

**Committee Report**

<b>Application No:</b>	<b>DC/23/00739/HHA</b>
<b>Case Officer</b>	<b>Andrew Holmes</b>
<b>Date Application Valid</b>	<b>18 August 2023</b>
<b>Applicant</b>	<b>Mrs Sharon Fearby</b>
<b>Site:</b>	<b>305 Durham Road Gateshead NE9 5AH</b>
<b>Ward:</b>	<b>Low Fell</b>
<b>Proposal:</b>	<b>Retrospective application for detached garage to include loft living space and associated works (amended plans received 16.11.2023)</b>
<b>Recommendation:</b>	<b>GRANT</b>
<b>Application Type</b>	<b>Householder Application</b>

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

1.2 The application site is a corner property at 305 Durham Road. The property is located at the junction of Durham Road and Valley Drive. The immediate area is characterised by well-proportioned semi-detached dwellings with vegetation and trees giving a pleasant suburban character to the area.

1.3 At the front of the dwelling there is a garden which wraps around the north and west side of the property. The northern and western boundaries are made up of an approximately 2.3 metre tall hedge planted behind a low red brick wall. There are timber access gates from Valley Drive and an existing dropped kerb which provides access to the driveway which is located at the north eastern part of the site. The host dwelling is semi detached with 307 Durham Road, with an approximately 2.48-metre-high fence separating the properties at the rear. An approximately 1.8 metre high fence forms the eastern boundary with 4 Valley Drive, and an approximately 2.4 metre high fence forms the eastern boundary with 4 Clifton Gardens.

1.4 The site is located in the Deckham/North Low Fell area of Special Character and is outside of any Article 4 areas and the Low Fell Conservation Area which is located on the opposite side of Durham Road.

**1.5 DESCRIPTION OF THE APPLICATION**

1.6 This application proposes the retention of an outbuilding to the rear / side garden of 305 Durham Road. This is a retrospective application as the outbuilding has been built differently to that which was granted planning permission under application reference DC/21/00459/HHA.

- 1.7 The proposed building is largely similar to the approved scheme in terms of layout and footprint but has been constructed 350mm higher than the approved scheme. In addition, the eaves level is higher in places, increasing the wall height and changing the pitch of the roof from what was approved. Additional rooflights and windows have also been installed.
- 1.8 The proposed outbuilding has been built 8.79m back from the highway at Valley Drive. The resulting space to the front of the outbuilding provides a driveway. The outbuilding has been built to a width of 7.26 metres, a depth 11.4 metres, height to eaves of 2.88 metres at the northern side of the building, an eaves height of 3.37 metres to the rest of the outbuilding and a height to ridge of 5.69 metres.
- 1.9 The ground floor of the outbuilding is served by two timber garage doors which would provide access to a large garage at the ground floor level. At the first floor level the outbuilding would have a loft living space, which would accommodate a living area, a bedroom and bathroom / ensuite. The loft living space would be occupied ancillary to the main use of the dwelling house. The external access stairs have not yet been installed, but the intention would be that this loft living space would be accessed from an external staircase which would be sited at the southern façade of the outbuilding and would be accessed from a door at first floor level. Planning application DC/21/00459/HHA granted the siting of an external staircase on the southern elevation of the outbuilding, with a first floor door providing access to the loft living space. The amended plan received on 16.11.2023 show a staircase at the same location as the one approved in 2021, with the platform heights for the two landing areas at the same height as the approved staircase. However, the proposed staircase would now have an 180 millimetres step up into loft living space.
- 1.10 The outbuilding abuts the boundaries with 4 Valley Drive and 2 Clifton Gardens to the east. The outbuilding is sited 5.95 metres from the southern boundary with the neighbour at 307 Durham Road. The proposed staircase which would access the loft living space of the outbuilding would abut the boundary with 4 Clifton Gardens and would be sited 3.89 metres from the southern boundary with 307 Durham Road.
- 1.11 This planning application seeks consent for the scale and design of the building (as described above at 1.7) which has been constructed on site. Amended plans have also been received. If planning permission is granted, these are further physical alterations that would be made to the outbuilding:
- The wooden cladding of the building is to be painted a reddish / brown
  - The staircase has been altered with the two landing areas now being at the same height as the staircase approved under application DC/21/00459/HHA
  - The door on the southern elevation which would provide access to the loft living space would be a solid door with no windows.

## 1.11 RELEVANT PLANNING HISTORY

- 1.12 DC/21/00459/HHA - Detached double garage to rear, redeveloped to extend and include loft living space. (Amended description and plans rec'd 01.06.21). GRANT - 03.08.2021
- 1.13 DC/23/00523/HNMA - With reference to the North and West Elevation, would like to include Ground floor additional window - Near garage door entrance - homeowner garden facing: Size 2500 x 1000 Ground floor door access - Near window homeowner facing for access: Size 2070 x 9010. APPLICATION RETURNED - 13.07.2023

## **2.0 Consultation Responses:**

None.

## **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. Following the receipt of amended plans on 16.11.2023 neighbours have been re-notified.
- 3.2 Following the first round of publicity, 4 letters of objection had been received as well as a petition submitted by the applicant which contains 6 comments of "no objection". There have been no representations received in response to the amended plans.
- 3.3 The 4 objections received regarding the originally submitted application from local residents are made on the following grounds:
- Concern with the size of the entrance door on the south elevation which harms neighbouring privacy to garden and windows
  - Outbuilding more like a two storey building than a garage with a roof space
  - Concerns with the consultation on the original planning application in 2021
  - Comments of "no objection" are from properties not affected by the doorway on the southern elevation
  - Stairs and access from southern elevation would be harmful to privacy and would affect the use of gardens
  - Concern with the impact that the development would have on property values
  - Development would have to comply with local building regulations and planning policy
  - Request to move the stairs to another side of the building, or to internalise them
  - Concerns with the height of the outbuilding
  - Not in keeping with the character of the area
  - The access door on the southern elevation harms privacy to rear garden and bedroom
  - Concern in relation to the door installed on the southern elevation being uPVC and not a solid wood door as approved under the previous planning application DC21/00459/HHA.

- 3.4 6 people have signed a petition of no objection, including Councillor Duggan. The other 5 signatures are from local residents.

#### 4.0 **Policies:**

HAESPD Householder Alterations- Extensions SPD

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

MSGP15 Transport Aspects of Design of Dev

MSGP17 Residential Amenity

MSGP

MSGP24 Design Quality

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

- 5.1 The main planning issues are considered to be the impact of the proposal on the character of and appearance area of special character, the impact on the living conditions of occupiers of adjacent properties and if the proposal raises any highway safety issues.

##### 5.2 IMPACT ON THE CHARACTER AND APPEARANCE OF THE AREA

- 5.3 The site is located within an Area of Special Character. Gateshead's Placemaking SPD contains further information and describes the sub area Deckham/ north Low Fell as follows: "The large 1920s/30s houses and their gardens between Ashtrees Gardens and Durham Road are distinctive and particularly worthy of protection. A combination of features contributes to the special character, including individual house designs and relatively large gardens containing mature trees". To support the conservation of the area, the SPD design guidance section suggests that inappropriate boundary treatments and front extensions which would damage the consistency of character of pedestrian streets should be discouraged, and that new development should have regard to the existing character and materials of the various distinct parts of the area.

- 5.4 The proposed development is located within the residential garden of 305 Durham Road, which is a well-proportioned semi-detached dwelling sited at

the corner of Durham Road and Valley Drive. The site is a corner plot, with mature hedge planting to part of its northern boundary and western boundary. This hedge is of approximately 2.3 metres in height. At the eastern side and southern sides of the site are fenced boundaries. The fence between the host dwelling at 4 Valley Drive has an approximate height of 1.8 metres, the fence between the host dwelling and the neighbour at 307 Durham Road has an approximate height of 2.48 metres and a height.

- 5.5 The proposed outbuilding replaces a smaller pitched roof garage at the site. This had an overall foot print of 33.19 square meters and had a height of 3.5 metres. Permission was not required for the demolition of that garage.
- 5.6 The proposed outbuilding is sited 8.79 metres from the northern boundary of the plot with Valley Drive. From Valley Drive, apart from the height of the outbuilding, the development is similar in appearance and materials to the one approved under planning application DC/21/00459/HHA. The only notable difference from this public viewpoint is the addition of two rooflights to the front roof slope of the development.
- 5.7 The western façade of the outbuilding would also be partially visible from Valley Drive and as you turn onto Durham Road. Again, this is similar in appearance to the building approved under planning application reference DC/21/00459/HHA with the notable difference being the building submitted as part of this planning application is 0.35 metres taller at ridge height as has an eaves height 0.95 metres to the southern projection. A double window is also present on the western façade which differs from the approved plans.
- 5.8 Overall, the building is visible within the street scene from Durham Road and Valley Drive. It is noted that there is a level change between Durham Road and Valley Drive with Valley Drive rising upward to the north east from Durham Road. The outbuilding would be viewed alongside the height and mass of the host dwelling at 305 Durham Road which has a height of 8.41 metres, and with the neighbouring dwelling at 4 Valley Drive. That neighbouring dwelling, which is of approximately the same height as the host dwelling, is sited at a higher land level to the application site.
- 5.9 Considering the height difference and land level difference between the outbuilding and neighbouring dwellings, it is not considered that the height of the proposal would be visually dominant or harmful at this location. From Durham Road, the western façade of the outbuilding currently appears more prominent given the grey timber cladding. However, amendments have been agreed to the colour of the cladding to make it a reddish / brown which could be controlled by condition should permission be granted. Amended plans have also been submitted to highlight this change.
- 5.10 Taking into account the Placemaking SPD and the design guidance suggestions for the Deckham / north Low Fell sub area (as outlined at 5.3), it is considered that the development would not break any building lines or remove spaciousness from the corner plot due to its set back from the highway, would be of a design and material palette to complement the character of the sub area.

5.11 As such, when viewed in context with the surrounding dwelling and garages, such as the one at the side of 4 Valley Drive, it is considered that, once re-coloured, the proposed outbuilding would assimilate into its setting and the impact of the scale of the proposal would be appropriate.

5.12 Considering the above, and subject to the repainting of the outbuilding, it is considered that the proposed outbuilding is of scale, mass, design and siting to not harm the character of the street scene or the host dwelling and the application complies with Policies CS15, MSGP23 and MSGP 24, the NPPG and NPPF.

#### 5.13 IMPACT ON RESIDENTIAL AMENITY

5.14 The outbuilding is sited approximately 50 metres from the neighbouring dwelling to the north at 303 Durham Road. At this distance the proposed outbuilding would not result in any harm to the outlook, light or privacy of that neighbour.

5.15 The outbuilding would be sited approximately 50 metres from the neighbouring dwelling to the west at Brantome. At this distance the proposed outbuilding would not result in any harm to the outlook, light or privacy of that neighbour.

5.16 To the north east of the siting of the outbuilding is the neighbouring dwelling at 4 Valley Drive. That neighbour has a garage which is sited 8.32 metres from the front corner of the outbuilding and would be approximately 9.6 metres from a side facing habitable room window at the neighbouring property. At this distance it is considered that the proposed outbuilding would not harm the light, outlook and privacy of that room which is also served by a rear south east facing window which would be unaffected by the development.

5.17 The outbuilding would be sited 14.86 metres from the rear of 2 Clifton Gardens. There is a level change between the two dwellings, with the neighbours at 2 Clifton Gardens at a higher land level than the proposed outbuilding. Considering the distance between the rear habitable part that neighbouring dwelling and the level changes, it is considered that the proposed development would not harm the light, outlook or privacy of those neighbours.

5.18 The proposed development would shadow part of that garden towards the end of the day given that is to the west of the neighbour. However significant parts of garden would not be affected, and it is considered that the development would not result in harm to the outlook or use of the garden space.

5.19 The stepped access to the loft living space would be partly visible from the rear of 2 Clifton Gardens but would be sited off centre from vistas from habitable rooms and would be screened by the building itself, and established shrubbery and trees. Considering this, it is considered that the proposed stair access to the loft living space would not harm the light, outlook or privacy of that neighbour.

5.20 From the adjacent 4 Clifton Gardens the massing and bulk of the outbuilding is sited to the north west. The staircase at the southern façade, which would

provide access to the loft living space, would abut the boundary with 4 Clifton Gardens and is in the same location as the staircase originally approved in 2021. That staircase would have had two platform areas, one lower one directly adjacent to the boundary with 4 Clifton Gardens, and then the first floor platform which provides access to the doorway of the loft living space. Due to the increase in the height of the first-floor doorway into the loft living space by 250 millimetres, the plans originally submitted for consideration as part of this application showed a lower landing 0.63 metres higher than originally approved in 2021, and an upper landing area 0.44 metres higher. There were concerns with the impact that the increased height of the landing areas, in particularly the lower platform adjacent to the boundary with that neighbour, would have on the privacy of that neighbour.

- 5.21 Amendments have been made to the proposed staircase. The result of these amendments is that the proposed platforms for the staircase are now at the same height as the landings approved under the planning approval from 2021, with a step up of approximately 180 millimetres from the upper landing area into the loft living space.
- 5.22 The proposed staircase would be approximately 14.5 metres from the nearest rear ground floor habitable windows of that neighbour, who have a raised deck / veranda to the rear of their dwelling which projects approximately 5.6 metres rear of their dwelling.
- 5.23 The 2021 planning application did approve at the southern facade as well as a staircase at a similar siting to the one proposed as part of this application. The increase in height of the eaves and first floor level of the loft living space has resulted in the doorway threshold into the loft living space being 250 millimetres higher than the doorway approved through the 2021 planning application. However, the staircase would have the same lower and upper landing heights as the staircase approved at the same location in the 2021 planning application. This would mean that there would not be any additional overlooking from the staircase than the staircase that was approved in 2021. On balance, taking account of the distance between the siting of the staircase and the habitable space at 4 Clifton Gardens, users of the staircase would not harmfully overlook that neighbour. The staircase would be sited adjacent to the boundary. At this point the boundary fence between the dwellings has a height of 2.4 metres.
- 5.24 The Householder Alterations and Extensions SPD outlines the following in relation to the design of outbuildings "Not have an adverse impact on the amenity of the surrounding properties in terms of noise and disturbance created through access or overlooking and/ or overshadowing of an existing property". Taking account of the distance between the staircase and the habitable space, it is not considered that the proposed staircase would lead to noise and disturbance created through the use of the stair, and would not significantly impact on privacy and overlooking. The set back of the upper landing area is approximately 2.5 metres from the boundary. At this distance and considering the relationship with the existing fencing, the users of the landing would not harmfully overlook the garden of the neighbours. The distance between the lower landing area and the top of the fence is approximately 1 metre. At the same level as the previously

approved lower platform from 2021, it is not considered that this would lead to a significant degree of overlooking to harm the neighbours' privacy. This is considered to be compliant with the Householder Alterations and Extensions SPD, as well as Policy CS14 of the Core Strategy and MSGP17 of Making Spaces for Growing Places.

- 5.25 The outbuilding would be sited 7.58 metres from the rear conservatory / extension which has been erected at 307 Durham Road. This conservatory provides the main outlook and light in the kitchen / diner at the rear of that dwelling with a secondary window sited further from the boundary which also serves this habitable space. The conservatory has a solid wall construction on the north side, with glazing on the eastern side, and a transparent glazed roof. The glazed roof of the neighbouring conservatory allows partial views of the southern façade of the outbuilding, the access door and staircase. On balance, whilst the increased the height of the ridge and eaves of the building has increased in height from the originally approved submission in 2021, given that the outbuilding is to the north of no. 307, it is not considered that the proposed outbuilding would result in a harmful loss of light to that neighbour. The increased height of the doorway threshold would be more prominent than originally approved but the installation of a solid, rather than a glazed door, as shown on the amended plans, would ensure that there would not be any direct overlooking from the loft living space to that neighbour.
- 5.26 It is however, acknowledged that external lighting might be required, to provide security for the outbuilding and ensure the safe use of the stairs in times of low natural light. It is therefore recommended that a condition is imposed to require that any external lights on, or for the outbuilding are installed in such a way and/or measures taken to prevent light spillage beyond the site boundary.
- 5.27 On balance, and subject to the conditions outlined above, it is considered that the proposed development would have an acceptable impact on the light, outlook and privacy of neighbours to comply with the guidance set out in the Householder Alterations and Extensions SPD, as well as Policy CS14 of the Core Strategy and MSGP17 of Making Spaces for Growing Places.
- 5.28 TRANSPORT
- 5.29 The proposal would result in the over provision of parking based on the Council's parking standards. However, this has historically been the case at this property and this proposal would not worsen this situation. As such, the proposal is considered acceptable from a transport point of view and accords with the aims and objectives of the NPPF and policies CS13 and MSGP15 of the Council's Local Plan.
- 5.30 OTHER ISSUES
- 5.31 Other issues have been raised in comments from local residents, such as impact on property values. However, these are not considered to be material planning considerations.



## 5.32 CIL

- 5.33 On 01 January 2017 Gateshead Council became a Community Infrastructure Levy (CIL) Charging Authority. This application has been assessed against the Council's CIL charging schedule. The site is located within Residential Zone C. The charge for new residential floorspace with Zone C is £0.

## 6.0 CONCLUSION

- 6.1 Taking all the relevant issues into account, including all the comments made in support and objection to the proposal, it is considered on balance that the proposed outbuilding would have an acceptable impact on the visual amenity of the area, and on the light, outlook and privacy of neighbours. The development is considered to comply with the NPPF, policies CS14, CS15 of the Core Strategy and Urban Core Plan and MSCP15, MSGP17 and MSGP23, MSGP24 of the Local Plan for Gateshead, the Householder Alterations and Extension Supplementary Planning Document (HAESPD) and Placemaking (SPD).

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

BC\_00\_03 Rev.5 Proposed Site Plan

BC\_00\_05 Rev. 5 Proposed Roof Plan

BC\_00\_06 Rev.7 Proposed South and East Elevations

BC\_00\_06 Rev.7 Proposed North and West Elevations

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

The development hereby permitted shall be constructed entirely of the materials detailed on:

BC\_00\_03 Rev.5 Proposed Site Plan

BC\_00\_05 Rev. 5 Proposed Roof Plan

BC\_00\_06 Rev.7 Proposed South and East Elevations

BC\_00\_06 Rev.7 Proposed North and West Elevations

For the avoidance of doubt, the door to be installed at first floor level on the south elevation shall be of solid construction, without incorporating any glazing.

Reason

To ensure that the external appearance of the development is of an appropriate design and quality and in the interests of residential amenity in accordance with the NPPF and policies CS15, MSGP17 and MSGP24 of the Local Plan for Gateshead.

4

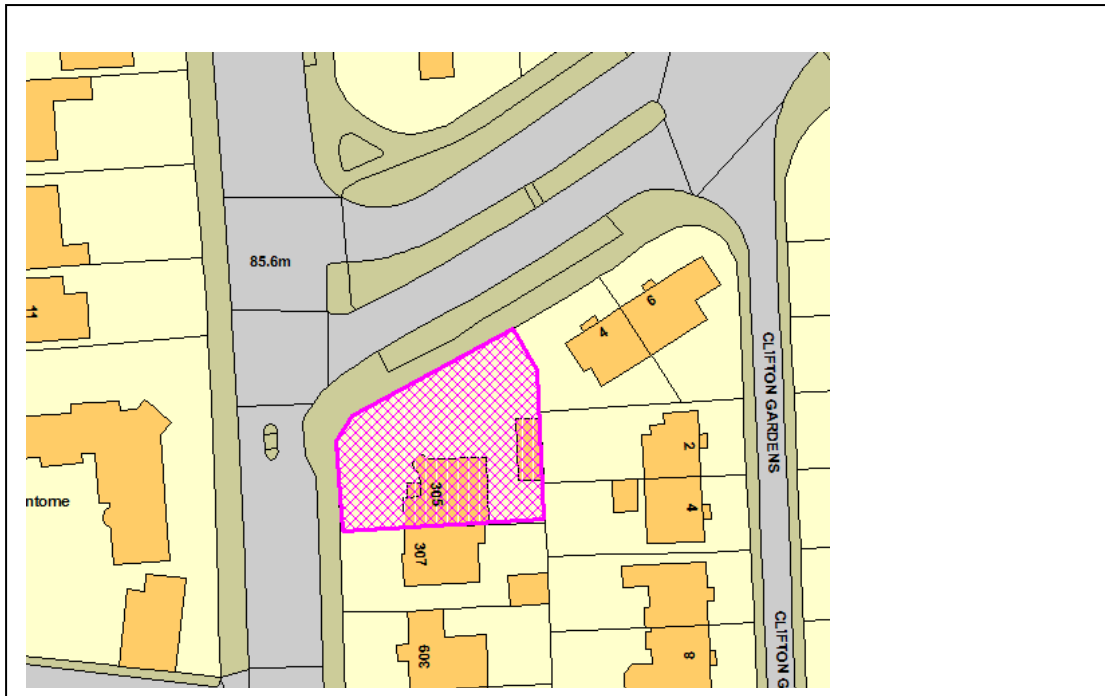
Notwithstanding the information on the submitted plans, details of the paint colour to be used for the painting of the cladding of the building shall be submitted and approved in writing by Local Planning Authority before the painting is carried out. Thereafter, the development shall be delivered in accordance with the approved details.

Reason: To safeguard the visual amenity of the area, in accordance with Policy CS15 of the Core Strategy, MSGP24 of Making Spaces for Growing Places and NPPF.

5

No external lighting shall be fixed to, or installed in order to illuminate the outbuilding, without measures being taken to prevent light spillage beyond the site boundary. All such external lighting shall be retained in a way that prevents light spillage beyond the site boundary.

Reason: To safeguard the residential amenity of neighbouring properties, in accordance with Policy CS15 of the Core Strategy, MSGP17 of Making Spaces for Growing Places and NPPF.



This map is based upon Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Gateshead Council. Licence Number LA07618X