacceptable overlooking into windows associated with this property owing to their location. It is accepted that some minimal additional overlooking could occur into the garden space associated with this neighbour but this is limited due to the change in land levels, the staggered building line, and the condition securing the use of obscure glazing. Further, it is considered any noise transference between the proposed extension and 4 Coalway Lane would be residential in nature.
- 5.14 Considering the above, the development, subject to conditions, is considered to meets the aims and requirements set out in policy DC2 of the UDP, policy CS14 of the CSUCP, and the requirements of the NPPF.
- 5.15 **HIGHWAY SAFETY & PARKING**
Existing parking and highway access arrangements would be unaltered by the proposal and therefore the proposed development would not have an impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.
- 5.16 **OTHER MATTERS**
The matters of design, residential amenity, and highway safety have been considered within the main body of the report.
- 5.17 Regarding the principle of residential use, the area is already characterised by residential properties and therefore additional residential development is considered to be both appropriate and acceptable.
- 5.18 In regard to this application setting a precedent within the area, each application will be judged on its own individual merits.
- 5.19 In regard to land stability, while material, The Coal Authority have indicated they do not wish to be consulted on applications of a householder scale. As such, any stability issues will be addressed/considered through the building regulation approval process.
- 5.20 In regard to inaccuracies within the plan, following receipt of amended plans, officers are of the view that the plans provide an appropriate amount of information and are sufficiently accurate to allow a sound decision to be made regarding planning permission.

- 5.21 Issues of devaluation of properties, property maintenance, The Party Wall Act, the quality of workmanship on previous extensions, property deeds, the proposed internal layout, drainage and foundations, noise and dust arising from construction, potential future development at neighbouring properties, and building against another person's property are not material planning considerations and as such are not afforded any weight.

6.0 CONCLUSION

- 6.1 Taking into account all the relevant issues, it is considered that the proposal is compliant with the aims and objectives of the NPPF, Saved UDP policies ENV3 and DC2, policies CS13, CS14, and CS15 of the CSUCP, and Gateshead Council's HAESPD.

7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Strategic Director of Communities and Environment be authorised to add, vary and amend the planning conditions as necessary:

1

The development shall be carried out in complete accordance with the approved plan(s) as detailed below -

Location Plan

Roof Plan (Amended 27.08.2018)

NO.1D Proposed Bedroom above the Garage 08/09/2018

Any material change to the approved plans will require a formal planning application to vary this condition and any non-material change to the plans will require the submission of details and the agreement in writing by the Local Planning Authority prior to any non-material change being made.

Reason

In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

3

All external surfaces shall be completed in materials to match those of the existing building. Where new materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with those details.

Reason

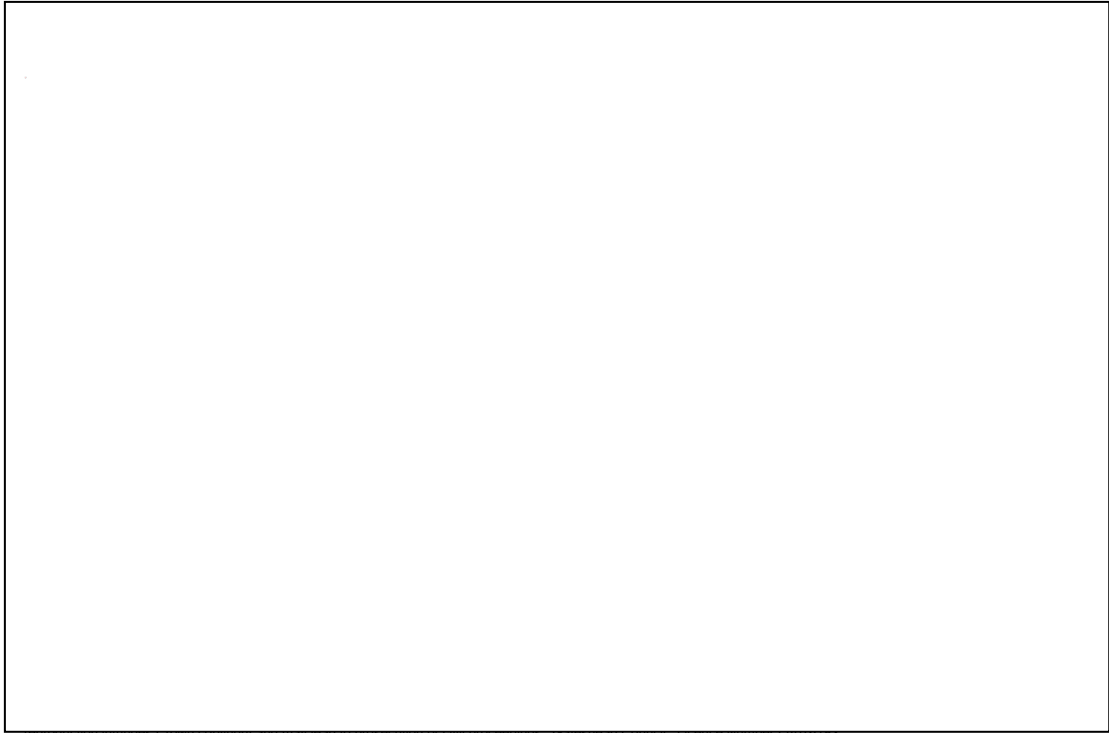
To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with the NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne

4

Prior to first use of the extension hereby approved, the doors located in the east elevation facing the common boundary with 13 Church Rise shall be installed using obscure glass at a level three or greater on the Pilkington scale. The obscure glazing shall be retained thereafter.

Reason

To ensure the protection of privacy for neighbouring occupiers in the interests of residential amenity, in accordance with NPPF, Saved Policies DC2 and ENV3 of the Unitary Development Plan and Policies CS14 and CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne.



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