

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
8th October 2019

Agenda Item 7

Application Ref. 19/00610/FUL

4 Sutherland Drive, Newcastle-under-Lyme.

Since the publication of the main agenda report the applicant has submitted a Tree Survey, Tree Protection Plan and further revised Site Layout plan.

The revised site layout adjusts the position of the four parking spaces proposed as well as showing areas for soft landscaping and planting a new front boundary wall and the gated access removed.

Following submission of these revised details the comments of the **Landscape Development Section** have been received which raise no objections to the proposed development subject to conditions to allow appropriate landscaping to be incorporated into the frontage.

Comments from the **Highway Authority** have also been received raising no objection to the amended site layout subject to conditions to secure the parking and turning areas prior to occupation, details of surfacing materials and drainage, the restriction of gates on the access drive and the submission of a Construction Management Plan.

Two further representations have also been received from a neighbouring property since the publication of the main agenda report. The comments are summarised as follows;

- Increase in the scale of the dwelling is unacceptable and not justified against planning policy
- The submitted plans are misleading in relation to the loft plan with reference to future alterations leading to an increase in vehicles numbers at the application site
- Impact on character of Sutherland Drive and well-being of its residents
- Submission of photo montage showing proposed development
- Impact on daylight and right to light

Officers Comments

Subject to conditions to secure an appropriate landscaping scheme, the latest site layout plan is considered to be acceptable and certainly an improvement over the previous site layout which was dominated by hard surfacing and car parking.

The submitted tree survey has also demonstrated that the trees within and adjacent to the application site can be successfully retained and protected, subject to conditions to secure these protection measures during the construction period of the development. The development is considered to be in accordance with Policy N12 of the Local Plan and therefore acceptable.

The representation received makes reference to a policy from the local plan in relation to replacement building quoting; "as long as it does not result in

disproportionate additions over and above the size of the original dwelling. Where replacement is proposed, the dwelling must not be materially larger than the dwelling it replaces, and the applicant must demonstrate that replacement rather than alteration is justified". This is taken from Saved Policy S3 of the Local Plan which refer to development in the Green Belt and consideration as to whether the development is materially larger is not required in this case. Issues in relation to appropriate design and its impact on the character and appearance of the area have been addressed in the main agenda report. Your officer maintains that the design, form and scale of the development are appropriate and in accordance with local and national policy.

Whilst concerns have been raised in relation to the use of the roof space of the proposed dwelling, the application plans detail that there would be rooms within the roof space, effectively acting as a third floor to the property. There is no objection to the provision of rooms within the roof space of the dwelling. Whilst in the future the use of these rooms may change, planning legislation cannot restrict internal alterations within the dwelling and so it would be unreasonable to refuse the application on the basis that future alterations may increase the number of bedrooms.

Reference has again been made to a photo montage showing the projection of the development beyond the rear elevation of neighbouring properties with an additional Montage provided taken from the side elevation of No. 6. The main agenda report referenced that as no scale or measurements were provided, the accuracy of these photos could not be guaranteed. Further submissions have noted that these drawings have been provided by a RIBA architect and are an accurate representation of the development and there is no basis upon which this could be disputed. Regardless of the accuracy of these drawing, the application should not be determined on these images alone, but consideration must be given to the implications of the scale and siting of the proposed dwelling on residential amenity, where the view in the image is taken and any associated harm on neighbouring properties. This was explored in depth in the main agenda report.

The view shown in the montage is taken from the rear patio area of No. 8 Sutherland Drive, just beyond the dividing fence line between No's 6 and 8, looking in a westerly direction towards the development site. This view would only be experienced from a relatively small area of private amenity space from the neighbouring properties and as these neighbouring dwellings all benefit from substantial private rear gardens, it is not considered that the proposed development would result in a significant overbearing impact on the amenity of neighbouring residents to such an extent that would warrant refusal of the application.

Furthermore these views are not what would be seen from the rear facing principal rooms of the adjacent properties. These windows would achieve their source of outlook down the spacious rear garden, with views of the dwelling limited from these window. As addressed in the main agenda report, the development would not breach the guidance provided within the Councils Space Around Dwellings SPD when considering the rear principal kitchen/dining windows of No. 6, and being approximately 18m from the rear elevation of No. 8, the scale and siting of the development is also not considered to have a significant impact on the residential amenity of this property.

The representations also make reference to a loss of light from the windows in the adjacent property of No. 6. They refer to the impact on the downstairs toilet, lobby, defined within the Councils Space Around Dwelling Guidance, therefore any

implications in relation to light and outlook are not considered to amount to a detrimental impact on residential amenity.

Reference is also made to the occupants Right to Light. The right to light is acquired under the Prescription Act 1982 and so is covered by common law. Conflicts with this would be a civil matter between relevant parties and not a material planning consideration. The impact of a development on daylight and sunlight is a material planning consideration however. As outlined in the main agenda report, taking into account the view from principal windows along a 45 degree line of sight and the orientation of the development in relation to neighbouring properties, it is not considered that the development would have a severe detrimental impact on the amenity of neighbouring properties that would justify the refusal of the application.

The RECOMMENDATION remains as set out in the main agenda report but is amended to include additional conditions relating to landscaping and parking/highway safety;

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. Access surfacing materials and drainage**
- vi. Access to remain ungated**
- vii. Construction Management Plan**
- viii. Internal and external noise levels.**
- ix. Hours of construction**
- x. Electric vehicle charging point**
- xi. Tree protection**
- xii. Landscaping Scheme**