

RECOMMENDATION FOR APPROVAL

07/0337

18.04.07

Mrs Yun Tse Chui

21 Quebec Street, Langley
Park

Proposed installation of
extraction system to rear

Esh Ward

The Application

1. This application seeks planning permission to install an extraction system to the rear of 21 Quebec Street.

Policy

2. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)

History

3. An application for a Certificate of Lawful use was granted last year (reference: 1/2006/0150/DM). The applicant demonstrated that the lawful use of the premises was a hot food take away as the premises had been used as a Fish and Chip shop for a period greater than 10 years. In applying for the Certificate the applicant indicated that the premises were open between the following hours-

Monday- 7.00 pm to 11.30 pm

Wednesday- 11.30 am to 1.30 pm, 3.00 pm to 6.00 pm, and 7.00 pm to 9.00 pm

Thursday- 11.30 am to 1.30 pm, 3.00 pm to 11.30 pm

Friday- 11.30 am to 1.30 pm, 7.00 pm to 11.30 pm

Saturday- 11.30 am to 1.00 pm, 7.00 pm to 11.30 pm

4. An application for a change of use to office accommodation at ground floor and flat at first floor and erection of single and two storey extensions was withdrawn on 6th June 2005 (Reference: 1/2005/0280/DM).
5. An application for the erection of two-storey and single-storey rear extension, flat to first floor was approved by the Council on 28th November 2005 (Reference: 1/2005/0932/DM).

Consultations

6. Environmental Health – The proposed flue as shown on plan will discharge below

the ridge level. In line with the recommendations contained in DEFRA Report Netcen/ED48285/Issue1, of 21st May 2004, the flue height should be extended to 1m above the ridge level of the building.

One of the problems with this type of installation is that there are many ways for it to provide noise and vibration through the air and through the structure. The fitting of vibration isolation between the fittings of the ducting and the structure of the building is recommended.

Any other problems would have to be dealt with retrospectively.

7. Neighbours have been consulted and a site notice posted. Five letters of objection have been received from neighbouring occupants. The letters refer predominantly to the use of the property as a Chinese takeaway, the opening hours, rear extension and general associated nuisance. The issues raised which are relevant to this application are:
 - Vibrations from the extractor would cause distress to neighbouring properties.
 - The extractor would be excessively noisy during trading hours.
 - The development will extract fumes and smells so neighbours will not be able to open their windows and doors.

Officer Assessment

8. The proposed development would serve the kitchen of the Chinese Take-Away at 21 Quebec Street, Langley Park. The kitchen is orientated so that the cooking range runs along the communal wall with 22 Quebec Street. The kitchen hood runs along this wall. The proposed duct would be situated at the southern end of the hood and set in approximately 0.2m from the communal boundary with 22 Quebec Street.
9. The kitchen hood incorporates a bank of grease filters. The flue would be externally visible from the rear of the property and incorporate a 'discarb unit' with carbon filters and pre-filters and a silencer to reduce the noise emitted.
11. The applicant has stated that the noise emitted would be approximately 70db, which is equivalent to the sound level of a domestic washing machine.
12. The plans submitted in support of this application indicate the flue terminating at 'at least 1m above the eaves or window whichever is greater'. The applicant has since confirmed in writing that a condition to ensure the flue terminates 1m above the ridge level would be acceptable. Vibration isolation would also be fitted between the fittings of the ducting and the structure of the building in accordance with the Environmental Health advice.
13. With these conditions in place the proposed development would be unlikely to have a detrimental effect on the amenities of neighbouring occupiers in accordance with Policy GDP1 of the Local Plan.
14. Local residents have expressed concerns about the use of the premises and the

possible opening hours. This application relates simply to the installation of the extraction system and these other issues cannot be taken into consideration at this stage as the authorised use of the premises is as a hot food take away.

Recommendation

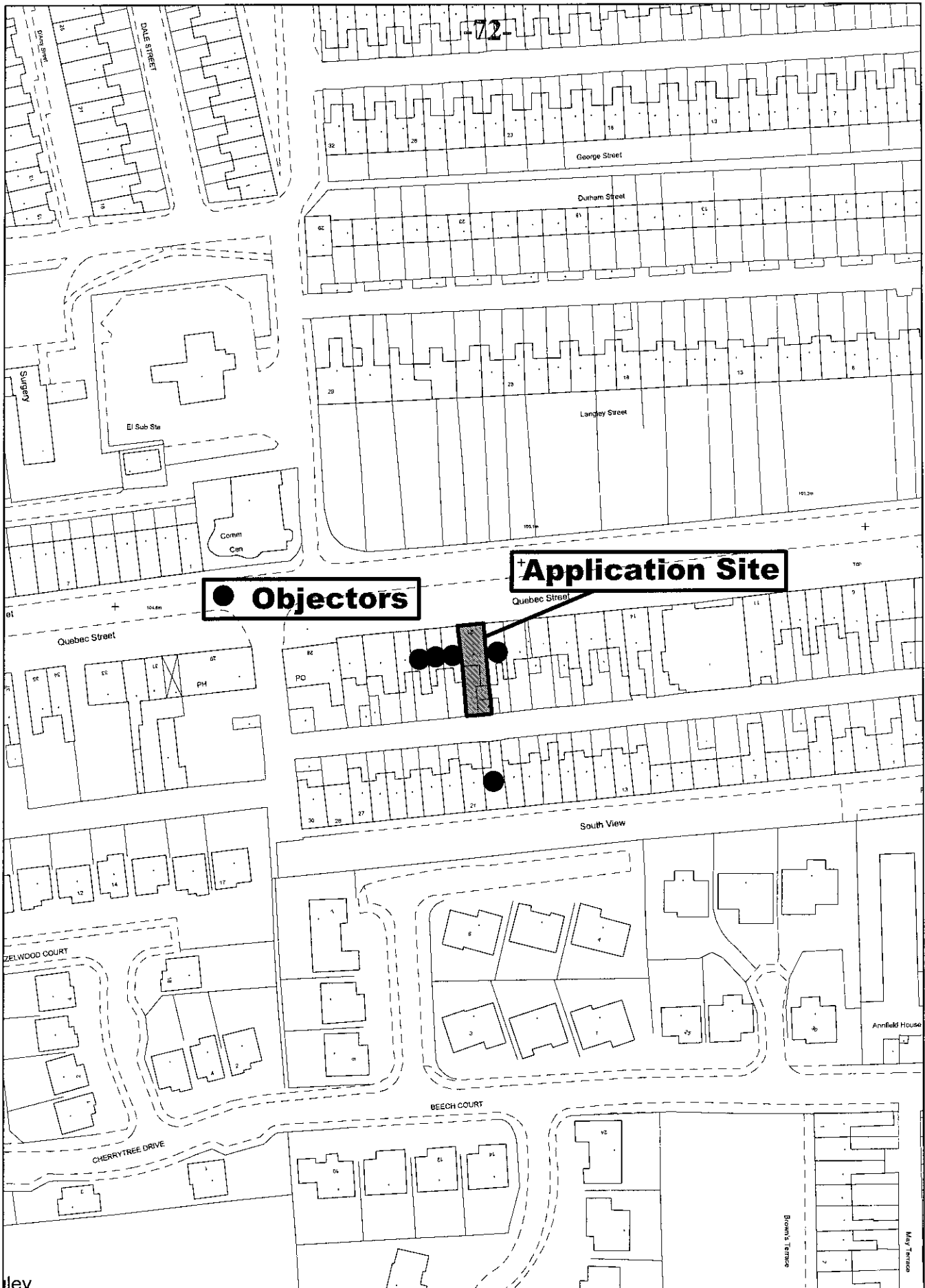
15. Conditional Permission

- Time Limit (ST).
- Approved Plans (ST01).
- Notwithstanding the approved plans, the flue shall discharge 1m above the ridge level in line with the recommendations contained in DEFRA Report Netcen/ED48285/Issue1, of 21st May 2004. Reason: In the interests of residential amenity in accordance with Policy GDP 1 of the Local Plan.
- Notwithstanding the approved plans, vibration isolation between the fittings of the ducting and the structure of the building shall be incorporated into the proposed design. Reason: In the interests of residential amenity in accordance with Policy GDP 1 of the Local Plan.

Reason for Approval

16. The proposal is considered to comply with Policy GDP1 of the District Local Plan and there are no other material planning considerations which outweigh the decision to approve the application.

Report Prepared by Guy Gibbeson, Student Planning Officer



● Objectors

Application Site

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Installation of extraction system to rear
 21 Quebec Street
 Langley Park

07/337



RECOMMENDATION FOR APPROVAL

07/0220

09.03.07

Mr Heppell

3 Hazel Grove,
Crookgate, Burnopfield

Erection of two storey side and
single storey front extensions
incorporating garage
(Resubmission and
retrospective)

Burnopfield Ward

The Application

1. Planning permission is sought in retrospect for the erection of a two storey side and single storey front extension, incorporating a garage, at 3 Hazel Grove, Crookgate. This is a resubmitted scheme following approval of the initial application (reference 1/06/0053/DM) by the Development Control Committee for the same extensions, in March 2006.
2. Since the initial approval of planning permission and the construction of the extension, it has come to light that elements of the extension including guttering, and soffit boarding overhang land in the ownership of the neighbouring occupier, 2 Hazel Grove. The applicant had a duty to serve notice under Section 6 of the General Development Procedure Order 1995, upon the adjacent occupier given the overhang on land outside of his ownership. The applicant failed however to carry out the correct notification procedure with regard to the initial application, and as such the initial planning permission is invalid, and the works carried out are to date unauthorised.
3. This application seeks to resolve the issue, given the applicant has now served the correct notice on the owner of the neighbouring property. The development remains as previously proposed and approved by the Development Control Committee.

History

4. Erection of two storey side and single storey front extensions incorporating garage. Approved 14th March 2006 (reference 1/2006/0053/DM).

Policy

5. The following policies of the adopted Local Plan are relevant in determining this application

General Development Principles (GDP1)

Extensions and Alterations to Existing Buildings (Policy HO19)

Consultations

6. County Highways Development Control Officer- Comments remain as previously, prior to application being determined, the applicant should verify the resultant drive length by submitting a dimensioned sit layout plan.
7. Neighbours have been consulted and a site notice posted. One letter of objection has been received from Mr Thompson and Mrs Bailey of 2 Hazel Grove, Burnopfield. Their concerns in summary are-
 - Hipped roof tiles, downpipe and guttering all overhang onto our land.
 - If we decide to extend this will cause problems, will have to reduce the size of extension that we want, causing parking problems as a full width garage will not be able to be provided.
 - Mr Heppell's overhang is about 8 or 9 inches over the boundary.
 - Damage from the extension of the objectors drive has not been rectified.

A letter was also received from the objectors Legal Representative prior to the submission of this application, indicating that the correct notification had not been carried out by the applicant, but also that they considered the development to be contrary to policy H019 of the Local Plan, believing that the extension had created a loss of light to the adjacent property, but also impact upon general amenity through trespass and the reduction of land available for the neighbour to extend into should they wish to do so. It is unlikely that a full width garage could be achieved and as such parking requirements could not be fulfilled.

Officer Assessment

8. The principal of the development is acceptable, given that the planning approval of the Development Control Committee was given for the same proposal in March 2006.
9. It is considered that the extension is in general accordance with policy H019 of the Local Plan and Supplementary Planning Guidance Note 2 on household extensions. The objectors legal representative argues that the development leads to a loss of light to 2 Hazel Grove. There is a small window in the side elevation of 2 Hazel Grove, however it is the case officers opinion that the extension as constructed is unlikely to lead to a loss of light to that widow to significantly impact upon the amenity of the occupiers of 2 Hazel Grove as to warrant refusal of the application.
10. It would appear that the extension has been built in accordance with the plans as initially submitted, and the works are in scale and character with the property and the general character of the street scene. Whilst no guttering is indicated on the plans submitted initially and with this resubmitted application, this is not unusual at the planning stage as these features are

considered diminimus and on their own are unlikely to have any significant impact upon the street scene or general amenity of neighbours.

11. A condition requiring a driveway of at least 5 metres on the previous approval has been complied with (the drive length is approximately 5.4 metres) and a roller shutter door has been provided, thereby satisfying the concerns of the Highways Development Control Officer. The plans initially submitted with this application were did not indicate the garage set slightly back garage as previously approved. Amended plans have been received however which show this minor detail change, as the extension has been built, and in accordance with the plans submitted with the initial application.
12. Your officers are of the opinion therefore that the extension is acceptable and in accordance with planning policy. The concerns of the neighbour with regard to the overhanging guttering and pipework are noted, however this is not an amenity issue but rather a civil issue upon which the objector should seek independent legal advice. The Local Planning Authority do not define boundaries or have a remit to resolve this issue through the normal planning process. The matter is not considered to be a planning issue which can be considered to carry material weight in determination, given that the correct notice has now been served upon the neighbour under Section 6 of the GDPO 1995.

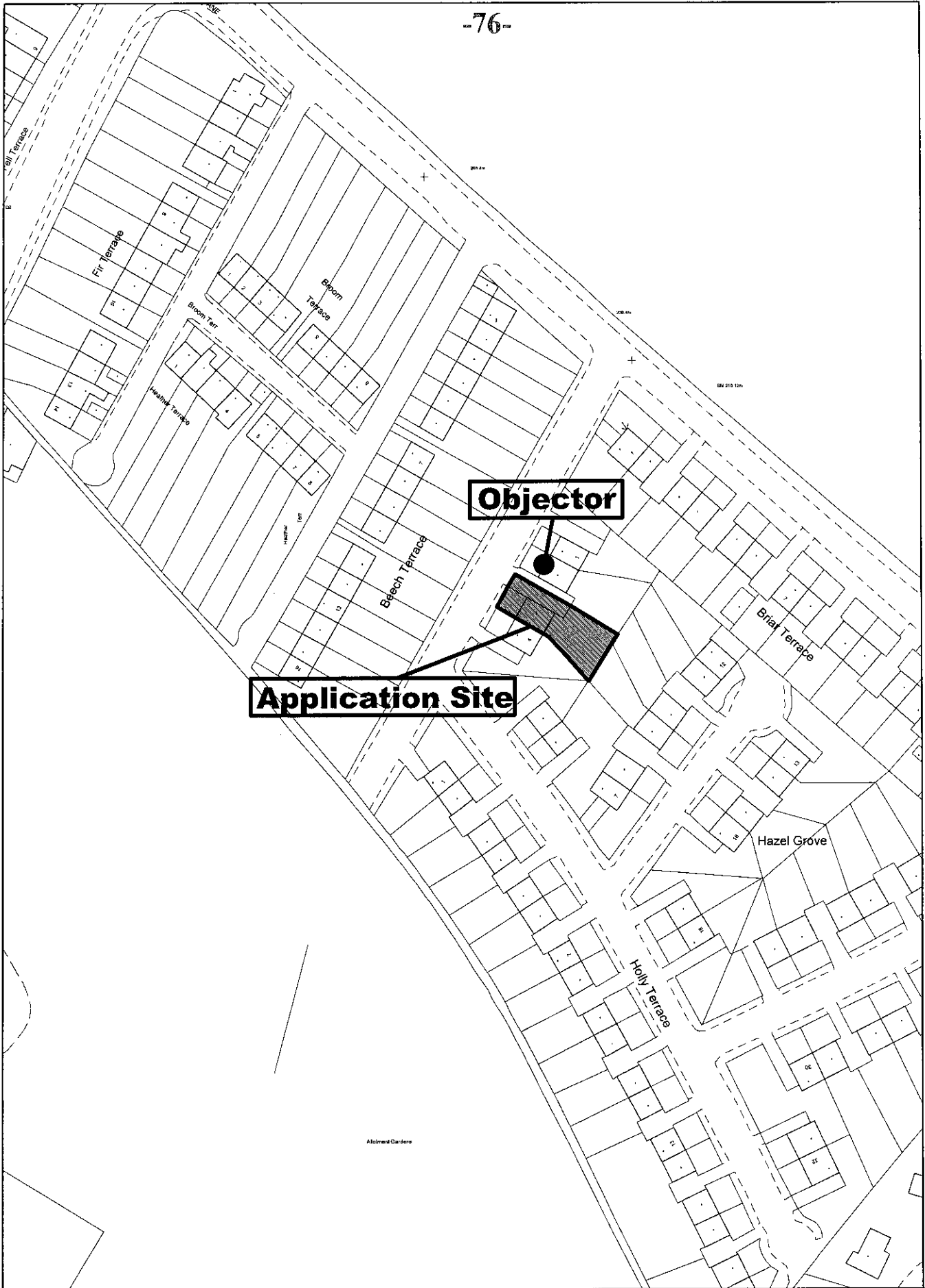
Recommendation

13. Approve
 - Retrospective application (ST02)

Reason for Approval

14. The extension is considered to comply with policy HO19 of the Derwentside District Local Plan and Supplementary Guidance Note No.2 on House Extensions and there are no other material considerations which outweigh the decision to approve the application.

Report Prepared by Shaun Wells, Senior Area Planning Officer



Application Site

Objector

Erection of two storey side and single storey front extensions incorporating garage (Resubmission)
3 Hazel Grove
Crookgate

07/220

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