DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0650/21/HPNAS
Proposal: Additional storey to a single storey dwelling

Location: 11 Ferndale Grove
East Boldon
NE36 0TG

Site Visit Made: 27/07/2021

Relevant policies/SPDs

n/a

Description of the site and of the proposals

This application relates to a south facing detached bungalow in East Boldon. The bungalow is set in a cul de sac containing other detached bungalows.

An application for prior notification has been submitted by the applicant to erect a second storey above the existing single storey bungalow. As written representations in objection to the scheme have been received, the Local Planning Application must make an assessment of the application having regards to the Town and Country Planning (General Permitted Development) Order 2015 – as amended (the GPDO). This planning legislation grants permitted development for an additional storey to be added to an existing dwelling provided the development complies with the criteria that has been set out in the GPDO. This application does not therefore seek planning permission, it is a prior notification to the council that the applicant intends to use their permitted development rights to construct an additional storey at their dwelling. The council as local planning authority cannot determine this prior notification request against its planning policies, which would otherwise be used to determine planning applications. The prior notification can only be determined against the criteria set out in the GPDO.

Publicity / Consultations (Expiry date 20/07/2021)

1) Neighbour responses

10no. letters of objection have been received from the following addresses:
- 7 Ferndale Grove
- 9 Ferndale Grove
- 10 Ferndale Grove
- 12 Ferndale Grove
- 13 Ferndale Grove
- 14 Ferndale Grove
- 15 Ferndale Grove
- 18 Ferndale Grove
- 19 Ferndale Grove x2

The following issues have been raised:
- Overbearing/overdominant impact upon neighbouring properties
- Overlooking of neighbouring properties
- Loss of privacy to neighbouring properties

- Loss of light to neighbouring properties
- Concern from one resident that the building may cast a shadow over solar panels and that they will seek compensation.
- A two storey property would not be in keeping with the streetscene
- The proposed development would be significantly bigger in scale and mass than any other property thus creating a truly oppressive and intrusive feel.
- Erecting another store would be out of context.
- The adding of an extra storey will seriously impact on the external appearance of the surrounding properties.
- Concerns regarding the need for extra car parking.
- Dispute that the property is detached, and claims that it is in fact semi detached.
- Devaluing of other properties (case officer comment – this is not a material planning consideration)
- Loss of a bungalow in the area to the development of a family home (case officer comment – this is not a material planning consideration)
- I am aware that planning applications have tangible criteria on which they are judged; what I feel may not have been considered is the extra anxiety this is causing to residents during the pandemic. I do not feel comfortable calling in to the Town Hall to look at the paper plans. It concerns me that those who are not well versed in written communication will not feel able to adequately express their objections allowing plans such as the application at 11 Ferndale Grove which show no integrity and consideration for others during these difficult times, to slip through the net. (case officer comment – this is not a material planning consideration. The application has been adequately advertised and has been available for the public to view.)
- Concern that an adjacent resident did not receive a notification letter (case officer comment – the property in question was sent a notification letter via post)

2) Other Consultee responses

None

Assessment

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

The GPDO is clear (Schedule 2 Part 1 Article 3 Class AA), within this type of assessment, that before beginning the development the developer must apply to the local planning authority for prior approval as to the matters within the grounds of assessment which are listed within Class AA.2 (3)(a)(i) to (iv) inclusive:

(i) impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light;
(ii) the external appearance of the dwellinghouse, including the design and architectural features of -
(aa) the principal elevation of the dwellinghouse, and
(bb) any side elevation of the dwellinghouse that fronts a highway;
(iii) air traffic and defence asset impacts of the development; and
(iv) whether, as a result of the siting of the dwellinghouse, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012(3) issued by the Secretary of State;

This report shall cover each issue in turn. The Local Planning Authority may only take into account the issues listed above when assessing this application and may not take into account any additional issues.

- 3(a)(i) of the GDPO relates to impact on the amenity of any adjoining premises including overlooking, privacy and the loss of light. The only adjoining premises are No. 9 Ferndale Grove

to the west and No. 13 Ferndale Grove to the east. There are no adjoining premises to the front or rear. There would be new windows at first floor level in the front and rear elevations and these windows would not result in any significant loss of privacy or overlooking to any adjoining premises. Whilst the gardens of Nos. 9 and 13 would be overlooked, this would not result in such significant harm to the residential amenity of those properties to warrant refusal. The proposed development would not lead to any significant harm in terms of loss of light to Nos. 9 and 13, over and above the existing situation. Whilst there are windows to the western elevation of No. 13 facing the host property, these are predominantly overshadowed as existing by the host property and it is not considered that the addition of a second storey would result in such significant harm to warrant refusal.

- 3(a)(ii) of the GPDO relates to the external appearance of the dwellinghouse, including the design and architectural features of – (aa) the principal elevation of the dwellinghouse, and (bb) any side elevation of the dwellinghouse that fronts a highway. No side elevations of the dwellinghouse front a highway and so the external appearance of the principal elevation must be assessed only. The principal elevation would take a similar built form as the existing dwelling and similar dwellings in the cul de sac, albeit at a two storey height. The roof shape would mirror that of the host property. The dwelling would be finished in brick and render as the existing principal elevation and as such would match the existing principal elevation. As such it is considered that the external appearance of the principal elevation is acceptable. The conditions set out in Class AA.2(2)(a) and (b) of the GDPO (Schedule 2 Part 1 Article 3 Class AA), require the materials to be of a similar appearance to those used in the construction of the exterior of the existing dwelling house and that the development must not include a window in any wall or roof slope forming a side elevation. The proposal,is consistent with the conditions set out in the GDPO.

- 3(a)(iii) of the GPDO relates to air traffic and defence asset impacts of the development. No assets of this nature are impacted. 3(a)(iv) is not, in this case, relevant as there are no protected views identified in the Directions Relating to Protected Vistas dated 15th March 2012 issued by the Secretary of State.

It is noted that a number of representations have been received regarding this application, with the issues raised as set out above. As set out above, the Local Planning Authority is only able to consider the proposal against the criteria that has been set out in the GPDO under Schedule 2 Part 1 Article 3 Class AA, which are of a narrower scope when compared to a full planning application. As a result, issues relating to the residential amenities of properties other than those adjoining the host property, car parking, and the impact of the development upon the visual amenity of the wider streetscene are not able to be taken into account.

One objection was received disputing that the property is detached. The case officer visited the site and noted that the property is attached to No. 9 Ferndale Grove by a non habitable outbuilding. The GPDO states that “detached”, in relation to a dwellinghouse, means that the dwellinghouse does not share a party wall with another building. The dwellinghouse to which this application relates has an attached outbuilding which shares a party wall with the property to the west, No. 9 Ferndale Grove. As a result, the property would be classed as semi-detached. Whilst the applicant has stated that the property is detached on the application form, whereas it is in fact semi detached, the development could still be undertaken under this provision and as such it is not considered that this mistake on the application form is a reason to refuse the application.

The loss of property value/devaluation and the loss of a bungalow by converting it into a family home are not material planning considerations. Letters notifying residents of the application were sent to all neighbouring properties. The plans were available to view online (either by residents at home or in Council buildings) or in person. As such it is considered that the application was adequately publicised.

Conditions relating to the development are set out in AA.2 (2) and (3) of the GPDO. No conditions can be imposed by the Local Planning Authority.

In conclusion, it is considered that the development is acceptable. Prior approval is given.

Recommendation

Prior Approval Required and Given HPN

Informatives

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

Case officer: Seán Gallagher
Signed:
Date: 24/08/2021

Authorised Signatory:
Date:

«END»