

**31 KINNERSLEY AVENUE, KIDSGROVE**  
**MR IAN CLIFF**

**13/00914/FUL**

**The application** is for full planning permission for alterations to the roof of front garage and erection of car port together with an increase in height of rear garage and new pitched roof at Kinnersley Avenue, Kidsgrove.

The site lies within the urban area as defined on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors for the following reasons:

- There will be an adverse effect on the residential amenity of neighbours, by reason of overlooking, loss of privacy and overshadowing of other properties.
- There is an unacceptably high density / overdevelopment of the site, especially if it involves loss of garden land.
- The proposed development is over-bearing, out-of-scale and out of character in terms of its appearance compared with existing development in the vicinity.

This matter was taken to the Planning Committee on 2<sup>nd</sup> January 2014 but was deferred to allow for appropriate publicity for additional drawings of the rear garage.

**The 8 week period for the determination of this application will expired on the 15<sup>th</sup> January 2014.**

#### **RECOMMENDATION**

**Permit subject to conditions relating to the following matters:-**

- 1. Standard Time limit**
- 2. Approved plans/drawings/documents**
- 3. Materials used to match those of the existing buildings.**

#### **Reason for Recommendation**

Subject to conditions, it is not considered that there would be any significant adverse impact on visual amenity or residential amenity. The proposal accords with Policy CSP1 of Newcastle under Lyme and Stoke on Trent Core Strategy 2006-26 and H18 of the Newcastle-under-Lyme Local Plan 2011, and the aims and objectives of the National Planning Policy Framework 2012.

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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

#### **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)**

Strategic Aim 16: To eliminate poor quality development;  
Policy CSP1: Design Quality.

#### **Other Material Considerations**

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012).

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

**Relevant Planning History**

12/00778/FUL REFUSE 24.4.2013 Erection of ground floor rear extension, front entrance porch, and carport.

A subsequent appeal against this decision was dismissed.

13/00635/FUL REFUSE 12.11.2013 Erection of ground floor rear extension, front entrance porch carport and pitched roof to existing garage.

An application for a Certificate of Lawfulness, for a proposed development single storey front and rear extensions, has been submitted and is currently awaiting determination.

**Views of Consultees**

**Kidsgrove Town Council.**

The Town Council notes that reports have been received that the proposed carport will affect the neighbouring property and be overbearing. There are also fears that it may be used for business use in the future'.

**Representations**

One letter of representation has been received from two neighbours.

The neighbours' concern is with the proposal to increase the height of the rear garage on the site and to put a pitched roof upon it. On the assumption that such a proposal has previously been dismissed on appeal they question this element and express concern about the garage's size which they consider to be overpowering and likely to lead to loss of natural daylight due to the orientation of their properties towards it.

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

None.

**Key Issues**

The application is a resubmission following the refusal of planning applications 12/00778/FUL and 13/00635/FUL both of which were for the erection of ground floor rear extension, front entrance porch and carport. Application 13/00635/FUL also included the addition of a pitched roof to existing garage, an element that was initially included in application reference 12/00778/FUL but was withdrawn. The reason for refusal in both cases related to the unacceptable loss of residential amenity due to loss of light to the window of the adjoining dwelling and the overbearing impact on the outlook from that property that would arise from the ground floor rear extension.

The current application is for full planning permission for the erection a carport together with a pitched roof to the detached garage at the bottom of the garden, identical to that which was included in

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application reference 13/00635/FUL. The ground floor rear extension and front entrance porch which were included in 12/00778/FUL and 13/00635/FUL have not been applied for in this application.

The main issues for consideration in the determination of this application are visual amenity and residential amenity (although it should be noted that these elements were not referred to in the refusal of planning application reference 13/00635/FUL and as such were considered acceptable).

### Visual Amenity

The National Planning Policy Framework Section 7 requires good design; it is a key aspect of sustainable development, indivisible from good planning (para 56) and permission should be refused for development of poor design (para 64).

Policy H18 requires residential extensions to be of materials and a design to fit in with those of the dwelling to be extended and not to detract materially from the character of the original dwelling or the integrity of the original design of the group of dwellings that form the street

The proposed car port is again a flat roofed construction extending from the side of the house across the gap to the detached side garage and is considered acceptable in appearance.

The pitched roof on the detached garage or workshop at the bottom is a double pitch roof with front and rear gables. Walls would be raised from 2.4 to 3 m high, but the proposed overall height of the building has been reduced to 4 metres. The proposal is a 'standard design' for a detached garage and acceptable.

The development will not increase the footprint of the buildings on the site and only marginally increase the built volume so it will not materially increase the density of the development at, or produce overdevelopment of, the site. There is no loss of garden land, for although the area between the front garage and house will be given to car port it is presently used as a standing area. Sufficient amenity space will remain to meet the guidance set out in the 'Space around Dwellings' SPD.

### Residential Amenity

The National Planning Policy Framework paragraph 9 states that pursuing sustainable development involves seeking positive improvements in people's quality of life, including improving the conditions in which people live work, travel and take leisure. Paragraph 17 states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. The impact on the amenity of surrounding residents has to be taken into considered.

The application is on the far side of the house to the attached property (33) the impact upon which led the refusal of 12/00778/FUL and 13/00635/FUL and dismissal of appeal on the first application; and the element which led to that unacceptable impact has not been applied for in this application so it will not impact directly upon it now. The proposal meets the guidance set out in 'Space Around Dwellings'. As well as not contravening the SPG guidance and taking into account that the extension is sited to the north of the neighbouring dwelling so will not produce overshadowing, it is considered that the proposal would not result in a loss of daylight to the extent that could justify a refusal of planning permission. There being no change in levels or introduction of new windows, no overlooking or loss of privacy will be produced.

The car-port will be set between the existing side garage and the house so it will not impact on neighbours. Insofar as the rear garage is concerned, this element was not part of the proposal which was found unacceptable on appeal.

As it does not contravene the guidance set out in 'Space Around Dwellings' it is considered that the proposal would not result in a loss of daylight to the extent that could justify a refusal of planning permission

The fears of business use have been previously expressed and are known to your officers, there is no evidence that such use is envisaged.

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**Background Papers**

Planning file  
Planning documents referred to

**Date report prepared**

13<sup>th</sup> January 2013