DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0063/18/HFUL
Proposal: First floor extension above existing garage creating an additional bedroom and extension of the existing utility room to the rear of the garage.
Location: 3 Heather Close
Cleadon
SR6 7PW

Site Visit Made: 31/01/2018

Relevant policies/SPDs

1 DM1 - Management of Development (A, B & G)
2 SPD9 - Householder Developments

Description of the site and of the proposals

Planning permission is sought for the proposed construction of a first floor extension above an existing garage to provide an additional bedroom, and for a rear extension to the garage to provide a larger utility, at 3 Heather Close in Cleadon.

Application details state that the external materials of the proposal would be of red brick walls, a tiled roof, and UPVC frames and fascias, all to match those of the existing dwelling as closely as possible. The applicant's agent has confirmed that the external materials of the roof of the proposed rear utility extension would likely be of dark grey fiber glass. All dimensions of the proposal can be scaled from submitted drawings.

The application dwelling is detached and is considered to be part of a low density development. The Heather Close street scene comprises detached dwellings and one pair of semi-detached dwellings, which are constructed in a variety of different external materials.

Publicity / Consultations (Expiry date 14/02/2018)

1) Neighbour responses

Owner / occupier of 1 Heather Close, Cleadon

Objection to the proposed extra floor on top of the current garage:

- We have received a letter from Mr and Mrs Chadwick (the property owners) indicating that they are no longer going to build above the garage, however we would still wish to object as we have not received any notification that the application has been withdrawn or amended.
- If the extension were to proceed, then my property and 3 Heather Close would be very close giving a feeling of cramped and closeness which is out of keeping with the general look and feel of the street. We have a number of windows and a back door that would be impacted by the proximity and our garden (which is not big) would feel more hemmed in.
- Our main concern relates to the light impact on our property:
    - Hall landing window – A large window to the side of the dwelling which is the only one which allows light into the upstairs hallway area. This would be a lot darker and the view would be impacted.
    - Upstairs bedroom window – The proposed extension would remove all current views to the front of the property, and it would be impacted by a lack of light.
    - Downstairs kitchen window and door – The light and view would be impacted.

- Our house and the wider estate are nicely spread. There has only been one upper floor extension however this overlooks a small field and does not impact on neighbours. Having recently purchased our own property, one of the attractions was the detached element and the feeling of light and space. The proposed extension would seriously alter those elements of our property.
- We invite you to visit our home, if necessary to verify these objections.

Case Officer Comment: The proposal was assessed from the application site. It was not considered necessary to visit the objector's property in order to inform the assessment of this application.

2) Other Consultee responses

None received

Assessment

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

The main issues relevant to the determination of this application are:
- Design and visual impact;
- Impact on residential amenity; and
- Impact on highway safety

Design and visual impact

The proposed first floor side extension would be visible from the front street scene Heather Close. It would be marginally less than three metres in width, and would provide a marginal set-back given that it would build directly above the existing side garage (which also has a marginal set-back). It would also be positioned 1.15 metres from the common boundary shared with 1 Heather Close (the objector's property). This neighbouring property is positioned approximately 1.9 metres from the common boundary at closest point (the closest point being the northwest corner of this neighbouring dwelling).

The objector has raised concerns regarding the proposal impacting on the spacing between properties. However the existing spacing between other dwellings within Heather Close is less than would result from the proposed first floor extension subject of this application. Given its width of marginally less than three metres, and its marginal set-back, it is considered that the proposed first floor extension would be sufficiently subordinate in relation to the existing dwelling and that it would not cause any visual terracing. It is considered that the overall proposal (including the rear utility extension) would complement the shape, scale and proportions of the original dwelling and other dwellings within the Heather Close street scene. External materials of the proposal would be to match those of the existing dwelling which would also be acceptable. However a condition is recommended to control that external materials be as specified within the planning application. Subject to compliance with this materials condition it is considered that the overall proposal would be in keeping with the existing built form and so would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials. It is considered that the proposal would accord with adopted South Tyneside Local Development Framework (LDF) Development Management Policy DM1 (A).

Impact on residential amenity

The proposed extensions would build towards the objector's dwelling 1 Heather Close. This neighbouring property has five openings facing the application site. These comprise a kitchen window and door and a small obscure glazed window at ground floor, and a bedroom window and large obscure glazed window (based on the submitted objection it is understood that this serves a landing) at first floor.

The proposal would not include any side windows facing 1 Heather Close, and so it would have no unacceptable impacts on the amenity of the occupiers of this neighbouring property in relation to privacy. There is an existing 1.8 metre high fence along the common boundary shared with this neighbouring property and so it would not be necessary to remove permitted development (PD) rights in relation to the installation of new openings to the side of the proposed utility room extension.

The objector has raised concerns regarding the proposed first floor having an unacceptable impact in relation to a loss of light to, and views from, side windows, and that the proposal would result in their garden feeling 'hemmed in'. It is outlook and over dominance which is assessed under a planning application and not the loss of a view. There is no private 'right to a view' that the planning system can protect.

Paragraph 3.22 of Supplementary Planning Document (SPD) 9 'Householder Developments' states that a reasonable outlook should be maintained from the habitable room windows of neighbouring properties. This generally means that an extension should not be so large and/or so close that it would form a very dominant feature when looking out from habitable rooms of a neighbouring property. Paragraph 3.24 of SPD 9 states that any proposed extension should not result in the significant overshadowing of habitable windows of neighbouring properties over and above that of the existing situation. SPD 9 defines a habitable room as a living, dining, kitchen, bedroom, study, games room, and non-habitable rooms as bathroom, hall, cloakroom, landing and toilet.

Two of the windows to the side of 1 Heather Close are obscure glazed. It is assumed that they both serve non-habitable rooms although as stated it is understood that the first floor obscure glazed window serves a landing. On this basis limited weight, if any, is given to the impact of the proposal on these non-habitable rooms.

In terms of habitable room windows, the first floor bedroom window facing the application is the only window serving this room, unlike the ground floor kitchen which is also served by a window to the rear elevation. However the proposed first floor extension would not be positioned directly to the front of these windows, and instead would be off-set to the north west. Although the proposed utility room extension would be positioned directly to the front of the side kitchen window and door (the door includes a window), this part of the proposal would only be single storey and positioned behind a 1.8 metre high boundary fence. The side kitchen window is also positioned approximately three metres from the common boundary, and this room is also served by a window to the rear. Therefore given the orientation of the proposal in relation to nearest habitable room windows in 1 Heather Close, separation distances and the existing built form, it is considered that the proposal would have no unacceptable impacts on the amenities of the occupiers of 1 Heather Close in relation to outlook from, and over dominance to, indoor space.

The proposed first floor extension would be positioned to the north west of the habitable room windows to the side of 1 Heather Close. The proposed ground floor utility room extension would be positioned to the east. Therefore given the orientation of the proposal in relation to habitable room windows in 1 Heather Close, separation distances, and the existing built form, whilst the concerns of the objector are noted it is considered that the proposal would have no unacceptable impacts on the amenities of the occupiers of 1 Heather Close in relation to overshadowing to indoor space.

Paragraph 3.23 of SPD 9 states that the extent to which an extension impacts on a neighbour's outdoor space (in relation to outlook and over shadowing) is a material consideration but is given less weight than impacts from within the dwelling. Paragraph 3.25 of SPD 9 states that the overshadowing of outdoor spaces is given less weight than impact within the dwelling – where the affected space is part of a small plot land/or the overshadowing removes the only area of sunlight a space receives, this may be given increased weight. Given the position of the first floor part of the proposal and the size of the outdoor space at 1 Heather Close, it is considered that the overall proposal would have no unacceptable

impacts on the outdoor space of this neighbouring property in relation to outlook and over dominance or overshadowing.

Given separation distances it is considered that the proposal would have no unacceptable impacts on the amenities of the occupiers of any other neighbouring properties in relation to privacy, outlook and over dominance, or overshadowing.

It is considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (B).

Highway Safety

The proposal would have no impacts on the applicant's existing driveway which would be retained. It is therefore considered that the proposal would accord with adopted South Tyneside LDF Development Management Policy DM1 (G).

Summary

For the reasons articulated above, it is considered that the proposal would be in accordance with development plan policy, and so would be an acceptable form of development.

Recommendation

Grant Permission Householder with Conditions

Conditions

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

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

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

- Proposed site / roof plan received 12/01/2018
- Drg No. 1 received 12/01/2018
- Drg No. 2 received 12/01/2018
- Drg No. 3 received 12/01/2018
- Drg No. 455/6308 received 12/01/2018

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external surfaces of the development hereby permitted shall be of similar appearance to those used in the construction of the exterior of the existing building on which the extensions will form part, and the external surface of the flat roof of the single storey rear extension shall be of dark grey fibreglass, unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1.

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

3 NOTE TO APPLICANT

All British bats are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection whether bats are present or not. Should bats or signs of bats (such as droppings or dead bats) be discovered at any stage during the works, work must stop immediately and advice sought from Natural England. Failure to do this may result in an offence being committed, regardless of planning consent, and could lead to prosecution.

Case officer: David Rogerson
Signed:
Date:

Authorised Signatory:
Date: