DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0552/23/HFUL
Proposal: Proposed first floor bedroom extension above existing rear lounge
Location: 28 Duchess Crescent East
Jarrow
NE32 5QR

Site Visit Made: 18/10/2023

Relevant policies/SPDs

1 DM1 - Management of Development (A and B)
2 SPD9 - Householder Developments

Description of the site and of the proposals

Planning permission is sought for a first floor bedroom extension above existing rear lounge at 28 Duchess Crescent East, Jarrow. The application site is a semi-detached dwelling within a residential area of Jarrow.

The rear elevation of the proposed first floor bedroom extension would host 2 no. bedroom windows and the side elevations would host facing brick only. The eaves height would match the same height as the eaves on the existing property and the hipped roof ridge would be set down 1m from the roof ridge of the main dwelling. The facing materials would match those of the existing dwelling.

Publicity / Consultations (Expiry date – 04/10/2023)

1) **Neighbour responses**
None received

2) **Other Consultee responses**
None consulted

Assessment

- Design of the proposal and its impact on visual amenity; and
- Impact on residential amenity

Design / visual amenity

South Tyneside Local Development Framework (LDF) Policy DM1 states that development, including extensions to existing buildings, should be designed to convey sensitive consideration of their surroundings, and where possible enhance their local setting and reinforce local identity, having particular regard to scale, proportions, alignment, form, use of materials and architectural detailing.

Given the nature of the proposal, the development would be visible from the public domain along main street of Duchess Crescent East however over a distance across private land. The design of the proposal would blend well with the design of the house as originally built and matching building materials will be used in its construction. Taking into account the footprint of the existing dwelling and the size of the rear garden; the proposed extension would not result in the overdevelopment of the site and would not detrimentally impact upon the host property and surrounding area in terms of design and streetscene visual amenity.

It is considered that the proposal would convey sensitive consideration to its surroundings having regard to its scale, proportion and use of materials and is acceptable in terms of its design and also local visual amenity. The issue of materials for the proposed extension being of a similar appearance to those used in the host dwelling could be secured by means of a planning condition, and in this respect the proposal would accord with LDF Policy DM1 (A) and the guidance contained within SPD9.

Impact on residential amenity

Policy DM1(B) requires a development to be acceptable in relation to any impact on residential amenity.

Supplementary Planning Document 9: Householder Developments (SPD 9) makes clear 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 forms a very dominant feature when looking out from habitable rooms of a neighbouring property. Further guidance set out within 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. The overshadowing of outdoor spaces is given less weight than impact within the dwelling.

SPD 9 advises that two-storey rear extensions that would project 3 metres from the rear wall of the original dwelling, and be set in 2 metres from the any side boundary and 7 metres from the rear boundary (opposite the rear wall of the dwelling) will often be “permitted development”, and will generally be acceptable in many situations unless specific impacts of privacy, over-dominance or over-shadowing arise for neighbouring properties.

The proposed first floor rear extension would project 3m from the rear elevation and be set in 7m from the rear boundary, however would be constructed along the side boundary shared with the attached neighbour. The proposed hipped roof ridge would be set down 1m from the roof ridge of the existing dwelling and the eaves would match the existing eaves.

SPD 9 advises that windows of extensions should be positioned so that they do not directly look into the habitable room windows of neighbouring properties. No windows are proposed along the side elevation facing the attached neighbour and would therefore not introduce the direct overlooking of any neighbouring habitable room windows. Therefore, the extension would not result in an unacceptable loss of privacy for the adjacent neighbour.

The attached neighbour (no. 26 Duchess Crescent East) hosts on its rear elevation patio doors at ground floor serving a kitchen and a first floor bedroom window adjacent to the side boundary shared with no. 28 Duchess Crescent East.

In terms of outlook and over-dominance, it is considered that the proposed first floor extension would create an over-dominant and visually intrusive feature when looking out of the above-mentioned ground and first floor habitable room windows at no. 26 resulting in significant harm to the visual amenities enjoyed by that neighbour.

Although the habitable room patio doors at no. 26 are located close to the side boundary shared with no. 28 where a single storey rear extension is constructed, the occupants benefit from a significant amount of sky factor above the boundary wall at present. As such the proposed first floor rear extension at no. 28 would be massed in very close proximity to this neighbouring property and it would fail to provide a reasonable outlook from this neighbouring property.

An approximate 45-degree line from the centre of the rear ground patio doors and first floor window of no. 26 indicates the first floor extension would impede on this line on plan. Given this the proposed first floor extension is not compliant in this regard under The Building Research Establishment (BRE) guidelines “Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice” (1991) with regard to daylight and sunlight impacts.

The guidance makes clear that to avoid harm caused to an adjacent neighbour an extension should not exceed a line taken at 45-degrees from the centre of the nearest window/s of a habitable room in an adjoining property. In this case the 45-degree line would be broken from the above-mentioned ground and first floor neighbouring windows. It is noted in terms of the ground floor patio doors at No.26 that there is also a smaller window to the south of these which together with those patio doors provides natural light to the kitchen at No.26. However, notwithstanding this, the proposal would still give rise to a significant loss of daylight to that ground floor room as well as the first floor bedroom. Overall it is considered that the proposed extension would result in demonstrable harm in terms of loss of daylight to the adjacent neighbour at no.26 bearing in mind the 2 storey height of the outrigger as extended.

In terms of loss of sunlight/overshadowing, no. 26 is located south of no. 28; therefore it is not considered that significant harm would arise to the amenities of no.26 in this regard.

The other surrounding neighbours are located at a sufficient distance from the applicant property; therefore the development would not result in material harm to the occupiers of those other nearby properties through a loss of outlook or privacy, or through over dominance and or overshadowing.

The applicant was given the opportunity to amend the proposal before a decision was made but has chosen not to do so.

Conclusion

It is therefore considered that the development would be contrary to South Tyneside Local Development Framework Development Management Policy DM1 (B), as well as the guidance set out within the associated Supplementary Planning Document (SPD) 9 'Householder Developments'.

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

Recommendation

Refuse Householder Permission

Refusal Reason

1 The proposed extension by virtue of its siting and scale in close proximity to adjacent habitable room windows in the rear elevation of the neighbouring dwelling at No. 26 Duchess Crescent East would result in significant harm to the amenities enjoyed by the occupiers of that neighbouring dwelling as a result of loss of daylight and visual intrusion arising from the proposed extension. This would be contrary to South Tyneside Local Development Framework (LDF) Policy DM1 and the Council's Supplementary Planning Document 9 – Householder Developments.

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. However, the proposed development is contrary to the policies referred to in the reason(s) for refusal and it has not been possible to reach an agreed solution in this case.

Plan Reference

Drg. No. A2 Rev 02 Proposed Plans - Received 18/08/2023

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 09/11/2023

Authorised Signatory: G.Horsman
Date: 09/11/2023

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