

21 RATHBONE AVENUE MAY BANK
MISS C HORNE

14/00183/FUL

The application is for a rear conservatory measuring 4 metres by 4.9 metres in footprint, and 3.2 metres rising to 3.6 metres in roof ridge height because of changes in ground levels.

The site is within the urban area of Newcastle as defined on the Local Development Framework Proposals Map.

The application has been brought to the Planning Committee because the applicant is an employee of the Council.

The statutory 8 week period for the determination of this application expires on 8 May 2014

RECOMMENDATION

Refuse the application for the following reason:

- 1. The conservatory is harmful to residential amenity levels due to its inappropriate scale and overbearing appearance.**

Reason for Recommendation

Whilst the length of the conservatory has been reduced from the conservatory that was previously refused and dismissed at appeal, it is considered that the living conditions of the occupiers of Nos. 1 and 3 Brampton Road would be unacceptably affected due to the overbearing nature and dominance of the proposed conservatory. As such the reasons that the Planning Inspectorate dismissed the appeal have not been satisfactorily addressed.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Officers have discussed how the conservatory could be amended however the submitted proposal does not overcome the findings of the Inspector in the recent appeal decision. It is therefore considered that the proposals are unsustainable and do not conform with the core planning principles of the NPPF.

Policies and proposals in the approved Development Plan relevant to this decision:

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions

Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 (adopted 2009)

Policy CSP1: Design Quality

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance

Space Around Dwellings (July 2004)
Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (Nov 2010)

Relevant Planning History

Planning permission was refused for the retention of a rear conservatory erected without the benefit of planning permission in 2013, under planning application reference number 13/00354/FUL. An appeal against the decision was dismissed, and an enforcement notice was served to remove the unauthorised development, the terms of which have been complied with by the landowner.

Views of Consultees

None consulted.

Representations

None received.

Applicant's/Agent's Submission

A supporting statement has been provided, the main points of which are summarised as follows:

- The application is a resubmission for a conservatory which has been considerably reduced in size.
- The proposed conservatory is of a scale consistent with the proportion of neighbouring extensions.
- Windows are to be non opening where facing the neighbouring boundary and are also to be obscure glazed to maintain privacy levels. The proposal will improve the outlook of neighbouring properties by being less dominant.
- The proposal has full support of the property owners at No. 1 and 3 Brampton Road who, since the removal of the previous conservatory, have expressed concerns about the open aspect of the boundary and the loss of privacy that has resulted. The proposal addresses this concern and in doing so the negative impact that was referred to at appeal is outweighed.

The application details referred to above are available to view at the Guildhall or using the following link www.newcastle-staffs.gov.uk/planning/21Rathbone

Key Issues

The conservatory is a resubmission following refusal of a retrospective application for a conservatory in 2013 for the following reasons:

1. *The conservatory is harmful to residential amenity levels due to its inappropriate scale and overbearing appearance. The proposal is therefore contrary to the aims*

and objectives of The National Planning Policy Framework paragraph 17 4th bullet point (2012).

2. The design of the extension is harmful to the appearance of the dwelling as the external facing materials are inappropriate for the scale of the extension. The proposal is therefore contrary to the aims and objectives of The National Planning Policy Framework paragraph 9 (2012), Strategic Aim 16 and Policy CSP1 of Newcastle-under-Lyme and Stoke-on-Trent Core Strategy 2006-26, and the advice found in the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010).

An appeal was lodged which was subsequently dismissed. In dismissing the appeal the Inspector concluded that the conservatory would have an unacceptable impact on the living conditions of neighbours. The Inspector did not, however, conclude that its design was harmful to the character and appearance of the area.

The conservatory as currently proposed has been reduced in its overall length by approximately 2 metres from that previously proposed and measures 4 metres by 4.9 metres in footprint and 3.2 metres rising to 3.6 metres in roof ridge height because of changes in ground levels. Its design reflects that of conservatory that was the subject of the appeal and in light of the Inspector's conclusion that in this regard it was acceptable it is considered that it would be unreasonable to now conclude that the design is unacceptable. As such the key issue to address is whether the impact of the proposed conservatory to the living conditions of neighbouring occupiers would be acceptable?

Would the impact to the living conditions of neighbouring occupiers be acceptable?

It is the impact of the conservatory upon the living conditions of the occupants of numbers 1, 3 and 5 Brampton Road that causes the most concern. These neighbouring properties have a lower slab level than the application property and have small rear garden areas.

The proposed conservatory applied for would be built on the back of an existing brick single storey rear extension resulting in an overall projection of 7.2 metres from the original rear elevation of the application property.

Paragraph's 9 and 17 of the NPPF require planning authorities to take decisions that ensure a good standard of amenity for all existing and future occupants is maintained and that proposals provide positive improvements to people's quality of life.

The appeal decision relating to planning application 13/00354/FUL, for a larger conservatory, is a key material consideration in the determination of the current application. Planning permission should only be granted if it can be concluded that the reasons that the appeal was dismissed has been suitably addressed.

The Inspector in the determination of the appeal found that although the development would not materially impact upon neighbouring daylight levels the structure would be overbearing and dominant, not only in relation to the outlook from the rear of No. 1 but also from the rear of Nos. 3 and 5 Brampton Road. This was caused by the close proximity and orientation of the conservatory to the rear elevations of these properties as well as the height and massing of the structure. The Inspector also commented that *"notwithstanding the support that No. 3 Brampton Avenue, No. 17 Rathbone Avenue and others have given to the conservatory through the petition, I conclude that the development has a significant negative impact on the living*

conditions of the occupants of a number of nearby dwellings and that it is therefore contrary to paragraphs 9 and 17 of the National Planning Policy Framework.

The projection of the conservatory along the rear boundary of properties on Brampton Road, as proposed within this application, has been reduced by 2m (from 6m to 4m) as mentioned above. This will result in an improved relationship with No. 5 Brampton Road as the proposed conservatory will extend along only approximately 0.5m of the rear boundary of that property (compared to 2.5m, which was approximately a third of the length of the boundary). The proposed conservatory will, however, extend along the entire rear boundary of No. 3 Brampton Road as previously, and its relationship to No. 1 Brampton Road will be very similar to that of the conservatory that was refused and dismissed at appeal. On that basis it could not be concluded that concerns of the Inspector as the overbearing and dominant impact on Nos. 1 and 3 Brampton Road will have not have been addressed. Had the amended proposal set the conservatory away from the rear boundary of such properties, by a suitable distance, in addition to a reduction in its length then a different conclusion may have been reached.

Background Papers

Planning File
Development Plan
National Planning Policy Framework (2012)

Date report prepared

8 April 2014