

**Committee Report**

<b>Application No:</b>	<b>DC/18/00972/HHA</b>
<b>Case Officer</b>	<b>George Spurgeon</b>
<b>Date Application Valid</b>	<b>30 August 2018</b>
<b>Applicant</b>	<b>Mr Kevin Whing</b>
<b>Site:</b>	<b>4 Cleasby Gardens Gateshead NE9 5HL</b>
<b>Ward:</b>	<b>Low Fell</b>
<b>Proposal:</b>	<b>Single storey extension (retrospective) and decking to rear (final amendment 22.10.18)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

**1.0 The Application:****1.1 BACKGROUND**

This planning application was considered at the Council's Planning and Development Committee on 31 October 2018 where Members resolved to defer the application for a site visit. The site visit took place on 15 November 2018.

**1.2 DESCRIPTION OF THE SITE**

The application concerns 4 Cleasby Gardens, Low Fell. The property is a semi-detached dwelling located within a residential street scene. Adjoining property number 2 Cleasby Gardens is a corner plot with the side of the house fronting Heathfield Road.

1.2 Externally the property is finished in red facing brick at ground level and a pebble dash render at first floor level, typical of the area. The dwelling features a hipped roof finished in red plain tiles, but there is more variation of this on the street as some of the properties on the south of the street have darker concrete roof tiles. The property has a rounded bay window at both ground and first floor level and a gable detail above. The properties on the street also have similar details to the front and overall there is a general consistent style throughout the street with some variation of materials.

1.3 The property has a garage to the side and an existing two storey extension to the rear. This extension has a hipped roof with a ridge height of approximately 6.8 metres for a projection of 2.8 metres, and is located 4.1 metres away from the boundary with number 2. This extension did not require planning permission when it was built in 2003, according to the building control records.

1.4 Like its adjoining neighbour (no.2) the application property was built with a rounded bay window on the ground floor, rear elevation. The bay

window of each property serves the habitable room closest to the shared boundary.

- 1.5 The property benefits from a large amount of garden space to the rear and the land slopes down in a westerly direction to the end of the rear garden. The host property is also on a slightly lower land level than neighbour number 2. A hedge is located along the boundary between these two properties, with a short section of fence in between the end of the hedge and the rear elevation of the properties.
- 1.6 **DESCRIPTION OF THE APPLICATION**  
The application seeks part retrospective planning permission for a single storey extension to the rear of the property. At the time of writing only the external walls of the extension have been constructed.
- 1.7 The extension is positioned so that it would replace the rear bay window. It is located approximately 0.5 metres away from the boundary with number 2 Cleasby Gardens and will have a projection of 2.8 metres from the rear wall of the house so that it will be in line with the existing two storey extension. The external walls of the extension are finished in brickwork that matches the existing house and the roof will be finished in clay Marley Modern flat tiles to match the colour of the existing roof tiles of the house. There will be no windows in the side elevation of the extension and no roof lights are proposed to be installed.
- 1.8 The extension will have a lean-to style roof with a ridge height of approximately 4 metres and an eaves height of 2.5 metres. This is measured from the ground level immediately adjacent to the rear wall of the house, as shown on the plans. After undertaking a site visit it was noted that the land level slopes down from the rear wall of the house towards the end of the garden, so the brickwork that forms the rear elevation of the extension continues below by approximately 0.4 metres, as shown on the amended plans. The gap between the ridge of the roof and the bottom of the first-floor window above is approximately 130 millimetres.
- 1.9 The applicant has amended the application plans to include a decked area that would be accessed via the bi fold doors on the rear elevation. The decking has not yet been installed and is shown on the plans as measuring 3.65 metres wide and 2 metres deep. The decking will be 400 millimetres in height. There will be no windows in the side elevation of the extension and no roof lights are proposed to be installed.
- 1.10 **PLANNING HISTORY**

None

## **2.0 Consultation Responses**

None

### **3.0 Representations:**

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

3.2 One letter of objection received by neighbour. The concerns raised are summarised below:

- The applicant did not notify the neighbours of the development before the work started;
- The extension is overbearing;
- The extension causes loss of light and overshadowing;
- Loss of outlook;
- The extension is out of character with the area;
- Overdevelopment;
- Maintenance of boundary fence and hedge;
- The plans and the application form are inaccurate;
- Drainage.

3.3 The application is being determined at the Planning and Development Committee at the request of three councillors (Councillor Hood, Councillor Duggan and Councillor Beadle).

### **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 key considerations to be taken into account when assessing this planning application are set out below:

## 5.2 IMPACT ON STREET SCENE

Saved Unitary Development Plan (UDP) policy ENV3 along with Core Strategy and Urban Core Plan (CSUCP) policy CS15 require 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 (2018) which places a strong emphasis on the requirement for good design.

5.3 The extension is to the rear of the property, although it is possible to see the top of it from Heathfield Road. No development is proposed in this application that affects the front of the property. However, given the scale of the extension and the distance it is located from Heathfield Road, although it can be seen, it is not prominent within the street scene and is not considered to have a detrimental impact on the character of the area. The bay window to the rear of the property will be removed as part of the works, but, as it is located to the rear, it is only visible from the applicants rear garden and that of number 2, so it cannot be considered to have a detrimental impact on the street scene. Further to this, planning permission would not be required to remove this bay window.

5.4 The roof will be finished in clay Marley modern flat roof tiles of a colour to match the existing roof tiles. It would not be possible to have plain tiles of an exact match because of the pitch of the roof. However, the proposed roof tiles are considered to be appropriate for this location. Further to this, as the extension is only visible from Heathfield Road by looking over the boundary fence of 2 Cleasby Gardens and across their rear garden, the tiles would not be highly visible.

5.5 It is considered that the scale and design of the development as a whole is appropriate to the host property and surrounding area. To ensure that the proposed development does not have an adverse effect upon the appearance of the existing building a condition relating to the proposed materials is recommended. It is considered that the development is in accordance with policy ENV3 of the Unitary Development Plan for Gateshead (UDP) and policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (CSUCP).

## 5.6 HIGHWAY IMPACTS

The proposal would not have an unacceptable impact on highway capacity, highway safety or parking provision. It is therefore considered that the proposal complies with policy CS13 of the CSUCP.

## 5.7 RESIDENTIAL AMENITY

The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a key aspect 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.

- 5.8 The Householder Alterations and Extension Supplementary Planning Document (HAESPD) advises that extensions to the rear should be limited to a projection of 3 metres on semi-detached houses. The extension in this application is of a reasonably small scale, with a projection of 2.8 metres and leaves a gap of approximately 0.5 metres between the boundary with number 2.
- 5.9 The HAESPD also advises that extensions:
- “should be designed so as not to project beyond a 45° line (on plan) that extends from the centre of an adjoining neighbours’ nearest ground floor habitable room window, which is perpendicular to the proposed extension.”*
- 5.10 The closest habitable room window in the rear elevation of number 2 is a bay window that serves a living room. This assessment has been carried out on this extension and the 45° line does not extend further than the centre of the bay window of number 2. The line was drawn to the back of the bay window, which is perpendicular to the extension. Therefore, due to the modest scale of the extension and its compliance with this policy, it is considered that the extension will not have an unacceptable impact on the residential amenity of the occupiers of number 2 in terms of overshadowing, loss of light, loss of outlook or an overbearing visual impact.
- 5.11 There will be no windows in the side of the extension facing the boundary, so the extension will not cause any loss of privacy.
- 5.12 A site visit was undertaken, which included going to meet the occupants of number 2 in their living room and rear garden to view the impact of the extension. The extension is visible from the living room and rear garden of number 2. However, this does not automatically mean the extension therefore must have an overbearing visual impact. Due to the distance the extension is located away from the boundary, 0.5 metres, the limited projection of under 3 metres and the extension being single storey it cannot be concluded that the extension would have an overbearing visual impact. The addition of the roof, when the extension would be completed, would not significantly increase the height of the extension. Further to this, the extension is not much taller than the existing hedge that runs along the boundary between the two properties, which effectively screens much of the extension from number 2.
- 5.13 With regards to the outlook from the bay window, the extension sees a small section of open space replaced with a brick wall, but this in itself is not a reason to warrant the refusal of an application. The extension

can be seen from the living room, but only when looking directly to the left, towards the boundary. The bay window is made up of five panels of glass. When looking through the middle panel the extension cannot be seen and there is a clear unimpeded view of the occupant's rear garden and the hedge that borders the two properties. Therefore, the extension will not have an unacceptable impact on the outlook from this bay window, as there clearly remains a high level of outlook from the living room of number 2.

- 5.14 Decking is a common feature in many gardens and it is not considered that this element raises any concerns regarding any impact on the living conditions of the neighbouring occupiers.
- 5.15 It is considered that the proposed development would not have an unacceptable impact on the nearby residential properties as it would not result in a harmful increase in loss of light, overshadowing or visual intrusion. Therefore, it is considered that the proposal is in accordance with saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.16 **OTHER MATTERS**  
In the objection letter that was received, concerns are raised over the application form and submitted plans being inaccurate. The application form states that no hedges have been pruned, which the letter states is incorrect. However, the hedge is not protected so can be pruned by the applicant without needing any permission from the Council.
- 5.17 Another concern was raised over the plans not showing all of the drainage and soil pipes that are and that will be in place after the completion of the extension. The Tyne and Wear Validation checklist sets out the information that should be included on plans as part of an application. There is no mention of the need to show all of the drainage and soil pipes on the plans. This is something that would be dealt with at the building control stage if the application were to be granted planning permission.
- 5.18 The future maintenance of the extension, boundary fence and hedge are not material considerations, nor is the alleged lack of communication from the applicant in advance of the building work starting. Section 73A of the Town and Country Planning Act 1990 allows for the determination of retrospective planning applications and these should be treated in exactly the same way as if building work had not commenced.
- 5.19 If the extension was not physically joined to an earlier two storey, rear extension (that did not require planning permission when it was built) the proposed extension would be considered to be Permitted Development, such is its modest scale.

## **6.0 CONCLUSION**

6.1 Taking all the relevant planning policies into account along with all other material planning considerations, it is recommended that planning permission be granted, subject to conditions.

**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 1:1250

Proposed Elevations 1:50 (received 22.10.18)

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**

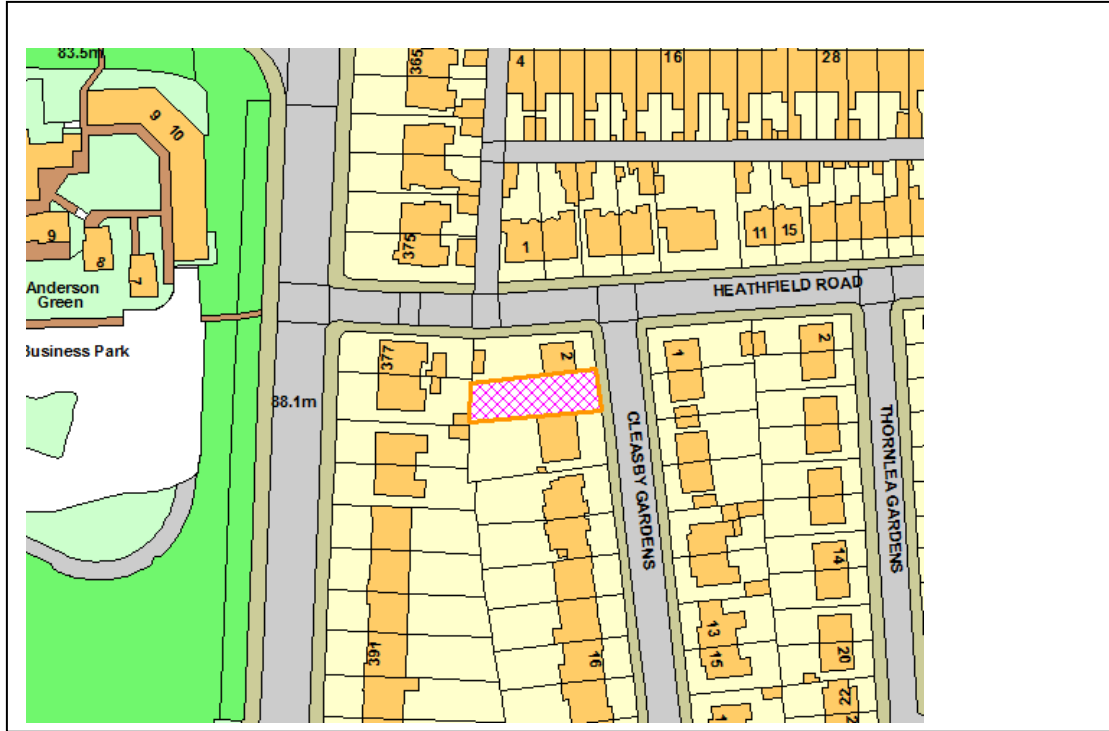
In order to ensure that the development is carried out in complete accordance with the approved plans and any material and non-material alterations to the scheme are properly considered.

2

The development hereby permitted shall be constructed entirely of the materials detailed and shown on the Existing and Proposed Plans and Elevations plan apart from the roof of the extension which will be finished in clay Marley modern flat roof tiles of a colour to match the existing roof tiles of the house.

**Reason**

To ensure that the external appearance of the development is of an appropriate design and quality 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.



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