4 SUTHERLAND DRIVE
MR RAFIQ SHEIKH **19/00610/FUL**

The application is for a replacement dwelling at No. 4 Sutherland Drive.

The dwelling is located within the urban area of the Borough, as identified by the Local Development Proposal Framework Map.

The application has been called in to the Planning Committee for determination, by two Councillors, due to resident concerns about the scale of the proposed development and its impact on neighbouring properties.

The statutory 8 week period for the determination of this application expires on the 2nd October 2019, however the applicant has agreed an extension of time until the 11th October.

RECOMMENDATION

PERMIT subject to conditions relating to the following:

i. **Time limit**
ii. **Development to be carried out in accordance with the approved plans**
iii. **Approval of materials, boundary treatments and surfacing materials.**
iv. **Parking, turning and access arrangements to be provided prior to occupation.**
v. **Internal and external noise levels.**
vi. **Hours of construction**
vii. **Electric vehicle charging point**
viii. **Tree protection**

Reason for Recommendation

The proposed replacement dwelling is considered to be acceptable in principle. It would represent an appropriate addition within the Sutherland Drive street scene and would not have any adverse impact on the character or appearance of the surrounding area. There would be no adverse impact on trees, no significant detrimental impact on the residential amenity of neighbouring properties and the parking arrangements are acceptable. Therefore it is considered that the development would comply with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2016, Policy T16 of the Newcastle-under-Lyme Local Plan and the provisions of the Council's Space Around Dwellings SPD, together with the guidance and requirements of the National Planning Policy Framework 2019.

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 complies with the provisions of the National Planning Policy Framework.

Key Issues

Full planning permission is sought for a replacement dwelling at No. 4 Sutherland Drive. The application site is located within the urban area of the Borough, as identified by the Local Development

In principle there are no planning policy objections to a replacement dwelling in this location as proposed. As such the key issues to consider in the determination of the application are as follows;

- Design and the impact upon the character and appearance of the area

- The impact on residential amenity
- The impact on parking and highway safety
- The impact on trees

Design and impact upon the character of the area and street scene

Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Furthermore, paragraph 127 of the Framework lists 6 criterion, a) – f) with which planning policies and decisions should accord and details, amongst other things, that developments should be visually attractive and sympathetic to local character and history, including the surrounding built environment and landscape setting while not preventing or discouraging appropriate innovation or change. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Policy CSP1 of the Core Spatial Strategy seeks to ensure that new development is well designed to respect the character, identity and context of Newcastle's unique townscape and landscape including its rural setting and the settlement pattern created by the hierarchy of centres. Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document provides further detailed guidance on design matters in tandem with CSP1.

Policy R3 of the Urban Design Supplementary Planning Document (SPD) states that new housing must relate well to its surroundings, it should not ignore the existing environment but should respond to and enhance it, exploiting site characteristics. Policy R5 goes on to state that "buildings must define the street space with a coherent building line that relates to existing building lines where they form a positive characteristic of the area [and] infill development should generally follow the existing building line". R12 states that residential development should be designed to contribute towards improving the character and quality of the area.

Sutherland Drive is host to a large variety of dwelling types, of varying scale and design all of which contributes to the character of the area.

The replacement dwelling would appear significantly different to the existing dwelling in both its scale and overall design. It would feature a double bay frontage with a deep hipped roof with a series of small box dormers across the roof slopes to serve the rooms within the roof space.

Revised drawings have been received during the course of the application following the applicant's consideration of comments from neighbouring properties. This has seen the overall height of the dwelling reduced from 9.7m to 9.4m, and would now sit in line with the roof height of the adjacent dwelling at No. 2 and approximately 0.6m above the neighbouring semi-detached property at No. 6. The depth of the dwelling has also been reduced by 1m in the revised proposals.

The front elevation of the dwelling would maintain the prominent building line along this side of Sutherland Drive, and whilst the height of the dwelling would increase it would not fundamentally disrupt the roofscape between the properties along this side of Sutherland Drive sitting at similar height to the property at No. 2, and slightly higher than the other adjacent neighbour. When read from the street scene, this difference in height is not considered to have a harmful impact on the visual amenities of the area, particularly given the variety of design apparent within the locality.

As discussed, the replacement dwelling is significantly larger than the original and the majority of the additional massing comes from the increased height and depth of the dwelling.

The application site benefits from being a spacious plot, as is the case with other properties within the immediate locality and as a result there would be a distance of 1.6m between the side elevations of the dwelling and the site boundaries towards the front of the property, with a distance of 1.9m to 2.8m towards the rear. Therefore despite the increase in scale it is not considered that the proposal would represent overdevelopment of the site, and would not appear cramped within the confines of the site.

The application documents stipulate that the facing materials would comprise traditional brick and tile, and so subject to a condition to secure the precise specifications, the proposed materials are considered to be acceptable and despite the alterations in overall design, would still associate well with the predominant appearance of the surrounding properties.

As initially submitted the proposal involved the removal all vegetation from the front of the property in favour of parking, with no space allowed for any meaningful landscaping which, as stated by the Landscape Development Section, would be detrimental to the frontage and not in character with the majority of Sutherland Drive. This concern has been addressed through the submission of amended plans which show a reduction from six parking spaces on the site frontage to four and provision of areas where planting can take place

Therefore whilst a deviation from the form and appearance of the existing property, it is not considered that the dwelling would appear out of character with the wider locality and would not have a detrimental impact on the visual amenities of the area to such an extent that would warrant the refusal of the application. The application is therefore considered to accord with Policy CSP1 of the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy as well as the provisions of the NPPF.

Impact upon residential amenity:

Criterion f) within Paragraph 127 of the National Planning Policy Framework states that development should create places that are safe, with a high standard if amenity for existing and future users.

SPG (Space Around Dwellings) provides guidance on privacy, daylight standards and environmental considerations.

The replacement dwelling would result in additional massing being created that would extend beyond the existing rear building line of the neighbouring dwellings to the east and west of the application site.

The neighbouring dwelling of No. 6 Sutherland Drive comprises a semi-detached dwelling which has two principal windows on the rear elevation serving the kitchen/dining room of the property. It is noted that there is a further window sited on the side elevation of the property however this is obscure glazed and so is not considered to be a principal window in accordance with the Council's Space Around Dwelling SPD. Therefore the primary source of outlook and light to this principal room are the rear facing windows which achieve views out across the garden. When taking a horizontal 45 degree line of sight from the window closest to the boundary with No. 4, the proposed replacement dwelling does not breach this.

The neighbour to the west (No. 2 Sutherland Drive) has a large window serving an open plan kitchen dining area; however this room is also served by large bi-fold doors along the rear of the property. Therefore this window is not the only source of outlook to the kitchen/dining room of No. 2. Again when taking a 45 degree line of sight from this window, there would be no horizontal breach and so in respect of both neighbouring properties there would be no breach of Space Around Dwellings guidance from rear facing principal windows.

Objections have been received noting the overbearing impact of the development and its encroachment on the residential amenity of neighbouring properties. It is noted that a mock-up showing the projection of the replacement dwelling to the rear has been included within the received representations, however it is not known whether this has been drawn to scale and so no comment will be made in relation to this particular sketch.

In considering the representations received from neighbouring properties, the applicant has provided amended proposals, as discussed in the previous section of this report. This has resulted in the height and depth of the dwelling being reduced.

The replacement dwelling would now extend beyond the existing rear building line of No. 6 by 3.6m with a maximum height of 9m, where originally this would have been 4.3m. When viewed from No. 2 Sutherland Drive, there would be 3m of the dwelling projecting beyond the rear building line (previously 3.9m prior to amendments), with a single storey element projecting a further 2.9m.

Whilst it is accepted that the replacement dwelling would extend beyond the established rear building line of the properties, this alone does not amount to a reason for refusal of the application. As outlined above, the dwelling would not be in breach of any of the Council's Space Around Dwellings guidance and the application site together with the neighbouring properties all benefit from spacious rear gardens. Therefore despite the increase in massing towards the rear, given the separation distances between the properties and the spacious private rear garden areas, it is not considered that the proposed development would have a significant overbearing impact on the residential amenity of neighbouring properties to such an extent that would justify a refusal of the application.

Also given the orientation of the properties the development would result in some overshadowing/loss of light to the kitchen windows of the neighbouring properties, with that at No. 6 affected during the later stages of the day, whilst No. 2 would receive some additional overshadowing from early morning through to around mid-morning. However as established above, these rooms are served by more than one principal window, and so the extent of overshadowing from the proposed extension is not considered to have a severe impact on the residential amenity of the occupants to such an extent to warrant refusal of the application. Whilst reference is made within the representations to a right to light, this is not a material planning consideration and is instead a legal consideration between any affected parties.

A representation received also shows a section plan from a side facing window on No. 6 Sutherland Drive and a loss of light as a result of the development. As mentioned earlier this window is obscure gazed, and non-principal and it is not considered that the development would have an adverse impact on the outlook achieved from this window that would justify the refusal of planning permission.

Therefore in light of the above the development is not considered to have a detrimental impact on the residential amenity of neighbouring properties and as such is considered to be acceptable.

Impact on parking and highway safety

Paragraph 109 of the Framework details that development should only be refused on highways grounds if there would be an unactable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Whilst not entirely consistent with the Framework in that is seeks to apply maximum parking standards, the parking standards identified within Saved Policy T16 of the Local Plan state that for a dwelling of four or more bedrooms, three off street parking spaces should be provided.

Representations have been received from neighbouring properties raising concerns in relation to the number of parking spaces provided and potential increase in vehicles.

As the proposed dwelling would have 5 bedrooms, the maximum parking standards in the Local Plan require 3 parking spaces within the curtilage of the site. It should also be noted that as the existing dwelling has 4 bedrooms, the proposed development would not actually increase the number of parking spaces required to be provided.

The Highway Authority has requested additional information regarding parking and access. In response, a revised plan has been submitted showing the provision of 4 parking spaces and the removal of the proposed gate on the access. The views of the Highway Authority have been sought and will be reported to Members in a supplementary report but it is not anticipated that any objections will be raised. The development would provide a sufficient number of parking spaces and the development is not considered to raise any adverse parking or highway safety issues.

The impact on trees

Saved Policy N12 of the Local Plan indicates 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 trees within and adjoining the site and the Landscape Development Section (LDS) has requested an Arboricultural Impact Assessment (AIA). The AIA is to be submitted shortly and it is anticipated that the comments of the LDS will be received prior to the meeting of the Planning Committee. A further report will be given on this aspect.

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

Policy SP1:	Spatial Principles of Targeted Regeneration
Policy SP3:	Spatial Principles of Movement and Access
Policy ASP5:	Newcastle and Kidsgrove Urban Neighbourhoods Area
Policy CSP1:	Design Quality
Policy CSP3:	Sustainability and Climate Change

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1:	Residential Development: Sustainable Location and Protection of the Countryside
Policy T16:	Development – General Parking Requirements
Policy N12:	Development and the Protection of Trees

Other material considerations include:

National Planning Policy Framework (February 2019)

Planning Practice Guidance (March 2014, as updated)

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

None considered relevant to this application

View of Consultees

The **Highway Authority** considers that there is insufficient information to determine the proposal from a highway safety perspective. Additional information is required as detailed below:

- Dimensions of the parking spaces
- A swept path analysis for a vehicle to access and egress the proposed 6 parking spaces.
- Details of the proposed gates.
- The form indicates that there are no alterations to the site access proposed however the Site Layout Plan details a widened site access of 6m and alterations to the existing vehicle access crossing.

The **Landscape Development Section** indicates that there are trees growing both within the property and in adjacent properties that could be affected by the proposals. Before they can comment an Arboricultural Impact Assessment should be provided. The proposal to remove all vegetation from the front of the property in favour of parking, with no space allowed for any meaningful landscaping, would be detrimental to the frontage and not in character with the majority of Sutherland Drive.

The **Environmental Health Division** raise no objections to the development subject to conditions to secure appropriate internal and external noise levels, the provision of electric vehicle charge points and a restriction on the hours of construction.

Representations

Two representations have been received objecting to the proposed development with their comments summarised as follows;

- Development represents a disproportionate addition and is not subordinate in design to the original dwelling.
- Development appears imposing when viewed from neighbouring properties
- Increase in vehicles would have a significant impact on highway safety
- Loss of sunlight and impedes on neighbours right to light
- Overbearing and detrimental impact on residential amenity

Applicant/Agent's submission

All of the application documents submitted for consideration can be viewed using the following link;
https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/00610/FUL

Background Papers

Planning File
Development Plan

Date report prepared

26th September 2019