

The application seeks planning permission for the construction of a single storey outbuilding to replace an existing garage and to be used as a gym, study room and bathroom.

The application site is located within the Urban Area of Newcastle as indicated on the Local Development Framework Proposals Map.

The application has been called in to Committee by two Councillors due to residents' concerns about the following;

- Effect on the street scene in Monaco Place and Gallows Tree Lane
- Overbearing impact on the neighbouring property
- Use of building.

The statutory 8 week determination period for the application expired on the 2nd January 2018.

RECOMMENDATION

PERMIT subject to the following conditions;

- 1. Time limit**
- 2. Approved plans**
- 3. Prior approval of materials**
- 4. The building shall be used for purposes incidental to the enjoyment of the main dwelling house and shall at no time be converted to additional bedroom accommodation without the prior approval of the Local Planning Authority.**

Reason for recommendation

The proposed building is considered to be appropriate in size and appearance and would not have a harmful impact to the character and appearance of the area. As such the reason for refusal of planning permission 16/00979/FUL has been addressed. In addition, subject to conditions ensuring that it remains in use for purposes incidental to the enjoyment of the main house and is not converted to additional bedrooms the proposed building will not result in concerns regarding residential amenity and highway safety due to inadequate parking.

Statement as to how the Local Planning Authority has worked 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.

KEY ISSUES

The application is for planning permission for the erection of single storey brick outbuilding to replace an existing garage. It follows an application for an outbuilding which was refused in early 2017 (reference 16/00979/FUL) for the following reason:

The proposed outbuilding by virtue of its inappropriate size and appearance would result in a harmful impact to the character and appearance of the area including public views from Monaco Place. The proposal would therefore be contrary to the requirements and guidance of the National Planning Policy Framework (2012), Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy (2006-2026) and the advice found in the adopted Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (2010).

The current proposal, as was previously the case, involves the removal of a garage which is accessed from the rear off Monaco Place. In refusing the previous application it was not concluded that highway safety issues would arise so as to justify refusal on that ground. As with the previous application it remains that no additional bedrooms are proposed, therefore there is no change in parking requirements at the premises, and adequate on-site parking remains for the occupiers of the dwelling. As such highway safety is not an issue that requires any further consideration.

The key issues to address are therefore as follows;

- Design of the proposal and impact upon the streetscene and wider character of the area
- Whether the proposed development would adversely affect the residential amenity of neighbouring dwellings

Design and Impact upon Character of the Area

Policy CSP1 of the Core Spatial Strategy outlines how the design of new development is assessed which includes amongst other requirements the need to promote and respect the areas character and identity.

Paragraph 56 of the National Planning Policy Framework (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.

As indicated above the existing garage is located to the rear of the existing dwelling and given that it has a flat roof its design does not reflect the design of the pitched roof bungalows on Monaco Place, which form the context of application site. In addition its design does not reflect that of the dwelling it is associated with or the others within Gallows Tree Lane, which are two semi-detached properties.

The previously refused building was 'L' shaped in form measuring a total of 11.4m in length and 7.6m in width. As proposed it spanned almost the total width of the garden and was of a scale that was considered to be inappropriate compared to the main dwelling house given that its footprint was larger than the dwelling. As that building would be viewable from Monaco Place it was considered that it would be harmful to the character of the area due to its size and massing in relation to other properties. The conclusion reached was that the proposal would appear strident and as such failed to comply with relevant design policies in the Local Plan and the Framework.

The proposed building is to be constructed in brick with a pitched, tiled roof to match the existing dwelling and as such it is of a design which is more in keeping with that of the existing house. It is considerably smaller than the building that was refused in the previous application measuring 8.6m by 5m in length and width, 2.6m to the eaves and 3.8m to ridge. Its scale and massing is therefore comparable to a large single garage although still larger than the existing building (which measures 7.2m by 3.15m, and a maximum height of 2.6m).

Whilst the building will still be visible from Monaco Place its design, scale and massing is considered to be appropriate in this context, in keeping with the scale of other garage buildings at the rear of Gallows Tree Lane properties accessed from Monaco Place and acceptable in its appearance. The reason for refusal of the previous application has therefore, it is considered, been addressed.

Impact upon Residential Amenity

The Framework states within paragraph 9 states that pursuing sustainable development involves seeking positive improvements in peoples quality of life, including improving the conditions in which people live, work, travel and take leisure. The impact upon the amenity of surrounding residents has to be taken into consideration. Paragraph 17 sets a core planning principle that planning should seek to secure a good stand of amenity for all existing and future occupants of land and buildings.

Supplementary Planning Guidance (SPG) Space Around Dwellings provides guidance on development including the need for privacy, daylight standards, and environmental considerations.

In consideration of this issue it should be noted that the previous building, which was larger and was to be used as a games room, was not refused on grounds that it would adversely affect residential amenity by virtue of loss of light, loss of privacy, overbearing impact or noise.

The current building is considerably smaller than the building previously refused and as it is to be used for similar purposes it could not be argued that this building would give rise to an unacceptable impact on residential amenity when the previous building was considered to be acceptable in this regard. Notwithstanding this, the issue will be addressed in more detail below.

The SPG indicates that where new buildings are to be sited close to the principal windows of existing properties they should be designed so that there is no obstruction to daylight beyond a 45° angle measured horizontally and vertically from the mid point of the nearest principal window. The proposed would intercept the 45° line when measured horizontally from nearest principal window of the adjoining property but not when measured vertically. As such the proposal is not in conflict with this guidance and would not unacceptably affect the level of light or have an overbearing impact on the occupiers of the adjoining dwelling. Whilst there are side facing windows within the proposed building they are not principal windows and any overlooking of adjoining properties would be prevented by boundary treatments.

Concern has been expressed that the gym room will attract additional students to the property over and above those that currently occupy the existing house resulting in additional noise. The building has a limited floorspace, however, and in light of that it could not be demonstrated that it would generate activity beyond that of a normal student house of this size or that the level of noise would be unacceptable. A condition can be imposed, for the avoidance of doubt, to clarify that the building is to be used for purposes incidental to the main house only.

In addition it has been suggested that the building could be converted to additional bedrooms or, possibly, an independent dwelling. Planning permission would be required if the building was to be converted to a separate dwelling, however no permission is required if, in future, it was used as additional bedrooms in association with the occupation of the main house. A condition can be imposed, however, to prevent this happening without planning permission and such a condition is considered to be reasonable and appropriate to ensure that proper consideration can be given to the issues arising from additional bedrooms which would include amenity and parking.

Overall the development is considered to be acceptable in respect of residential amenity.

APPENDIX

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

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

ASP5: Newcastle and Kidsgrove Urban Areas

CSP1: Design Quality

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

T16: Development – General parking requirements

N12: Development and the Protection of Trees

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2012\)](#)

[Planning Practice Guidance \(PPG\) \(2014\)](#)

[Supplementary Planning Guidance/Documents](#)

[Space Around Dwellings SPG \(SAD\) \(July 2004\)](#)

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

Relevant Planning History

16/00979/FUL Demolish existing garage and construct a games room

Refused 2017

Views of Consultees

None consultations undertaken

Representations

11 letters of objection have been received including a letter from a Ward Councillor (Cllr Wing) raising the following concerns:-

- Overdevelopment of this site
- Harmful to the street scene
- Traffic in the area could increase as a result of the development particularly if the building is used to provide more student accommodation.
- The structure could be used as a dwelling in the future if it were to be built.
- Noise and disruption from the development.
- The proposal if permitted could set precedent for further harmful development.
- There are existing problems at the premise due to the burning of rubbish.
- The proposed building will obstruct light and result in the loss of privacy.

Applicant/agent's submission

The application documents are available for inspection at the Guildhall and via the following link
<http://publicaccess.newcastle-staffs.gov.uk/online-applications/plan/17/00886/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

23rd January 2018