

**Committee Report**

<b>Application No:</b>	<b>DC/21/00326/FUL</b>
<b>Case Officer</b>	<b>Richard Smith</b>
<b>Date Application Valid</b>	<b>12 March 2021</b>
<b>Applicant</b>	<b>Shlomo Edry</b>
<b>Site:</b>	<b>89-91, 93, 95 Woodbine Street Bensham Gateshead NE8 1ST</b>
<b>Ward:</b>	<b>Lobley Hill And Bensham</b>
<b>Proposal:</b>	<b>Conversion of 4 flats into one 10no bedroomed dwelling with front porch, front and rear dormers and two storey rear infill extension (amended description and plans 29.09.21)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Full Application</b>

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

The application site is a north-west facing mid terraced property on Woodbine Street. The property is currently subdivided into two pairs of Tyneside flats. The two ground floor flats have two bedrooms, and the two upper flats have five bedrooms as they include accommodation in the loft space.

1.2 The host property adjoins no's 85-87 Woodbine Street to the north-east and no's 95-97 Woodbine Street to the south-west. The properties have an existing rear yards and small front yards with a dwarf wall across the front of both pairs of flats.

1.3 Located south of the back lane behind Woodbine Street is Claremont Place which is located in but on the boundary of the Coatsworth Conservation Area.

**1.4 DESCRIPTION OF APPLICATION**

The application under consideration seeks planning permission for a change of use from 2no two bedroomed flats and 2no five bedroomed flats (use class C3) to a 10no bedroomed house with a front porch, front and rear dormers and two storey rear infill extension.

1.5 The submitted plans show 6no bedrooms (one of which is en-suite) and 2no family bathrooms and laundry on the first floor and 4no bedrooms on the second floor, two of which are en-suite. The ground floor shows an office, family room, kitchen with sukkah roof, Passover kitchen, living room and dining room.

**1.6 PLANNING HISTORY**

No relevant previous planning history

**2.0 Consultation Responses:**

None Received

### **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. In addition to direct neighbour notification letters, a site notice was displayed, and a press notice published, as the development could affect the setting of the Coatsworth Conservation Area.

3.2 7no letters of objection were received, raising concern with regards

- Increased noise
- Increased traffic
- Increased parking
- Size of development inappropriate
- Back Lane being blocked during construction
- Lack of parking
- Concerns over property being a HMO
- Disturbance from building works
- Current residents being evicted
- Potential for structural issues
- Works already started on site

### **4.0 Policies:**

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS9 Existing Communities

CS11 Providing a range and choice of housing

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP12 Housing Space Standards

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP24 Design Quality

## **5.0 Assessment of the Proposal:**

- 5.1 The key considerations to be taken into account when assessing this planning application are the principle of the use in terms of housing policy, visual amenity/heritage, residential amenity, and highway safety and parking.
- 5.2 **HOUSING POLICY**  
Policy CS9 of the Local Plan for Gateshead states that existing communities will be sustainable places of quality and choice. This will be achieved by preventing the loss of family homes, through the sub-division, change of use or redevelopment and by preventing an over concentration of shared accommodation.
- 5.3 Furthermore, paragraph 92 of the NPPF, states that planning decisions should aim to achieve healthy, inclusive and safe places which promote social integration... through mixed-use developments. Paragraph 93, then goes on to state that planning decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services. Whilst, paragraph 60 states, that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed.
- 5.4 The proposed development will see four existing properties converted in one, however given that only two of the existing flats meet the benchmark to be considered family homes ie they have over three bedrooms, the proposed development will result in the loss of one family home which in turn would conflict with part 1 of policy CS9.
- 5.5 However, officers consider that given the proposed development would provide specialist housing for the Jewish Community, it is considered that it would help to maintain the range of house types in the borough and increase the choice of accommodation, in accordance with part 3 of CS11.
- 5.6 Policy MSGP12 also sets out that new homes should be built in accordance with the Nationally Described Space Standards (NDSS). The NDSS does not provide space standard criteria in relation to a dwelling of this size and therefore it cannot be directly applied. However, the proposed development is considered to provide adequate space for occupants, both in terms of room sizes and storage provision.
- 5.7 On balance it is considered that the proposed development would increase the range and choice of specialist accommodation within the borough, and whilst one family home would be lost, the application is considered acceptable and in accordance with the NPPF and policies CS11 and MSGP12 of the Local Plan for Gateshead.
- 5.8 **VISUAL AMENITY/HERITAGE**

The proposed development will incorporate a front porch and dormer, whilst the front porch is not a dominant feature within the street scene, there are examples in close proximity and as such would not appear alien.

- 5.9 A number of properties along Woodbine Street have front dormers and as such the proposed dormers under consideration would not appear incongruous within the context of the site.
- 5.10 With regards to the rear of the property, the rear dormer again is a feature of the street and would not appear out of character.
- 5.11 The two-storey infill extension will not project beyond the existing off-shoots and as such will not impact on the appearance of the property or the wider street scene.
- 5.12 As this development would be within the setting of the Coatsworth Conservation Area, required by MSGP25 (2) an assessment has been made of the impact of the development on the designated heritage asset. It is not considered that the external alterations would dominate the Conservation Area, or its setting and it would not therefore be harmful to its significance.
- 5.13 Therefore, given the above it is considered the proposed development is in accordance with the aims and objectives of the relevant paragraphs in the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.
- 5.14 **RESIDENTIAL AMENITY**  
The proposed development will see four existing flats converted into one large family home. It is not considered the proposed change from four properties to one will impact upon the amenity of the neighbouring properties.
- 5.15 The proposed two-storey infill extension does not project beyond the two existing two storey off-shoots to the rear and as such will not lead to any overlooking, outlook, or loss of light concerns to the neighbouring properties on either side. To the rear there is a separation distance of approximately 14 metres, however regard is given to the existing windows on the two-storey off-shoot, therefore given the extension will not project any closer to the properties to the rear than is existing.
- 5.16 The front and rear dormers will not lead to an unacceptable level of overlooking, outlook, or loss of light to the neighbouring properties on either side
- 5.17 The proposed porch is designed at an appropriate size and scale that it will not lead to any residential amenity concerns.
- 5.18 Therefore, it is considered the proposed development complies with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.
- 5.19 **HIGHWAYS AND PARKING**

Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.20 Policy CS13 of the CSUCP ensures any new development provides safe, secure and direct pedestrian links.
- 5.21 The existing flats have no allocated car parking provision and rely solely on on-street parking being available. The proposed conversion would not necessarily place any further demand on parking along Woodbine Street. Officers are also satisfied that there are legal restrictions in place in the surrounding area to prohibit indiscriminate parking.
- 5.22 Pedestrian connectivity and access to public transport is good and there are local amenities in close proximity.
- 5.23 A suitably worded condition is recommended to secure and fully weatherproof cycle parking.
- 5.24 It is considered that the proposal would comply with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Local Plan for Gateshead.
- 5.25 OTHER MATTERS  
There have also been representations submitted at the prospect of the property operating as a House of Multiple Occupation (HMO), the proposed development does not seek permission for a HMO, however if planning permission for a single C3 dwelling house is granted, this property would be afforded Permitted Development Rights to convert, without the need for Planning Permission, to an HMO for between 3 and 6 occupants, as well as being able to be further extended or altered. As a result, the relevant Permitted Development Rights - for both the physical extensions and the change to a HMO (under the C4 Use Class) are recommended to be removed through an appropriately worded condition. The use of the property as an HMO for greater than 6 occupants would require Planning Permission in any event, so does not need to be subject to a planning condition.
- 5.26 Objections have been received regarding the existing tenants being evicted from the property. It is considered that this is a private matter between the two parties and as such would not be a material planning consideration.
- 5.27 Further objections have been received regarding the potential for structural issues, the structural stability of an extension would be dealt with via a Building Regulations application and therefore would not be considered as part of this application.
- 5.28 Planning Law sets out that retrospective applications can be made although any work undertaken in advance of gaining planning permission would be undertaken "at risk" should permission not be granted, or amendments required.

## 5.29 COMMUNITY INFRASTRUCTURE LEVY

On 1st January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule and the development is not a CIL chargeable development.

## 6.0 CONCLUSION

6.1 Taking all the relevant issues into account, it is therefore recommended that planning consent be granted, as the development has been able to demonstrate that it is acceptable in principle and subject to suitable conditions would not cause significant harm to amenity or highway safety. It is considered that the development does accord with national and local planning policies and the recommendation is made taking into account all material planning considerations including the information submitted by the applicant and third parties.

6.2 Therefore, it is recommended that planning permission be granted, subject to the below conditions.

## 7.0 Recommendation:

That permission be GRANTED subject to the following condition(s) and that the Service Director of Climate Change, Compliance, Planning and Transport be authorised to add, vary and amend the planning conditions as necessary

1

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.

2

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

21007-01

21007-02

21007-05

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.

3

The development hereby permitted shall be constructed entirely of the materials detailed on the application form.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

4

No part of the development hereby approved shall be first occupied for the use hereby approved until secure and weatherproof cycle parking, capable of storing at least four cycles, has been provided on site. The provisions of which shall be retained on site in perpetuity.

Reason

In order to ensure adequate provision for cyclists and in compliance with Policy CS13 of the CSUCP and the Gateshead Cycling Strategy.

5

Unless otherwise approved in writing by the Local Planning Authority, all external works and ancillary operations in connection with the demolition and construction of the development, including deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Saturdays and at no time on Sundays, Bank Holidays or Public Holidays.

Reason

To safeguard the amenities of nearby residents and in accordance with the NPPF and policies CS14 and MSGP17 of the Local Plan for Gateshead.

6

Notwithstanding the provisions of Article 3, Class A, B, C, D, E, F, G and H of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no physical alterations or extensions shall be made to the dwelling without planning permission being granted by the Local Planning Authority.

Reason

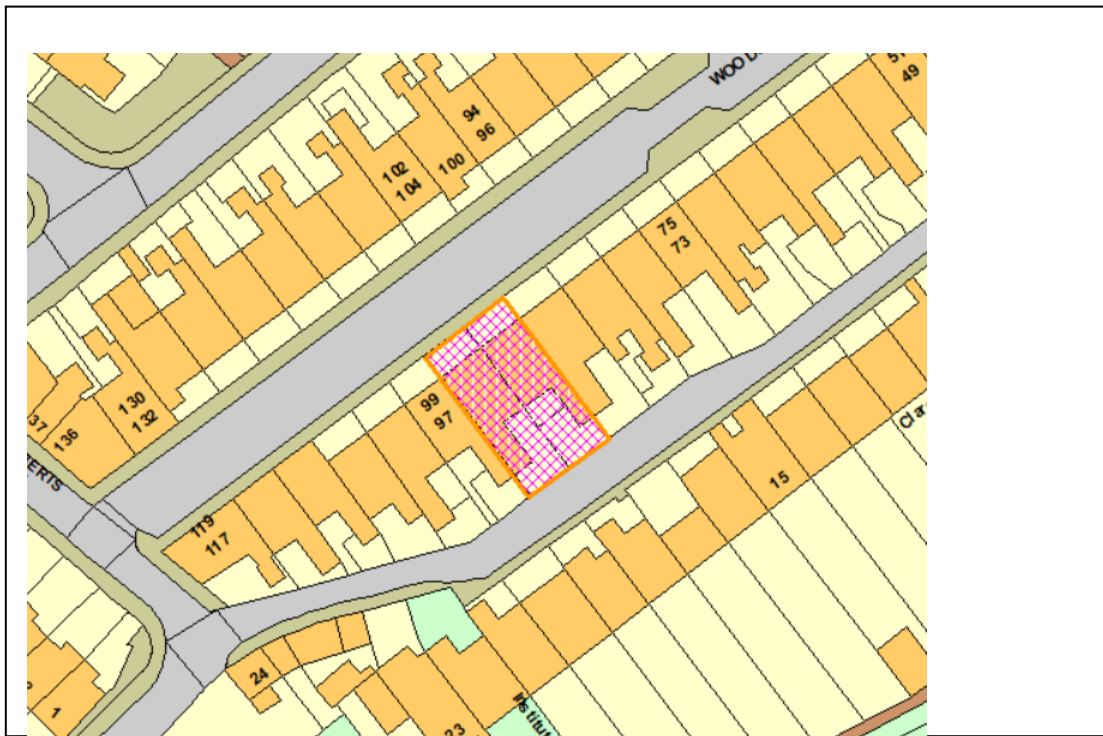
In the interests of the visual amenities of the area and to prevent over development of the site in accordance with the NPPF and policies CS15, MSGP24 and MSGP25 of the Local Plan for Gateshead.

7

Notwithstanding the provisions of Article 3, Class L of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), the change of use from a dwelling to a HMO for between 3 and 6 occupants would not be permitted without planning permission being granted by the Local Planning Authority.

**Reason**

To ensure the property operates as dwellinghouse (use class C3) and in accordance with the NPPF and policies CS11 and MSGP12 of the Local Plan for Gateshead.



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