

The application is for full planning permission for a two storey side and rear extension.

The property is a two storey, semi-detached dwelling, and is located within the urban area of Newcastle under Lyme as defined on the Local Development Framework Proposals Map.

The application has been referred to the Planning Committee at the request of two councillors in response of concerns of neighbours due to the size of the proposed extensions.

**The statutory 8 week period for the determination of this application expires on 7<sup>th</sup> November 2014.**

### **RECOMMENDATION**

**Refuse for the following reasons:**

- 1. Failure to demonstrate that the proposed extension would not result in the loss of visually significant trees to the detriment of the character and appearance of the area and contrary to Policy N12 of the Local Plan.**
- 2. Failure to demonstrate that sufficient parking provision can be achieved within the site and that the development will not, therefore, create a local on street parking or traffic problem, contrary to Policy T16 of the Newcastle under Lyme Local Plan.**

### **Reasons for Recommendation**

There are visually significant trees in the garden of the adjoining property that are close to the proposed extension and the applicant has failed to demonstrate that the proposed extensions would not result tree loss. The proposal is therefore contrary to Policy N12 of the Newcastle under Lyme Local Plan.

In addition the applicant has failed to demonstrate that 2 parking spaces can be provided on site and as such it appears that significantly less than the maximum standards for car parking provision can be achieved within the site and that the development could create a local on street parking or traffic problem, contrary to Policy T16 of the Newcastle under Lyme Local Plan.

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

As it has not been demonstrated that the development will not result in the loss of trees and can provide adequate parking this is considered to be an unsustainable form of development and so does not comply with the provisions of the National Planning Policy Framework.

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

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026  
(Adopted 2009)

Policy ASP5: Newcastle and Kidsgrove urban neighbourhoods area spatial policy

Policy CSP1: Design Quality

Policy CSP3: Sustainability and Climate Change

Newcastle under Lyme Local Plan 2011

Policy H18: Design of residential extensions, where subject to planning control

Policy T16: Development – general parking requirements

Policy N12: Development and the protection of trees

**Other Material Considerations**

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (2014)

Supplementary Planning Guidance

Supplementary Planning Guidance relating to the control of residential development

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

**Relevant Planning History**

07/00612/FUL          Permitted          24.08.2007          Two storey rear extension and single storey rear extension

**Views of Consultees**

**Landscape Division**, when initially consulted, requested a tree survey and arboricultural impact assessment to British Standards and also, if appropriate and necessary, special engineering or other relevant construction details on the basis that there are trees in the garden of 11 Clare Avenue that are likely to be affected by the proposals. In response to the submitted tree survey and tree survey plan they comment that the information provided is not precise. Tree T3 has been measured and the RPA has been calculated as protruding into the site by 2.7m. The scheme drawing (13.14/011/02) dimensions the proposed building as being 0.75m from the boundary and it seems that the proposed foundations are likely to be within the RPA of the boundary trees. The crowns of the trees would also be very close to the proposed extension walls and there is likely to be issues in relation to shading. The submitted information does not address these issues.

**Representations**

9 separate letters of objection have been received from six different parties, with the key points summarised below:

- Overlooking and loss of privacy to properties to the rear
- Size of extension will restrict natural light entering adjacent properties
- Doubling footprint will reduce surface water absorbed by garden, thus increasing water run off
- The applicant has not consulted with the neighbours
- Out of character with existing properties in surrounding area
- Taking into account the path of the sun, the size of the extension and its position on the boundary, daylight to No. 3 would be materially affected

- The proposed extension would appear visually dominant and overbearing from within 3 Lansdell Avenue and when stood in the garden area to the rear.
- The plans are unclear
- Non compliance with Local Plan Policy H18 due to doubling of footprint meaning not a subordinate extension
- Chamfered corner to ground floor rear extension would not be visually acceptable
- There is insufficient space to park two vehicles to the frontage, and the plan does not show the bay window
- Planning application 07/01049/FUL at 15 Lansdell Avenue was refused for three reasons, one of which was insufficient parking provision resulting from the two storey side extension proposed.
- The plans have not been altered much since originally submitted
- The plans will have a bulky appearance
- The proposals will leave an inadequately sized rear garden
- The property is elevated above the properties to the rear
- Where will the owner's business vehicles be parked (light industrial truck and van) which are currently parked on the street
- Policy T16 appendix 3 of the Local Plan requires minimum size bays of 2.4 metres by 5.5 metres for all light commercial vehicles
- Loss of trees
- The tree survey does not conform to the requirements of BS5837:2012, and the scope of the survey is too limited, with trees that would be affected or could constrain or influence the development have been omitted from the survey
- No tree protection plan has been provided
- There is no evidence in the tree survey that the author is qualified to give advice on the subject of arboriculture
- Neighbouring occupier appointed an independent tree survey who identified several errors in the report, and found that the proposed development would necessitate works within the root protection area of at least 4 trees.

### **Applicant's/Agent's Submission**

A tree survey and the requisite plans and form were submitted by the applicant.

The application details are available to view at the Guildhall or using the following link [www.newcastle-staffs.gov.uk/planning/1300833FUL](http://www.newcastle-staffs.gov.uk/planning/1300833FUL)

### **Key Issues**

Full planning permission is sought for a two storey side extension and a part single storey, part two storey rear extension to a two storey semi-detached dwelling located within the urban area of Newcastle under Lyme, as indicated by the Local Development Framework Proposals Map.

The extension would project 3600mm from the rear elevation at its furthest point, and the single storey element would have a chamfered edge at the point closest with the boundary with 3 Lansdell Avenue, the attached dwelling.

Part of the two storey rear extension would have a flat roof, with the remainder having a hipped and pitched roof that would be set lower than the main ridge height. The two storey side extension would have hipped and flat roof elements. The overall

ridge height of the extension would be set down from the ridge of the existing dwelling. The side extension would be set back from the existing front elevation at first floor. At ground floor it projects forward of the front elevation to create a hallway.

Materials are proposed to match those of the existing dwelling.

The key issues in the determination of the application are:

- The design of the extension
- The impact upon highway safety and car parking
- The impact upon residential amenity
- The impact upon existing trees and hedgerows

#### The design of the extension

Paragraph 56 of the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Policy H18 of the Local Plan relates specifically to the design of residential extensions and considers that the form, size and location of the extension should be subordinate in design to the original dwelling, the materials and design of each extension should fit in with those of the dwelling to be extended and the extension should not detract materially from the character of the original dwelling or from the integrity of the original design of the group of dwellings that form the street scene or setting.

The proposed extension is large, and would wrap around the side and rear of the dwelling at mostly two storeys in height. A small single storey extension is proposed to the rear which would have a chamfered edge, which has been designed this way to avoid conflict with the 45 degree code as set out later in the report under the residential amenity section. The chamfered edge, is not a design solution which is encouraged, however it would not be visible within views from the street scene, and would not have a significant impact on the overall appearance of the dwelling.

Turning to the two storey rear extension, this would not be visible within views from the street scene, and whilst large, it would be stepped down from the main ridge height of the dwelling in order to achieve a subordinate appearance. The flat roof section of the two storey element is not ideal; however it is to the rear of the dwelling and would not be visible within views from the street scene.

The ridge height of the two storey side extension would be stepped down from the main roof height of the dwelling, and would be set back at first floor level. The side extension does include a small, flat roofed element which will be visible from the street scene. Again this is not ideal, however it would appear subordinate to the appearance of the dwelling as extended and it is considered that it would not detract materially from the character of the original dwelling or the street scene.

Overall the extension is considered to be of an appropriate design and appearance, and would accord with Policy H18 of the Local Plan and the aims and objectives of the NPPF.

#### The impact upon highway safety and car parking

The plans indicate that two of the upper floor rooms would be for a study and a box room. The study is considered an acceptable size for a bedroom. The box room is identified on the existing plan as a bedroom. Therefore, whilst the indication is that two of the upper floor rooms would not be used as bedrooms, these two rooms be used in the future as bedroom and as such the application should be assessed as increasing the size of the dwelling from a three bedroom to a five bedroom dwelling.

The maximum car parking standards for a five bedroom dwelling as set out in the Local Plan are 3 off road spaces. It is considered, however, that two off road car parking spaces would be a satisfactory amount of off road parking for this dwelling in this location. Whilst the submitted plans indicate that two parking spaces are to be provided on the frontage of the property based on the information currently available, it is not possible to assess whether this is in fact achievable as the plans do not show the existing front bay window which affects the amount of space available for parking.

A plan has been requested to show how cars will be parked within the site however at this point in time the applicant has failed to demonstrate that any off street parking can be provided. It is considered that on street parking arising from the proposed extension could lead to highway safety concerns and as such it is considered that, in the absence of plans that demonstrate adequate on-site parking, the proposal will conflict with Local Plan policy T16.

#### The impact upon residential amenity

It is important to assess how a proposed development will impact upon residential amenity in terms of loss of light or privacy.

The proposal complies with the 45 degree code with regards to loss of light, as set out in the Council's SPG when measured from the nearest principal window of the attached dwelling, 3 Lansdell Avenue. In terms of the impact of the extension on the occupiers of No. 3, the two storey part of the extension closest to the boundary would project 1800mm from the original rear wall, and it is considered that this would not have an overbearing impact on the adjoining occupiers.

Turning to the impact on 11 Clare Avenue, the extension would be approximately 12.75 metres from the windows on the rear elevation of 11 Clare Avenue. The SPG sets out an advised distance of 13.5 metres from principal windows facing onto a wall of a two storey dwelling with no principal windows. The distance achieved falls short of the advised distance by just over 1 metre, which on balance is considered acceptable when taking into consideration that there are intervening trees and the proposed extension would be to the north west of 11 Clare Avenue, therefore not likely to cause any significant shading issues to principal windows.

The distance between the proposed principal windows on the rear elevation and the dwellings to the rear on Croft Avenue would be around 38 metres, which greatly exceeds the advised separation distance in the SPG which seeks 21 metres between facing principal windows. The required distance increases by 3 metres for each additional storey, therefore taking into account the change in land levels, the 38 metre separation distance is still considered to exceed the requirements of the SPG.

In terms of the amount of garden remaining should the development be permitted, there is an outbuilding in the south east corner of the rear garden, however the size of the remaining rear garden would exceed 65 square metres, which is the minimum standard advised for dwellings with three or more bedrooms.

Overall, the proposed development is considered acceptable in terms of its impact upon residential amenity, and is considered to comply with the requirements of the SPG.

#### The impact upon existing trees and hedgerows

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design.

There are existing trees within the garden area of the neighbouring property which contribute to the visual appearance of the area and which would be very close to the proposed extension. The Landscape Division have commented that the tree survey submitted is not precise, and that in reality the extension is likely to be within the root protection areas of some of the trees within the neighbouring property.

The agent has been contacted with a request to provide a more precise tree survey, however at the time of writing this report this had not been submitted for consideration. It has therefore not been demonstrated that the extension would not result in the loss of visually significant trees contrary to Local Plan policy N12 and it is considered that gives grounds to refuse the application.

#### Background Papers

Planning File

Development Plan

National Planning Policy Framework (2012)

#### Date report prepared

10<sup>th</sup> October 2014