

26 REPTON DRIVE, NEWCASTLE
MR TREVOR BEARD. 12/00354/FUL

The Application is for full planning permission for a two storey rear extension and an increase in height to the roof ridge to facilitate a loft conversion involving a rear dormer window and velux windows to the front, sides and rear.

The property is a detached bungalow in a suburban residential area of Newcastle, as indicated on the Local Development Framework Proposals Map.

The application is a resubmission following a recent approval for a similar development (app no. 11/00306/FUL). Works to implement that permission have started on site.

The application has been called in by two councillors following concerns expressed by neighbours.

The 8 week statutory determination period expires on 20 September 2012.

RECOMMENDATION

Permit with the following conditions:-

- (i) **Standard time limit.**
- (ii) **Approved plans.**
- (iii) **Materials to match existing unless specified.**
- (iv) **Restriction of first floor windows and velux windows to obscure glazing and top hinged or non opening.**
- (v) **Submission and approval of parking layout within one month of decision.**

Reason for Recommendation

The size and appearance of the extensions as permitted in the previous planning permission 11/00306/FUL were considered to be acceptable as they would not significantly harm the integrity of the original design of the group of dwellings that form the street scene or the visual amenity in general. The proposed extensions, whilst larger than that approved, would also have an acceptable design and appearance that would not be harmful to the street scene or the visual amenity in general. Taking into account the position of the development, its scale and the inclusion of relevant conditions, it would not result in harm to neighbouring residential amenity levels in terms of visual intrusion, overlooking or loss of light.

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

West Midlands Regional Spatial Strategy 2008

Policy QE3: Creating a high quality built environment for all

Staffordshire and Stoke on Trent Structure Plan 2011

Policy D1: Sustainable Development

Policy D2: The Design and Environmental Quality of Development

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

Policy CSP1 Design Quality

Newcastle Under Lyme Local Plan 2011

Policy H18: Design of Residential Extensions, where subject to planning control

Other Material Considerations

National Planning Policy Framework (NPPF) (March 2012)

Supplementary Planning Guidance

Space Around Dwellings (July 2004)

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

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

The Secretary of State's Announcement of His Intention to Abolish RSS

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

Relevant Planning History

2011 11/00306/FUL Two storey rear extension with increase in the height of roof ridge to facilitate loft conversion with dormer window to the rear and velux windows - permit

Representations

11 letters of representation have been received from 9 objectors. These raise the following objections:

- The height of the proposal would not be in keeping with the existing street scene.
- Proposed rear dormer windows and balcony would result in a loss of privacy to neighbours.
- On street car parking would be caused due to the size of the proposed property which would cause major highway concerns.
- The driveway cannot accommodate 5 cars.
- Loss of privacy to neighbouring gardens.
- The proposal would set an unwelcome precedent.
- The proposals represent over development of the property.
- The submitted information is incorrect and there are no measurements on the plans.
- The applicant has been carried out unauthorised work.
- The additional extension is un-neighbourly and would over shadow rear garden and internal eating areas.
- The change to the internal layout is unacceptable.
- The plans suggest that a business may operate from the property but a covenant restricts a business being operated.
- A covenant only allows bungalows on this side of Repton Drive.
- Windows of the proposal would result in a loss of privacy to neighbouring properties.

Key Issues

The application is a resubmission following a previous approval. Works to implement the permission have started on site. The design and impact on the visual amenity of the area, along with the impact on the residential amenity of neighbouring properties and highways safety was previously considered acceptable. However, this application seeks planning permission for a larger two storey rear extension.

Since the previous decision the NPPF has also been published which details that local plan policies should be given due weight according to the degree of consistency with the framework.

In light of the above it is considered that the key issues in the determination of this application are:

- The Design of the Proposal.
- Impact upon Residential Amenity.
- Parking provision and the impact on highways safety.

Design of the proposals

Paragraph 56 of the NPPF addresses design and details that “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

The approved two storey rear extension had a proposed length of 4 metres with the amended proposal now having a length of 5.2 metres. The width and height of this proposed extension would be as previously approved but the UPVC horizontal planking is no longer proposed at first floor on the rear elevation. This is now to be facing brick.

It was accepted in the previous application that the proposals would increase the size of the original property substantially and this element of the current proposal is unchanged from that approved. As the overall height of the bungalow has not been amended the appearance of the property will be the same as that approved when viewed from the street. The approved scheme was considered to be acceptable in terms of the general character and appearance of the property and was not considered to represent over development of the site due to the large curtilage. Whilst the proposed two storey rear extension would be larger than the previously approved extension, it is not considered that the increased size would result in a significantly harmful impact on the visual amenity of the area due to its location at the rear. It is also not considered to tip the balance, in terms of the proposals being classed as over development of the site.

Impact upon residential amenity

Supplementary Planning Guidance provides advice regarding residential extensions.

The previously approved proposals were not considered to result in significant harm to the residential amenity of neighbouring properties. However, as discussed the rear extension would project out from the existing rear elevation by an additional 1.2 metres compared to what was originally approved. This additional 1.2 metres would result in the rear elevation of the proposal being approximately in line with the rear elevation of the nearest neighbouring property (no. 28). No. 28 has no principal windows in its side elevation facing the application property and so no significant harm would be caused to the neighbouring property in terms of any loss of light or overbearing impact to principal windows.

In terms of privacy there are still ground floor windows in the side elevation and four velux windows in the roof slope of the proposals that would face towards No. 28. The ground floor window would not cause any harm because there are no principal windows on the side elevation of No. 28 and a fence provides further privacy between the two. A condition of the previous permission restricted the velux windows to be obscure glazed and non-opening. This condition is again considered appropriate to further minimise any potential impact.

It is also not considered that the Juliette balcony in the rear elevation of the proposal would result in any additional adverse harm to the residential amenity of the neighbouring property than the previously approved scheme, despite its location.

Objections have been received detailed that the proposals would overshadow the garden of No.28. It is acknowledged that some overshadowing may be caused but due to the proposals scale and the size of the neighbouring garden, it is not considered that the proposal would result in a significant harm to the enjoyment of the neighbours' garden. The proposal would not conflict with guidance set out in the relevant SPG.

In summary it is not considered that there would be any significant adverse impact on the amenity of the neighbouring properties that would be contrary to the SPG or the requirements of the NPPF.

Parking provision and the impact on highways safety

A condition was attached to the previous permission detailing that a parking layout should be submitted to and approved in writing by the LPA prior to the commencement of development. The condition specifies that at least 4 car parking spaces can be accommodated on the parking area between the principal elevation of the dwelling and the highway. The development has commenced and a plan has not been submitted. The applicant is in breach of this condition and should be encouraged to submit a plan within a month of any approval. However, it is not considered that further parking should be required as a result of the rear extension being larger than previously approved.

Other matters raised by objectors

A number of other matters have been raised by objectors. The issue of covenants is a matter that cannot be taken into consideration because it is not a material planning consideration. Therefore, it cannot be given any weight in the determination of the planning application.

In terms of the unauthorised works it is considered that this application seeks to regularise these works. If these works are deemed unacceptable it will be necessary for the Council to determine whether it is expedient to take any action.

There was a previous issue with the submitted plans and the measurements not scaling correctly. However, amended plans have been submitted and now appear accurate.

Finally, the proposals are classed as householder development. Therefore if permitted this would not authorise a business to operate from the premises if a material change of use is involved. The Council will investigate any complaints received if a business does start to operate from the premises. At this stage there is no indication that it is.

Background Papers

7 August 2012