

**PLANNING COMMITTEE**

**Wednesday 26<sup>th</sup> November 2008**

This application is reported to Members because there have been 10 objections received in respect of the proposals.

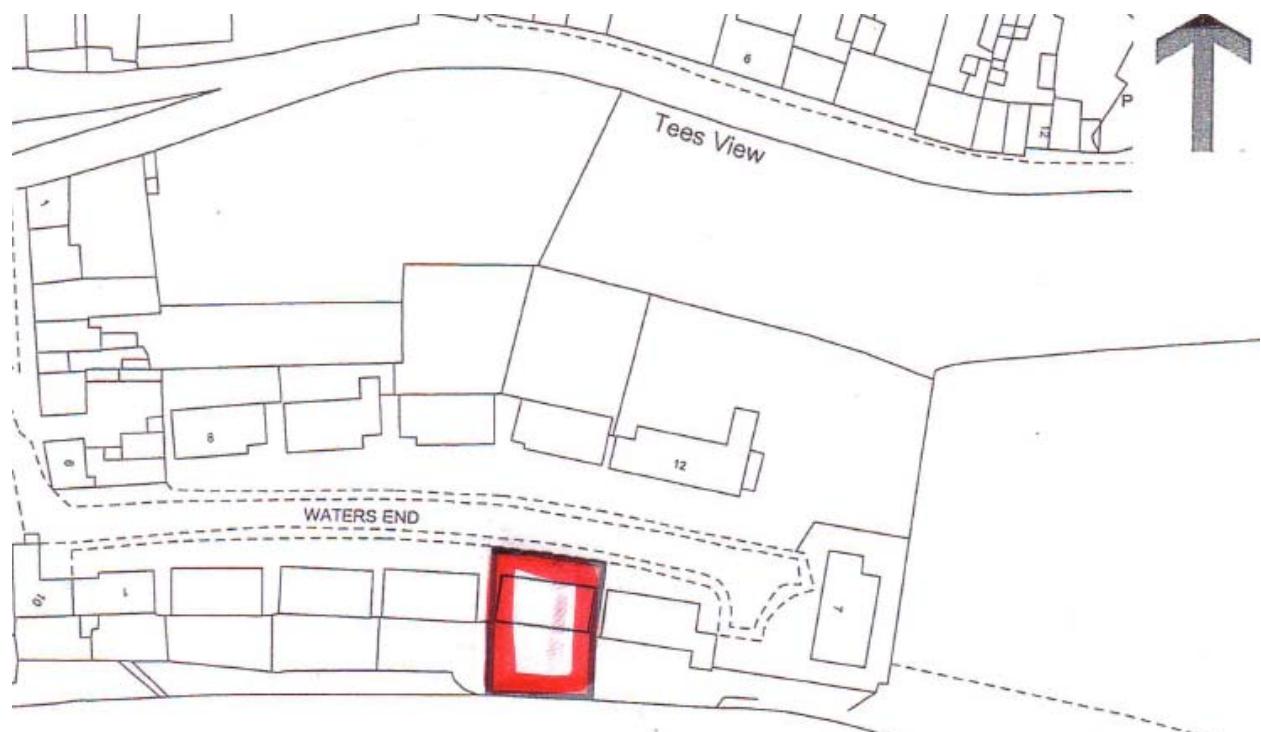
**Case Officer - Charlie Colling**

**Gainford - 6/2008/0359/DM**

Extensions to provide porch and conservatory and conversion of garage to create additional bedroom (part retrospective) at 5 Waters End, Gainford for Mr Paul Rutter (21 August 2008).

Members will recall that a similar application was refused by the Planning Committee following a site visit earlier this year. The application has now been revised, with the length of the rear extension reduced from 4 metres to 3 metres.

**THE SITE:**



The property is a detached bungalow situated on the Northern Bank of the River Tees. The bungalow is in a cul-de-sac of modern circa 1970 properties. Two of the other properties with a rear elevation facing onto the River Tees have erected similar types of conservatory extension, although these are smaller than that proposed and have been erected under permitted development. To the southern side of the river bank there are agricultural fields.

## **THE PROPOSAL:**

Planning permission is sought for the erection of a single storey rear extension, a front porch and for the erection of a pitched roof above the existing attached garage and wc/store, which would be converted to an additional bedroom and bathroom. A raised walkway was shown on the plans submitted with the application. However the applicant has now confirmed that this will be omitted from the scheme and does not form part of these proposals.

All alteration and extensions in this application are identical to those of the previous application with the exception of the single storey rear extension. This extension would have a length of 3m (1m shorter than that previously proposed), with a width of 5.2m and a height of 3m to eaves and 4.3m to ridge.

## **PLANNING HISTORY:**

6/2008/0180/DM - Extensions to provide porch and conservatory and conversion of garage to create additional bedroom (part retrospective) – Refused “*The proposed development would not protect or enhance the conservation area, contrary to Policy BENV4 of the Teesdale Local Plan*”.

The applicant has submitted and appeal against this decision. The Inspector's decision is awaited.

## **PLANNING POLICY:**

GD1	General Development Criteria
H11	Extensions and alterations to existing dwellings.
BENV4	Development within and/or adjoining a conservation area
ENV3	Area of High Landscape Value

## **REPRESENTATIONS:**

### **Statutory and Internal Consultees:**

**Highways** – Like most properties on the south side of this street, 5 Waters End is set back some 4.0m from the back of the footway. The existing drive is, therefore, substandard in length. Any new build property would require the provision of a drive of 5.0m or 5.5m length. However, this property is some 30 years old and is no different to the other properties on the street.

I understand that there is no condition on the original approval requiring the garage to be retained for the sole purpose of parking a vehicle. This proposal will, therefore, result in the loss of a garage. In parking terms this is the loss of either one space (if the garage was used to park a car), or no loss of parking (if the garage was used for storage). The addition of one bedroom is unlikely to significantly alter the level of parking required. This is a lightly trafficked residential cul-de-sac. Even if the proposals were to result in one vehicle parking on the carriageway I do not consider that a refusal on highways grounds could be substantiated.

For this reason no objection is raised to the proposals from the highways aspect.

**Gainford Parish Council** – Approval was recommended on the previous application. We can see no difference to the plans but feel that we should leave the decision in the hands of the Teesdale District Council as the person requesting this approval is one of our councillors and we could be seen to be prejudicial.

### **Public Responses:**

Adjacent properties 4 and 6 Waters End have been consulted along with 12 other people who made comment about the previous application. A site notice has been posted and an advert placed in local press. Ten letters of objection have been received. Concerns in summary are:

- The garage has been converted to living accommodation, where will cars now park?
- Street is narrow and often has children playing on it.
- The property will be used as holiday accommodation, creating concerns over parking, disturbance, crime and safety regulations.
- It is totally out of keeping with the area and seriously impacts upon the appearance of the area.
- The building is far too dominant and out of proportion.
- Overlook neighbouring properties – particularly No.6
- The neighbours view from their houses will be affected.
- The type and design of the extension is out of place in a recognised conservation area and the character of the riverside.
- Loss of privacy and degradation of the quality of life for the neighbouring occupiers.
- The extension has been reduced in one metre but a 1 metre walkway around 3 sides of it which would impact on privacy of neighbouring properties.
- Subsidence problems if the steel frame which is currently on site is removed.
- Depreciation in property value

### **PLANNING CONSIDERATIONS:**

**Design and Appearance**

**Residential Amenity**

**Impact on Conservation Area**

**Use**

**Permitted Development**

Planning permission is sought for the erection of a rear extension, front porch and a pitched roof with some alterations to the existing attached garage in order to accommodate the conversion of this to living accommodation. The property is a detached bungalow with the rear elevation overlooking the River Tees. The land slopes away steeply to the rear and the land is terraced from the bungalow down to the river.

This application is part retrospective as the pitched roof above and alterations to the external walls of the garage have largely been completed. This application is a re-submission of a previously refused scheme. The only difference between the previous scheme and this is that the rear extension has been reduced in length by 1 metre to 3 metres from the main rear elevation of the property.

The plans submitted with the application shows a 1 metre wide walkway around three sides of the rear extension. However this has now been completely omitted from the scheme, via an email received by the applicant on the 30/10/08. There is no raised walkway being proposed as part of this application.

### **Design and Appearance**

The property originally had an attached flat roofed garage with wc/store to the side of the property. As part of these proposals a pitched roof would be added to this and the external wall to the rear of the garage replaced and moved in line with the rear of the building. The external single skin walls of the garage would also be altered to cavity walls, consisting of additional blockwork to the outside of the garage which would be rendered to match the existing property.

The proposed pitched roof would improve the appearance of the property, and would be constructed in materials to match those existing. As the garage is existing and the proposed works would involve only increasing the width of it by a further 0.16m (approx) along with the addition of a pitched roof, this part of the proposals is considered to be acceptable and would accord with Local Plan Policy H11.

A small porch is proposed to the front of the property. This would have a footprint of 2.2m x 1.3m and would again be constructed with a pitched roof and materials to match the existing property. This aspect of the proposals is considered fairly minor and would not have any negative impact upon the appearance of the dwelling or neighbouring amenities in accordance with Local Plan Policy H11.

To the rear of the property it is proposed to erect an extension, which would project out for 3m with a width of 5.2m. The extension would be largely glazed, with a conservatory type appearance to the side and front elevations. The roof would however be a solid, hipped pitched roof, covered with tiles to match the existing property. The land falls away steeply to the rear of this property towards the river. As such the extension would require steel supports. The floor level of the extension would be the same as that inside of the existing dwelling.

### **Residential Amenity/impact on Conservation Area**

The proposed extension would be sited approximately 3m away from the neighbouring property to the west and approximately 11.5m from the nearest property to the east. Both side elevations of the extension would be largely glazed. In order to ensure the amenity of the neighbouring properties are protected in terms of overlooking, it is suggested that if Members are minded to approve the application then a condition be attached requiring the elevation of the conservatory running adjacent to the closest property, 4 Waters End to the west be fitted with obscure glazing.

The visual impact of the proposed extension is accentuated as a result of its elevated position. However the extension would have a pitched roof and be constructed in materials sympathetic to the existing dwelling. The bungalows within this cul-de-sac are of no particular merit in terms of their appearance or their contribution to the conservation area. It is considered that the proposed extension would not adversely affect the character or appearance of the property, and the reduced scale would reduce the level of impact on the visual amenity of the neighbouring occupiers, compared to that previously proposed.

It is common practice to assess the amenity impact of such an extension by taking a 45 degree line, from the central point of the neighbouring property's nearest principal

window and across the common boundary. If the extension would break this line at any point, then it is likely to be considered unacceptable. In this instance the extension would easily accord with this assessment and would not contravene such a line from properties to either the east or west. It is appreciated that the extension would be in an elevated position. However in terms of outlook from the neighbouring properties' windows, which predominantly overlook the Tees, the extension is considered to be acceptable.

The extension to the rear would not be clearly visible from within the Gainford conservation area, and would only be seen from the rear of adjacent properties, 'Backing' onto the river Tees. There are no properties on the south side of the river opposite this dwelling, with this area consisting of agricultural fields, with a public right of way a considerable distance to the north around a bend in the river. As such it is considered that there would be no detrimental impact upon the character or appearance of the conservation area in accordance with Local Plan Policy BENV4.

### **Use**

A number of objections have been received in respect of this application which relate to the property being used for holiday accommodation, and raising question as to the acceptability of this use. It should therefore be made clear that to let this property out as holiday accommodation, does not require a change of use and comments in respect of this cannot be considered as material planning considerations.

Similarly the actual conversion of the garage would not require planning permission. It is the pitched roof and alterations to the external walls which require planning permission. Therefore those comments made in respect of parking issues cannot be taken into consideration, as the applicant could have converted the garage without planning permission.

The types of people who may stay in this property, the effect upon house value and views from neighbouring dwellings are again not material planning considerations.

Some of the objections do however raise concerns regarding the impact of the proposals in terms of amenity and affect on the conservation area, and these have been assessed within the report. It is your officer's view that the extension in this respect is acceptable and the impact upon amenity or the conservation area would not be of such a degree to warrant refusal of the application. Some objections made reference specifically to the proposed raised walkway around the rear extension. However as mentioned earlier in the report, this has now been omitted from the scheme.

### **Permitted Development**

Members should also be aware that from 1<sup>st</sup> October 2008 the Permitted General Development Order 1995 was amended. The Order now allows detached dwellings a 4 metre long rear extension, providing the height would not exceed 4 metres (the height would be measured from the land immediately to the rear of the dwelling). The extent of how much a property could be extended was previously calculated by volume; this is no longer the case. This, therefore, means that if the applicant were to reduce the height of this extension or change the design so that it would have a flat roof, then this extension would not require planning permission at all, even up to a length of 4 metres.

In summary, the proposed extension is considered to be an acceptable form of development, without any significant impact upon the amenity of the neighbouring occupiers or the conservation area. It is appreciated that the appearance of the extension is emphasised due to its elevated position as a result of the difference in

ground levels. However it is not considered that this is of such a degree which would warrant refusal of the application.

### **Plans No.'s**

SL1 – Site Location Plan (rec 27/8/08)

Amended no.2 - Existing and Proposed Floor Plans and Elevations (rec27/8/08)

Amended no.3 - Elevation Plan to Show Site Levels (rec 14/11/08)

### **RECOMMENDED: That Full Planning Permission be granted subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

To ensure that the development is carried out in accordance with the approved plans.

3. The materials used in the construction of the external surfaces of the extension hereby approved shall closely match in colour, texture and appearance those of the existing building of which the extension will form part.

To protect the visual amenity of the surroundings and the character of the building in accordance with Policies GD1 of the Teesdale District Local Plan 2002.

4. This permission relates to the application as amended by plans received 14/11/08 showing the extension in relation to the site levels, and the email received 30<sup>th</sup> October 2008 confirming that the walkway as shown on the plans submitted for this application shall be omitted from the scheme and therefore would not form part of this decision.

In order to define the consent.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development ) Order 1995 as amended (or any Order revoking and re-enacting that Order) the glass to be used in the boundary elevation of the conservatory adjacent to 4 Waters End shall be obscure to level 3 or higher of the Pilkington scale of privacy or equivalent as may be previously agreed in writing by the Local Planning Authority. The obscure glass shall remain in place unless the further written permission of the Local Planning Authority has been received for its removal or replacement.

In the interests of protecting the residential amenity of the adjacent property in accordance with Policies GD1 and H11 of the Local Plan.