

# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	DM/20/00404/FPA
<b>FULL APPLICATION DESCRIPTION:</b>	Two storey extension to side of dwelling
<b>NAME OF APPLICANT:</b>	Ms Kara Dixon
<b>ADDRESS:</b>	83, Brackenbeds Close Pelton DH2 1XJ
<b>ELECTORAL DIVISION:</b>	Pelton
<b>CASE OFFICER:</b>	Sarah Seabury Planning Officer Telephone: 03000 261 393 <a href="mailto:sarah.seabury@durham.gov.uk">sarah.seabury@durham.gov.uk</a>

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### The Site

1. The application site is a semi-detached property on a residential estate in the Pelton area of Chester-le-Street. There are residential properties to the north, east and west and Green Belt to the south.

### The Proposal

2. It is proposed to construct a side extension to the north west elevation of the property. An extension is proposed at ground floor level to the rear of the garage and a first floor extension would be constructed over both the existing garage and the proposed ground floor extension. The proposed extension would provide a kitchen dining space to the ground floor and an additional bedroom with ensuite to the first floor. The extension would extend to the rear building line of the house and to the existing front and side building line of the garage.
3. This application is reported to Committee at the request of Councillor Danny Wood, who feels that Members should have an opportunity to assess the loss of light and overshadowing of a neighbouring property and the economic impact on a neighbouring property of the proposal. In addition, the Parish Council have also requested the application be called to Committee due to concerns regarding loss of light/sunlight and personal economic impact. They also felt that the applicant should have the opportunity to put their point across.

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## **PLANNING HISTORY**

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4. No relevant planning history

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## **PLANNING POLICY**

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### **NATIONAL POLICY**

5. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The NPPF was updated in July 2018. The overriding message remains that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
6. The NPPF requires local planning authorities to approach development management decisions positively, and in accordance with paragraph 48 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
7. The following elements of the NPPF are considered relevant to this proposal;
8. *NPPF Part 8 - Promoting healthy and safe communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.
9. *NPPF Part 11 - Making effective use of land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
10. *NPPF Part 12 - Achieving well-designed places* - The Government has attached great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning, with this section of the revised Framework document expanded.

### **NATIONAL PLANNING PRACTICE GUIDANCE:**

11. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.

12. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.

#### **LOCAL PLAN POLICY:**

13. The following are those saved policies in the Chester-le-Street District Local Plan 1997 relevant to the consideration of this application:
14. *Policy HP11 – Residential Extensions* – Seeks to control the scale, form and character of extensions to an existing building, any neighbouring property, or the locality in general, specifically within the identified settlement boundaries.
15. *Residential Amenity Design Standards SPD* – In advance of the emerging County Plan the County has adopted new residential amenity standards to inform residential development layouts.

#### **RELEVANT EMERGING POLICY:**

16. The County Durham Plan (CDP) which in time will replace the existing saved Local Plans in County Durham commenced its Examination in Public (EiP) in Winter 2019. The programmed hearing sessions subsequently closed on 6th February 2020, and the Inspector's issued his post hearing advice on 20th February 2020. An amended CDP has been prepared to take account of the specific instructions from the Inspector, and all the minor/main modifications which the Council proposed following the hearing sessions and in response to the action points issued by the Inspector. Consultation on the CDP (Main Modifications) commenced on Tuesday 26<sup>th</sup> May and will last until 21<sup>st</sup> July 2020 (an eight-week period). All comments that are received during this consultation period will be sent to the Inspector to inform his final report. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Although the CDP is now at an advanced stage of preparation, it is considered that it should not be afforded any weight in the decision-making process until the Inspector's final report has been received.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at*

<https://www.durham.gov.uk/article/8284/View-our-planning-policies>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

17. *Highways* –There is an existing vehicle access and hard stand car parking space at the site which is deemed adequate in highway terms to support these proposals. No highways objections would be raised in this regard.

## **PUBLIC CONSULTATION:**

18. Five letters of public consultation were sent out to nearby residents. A single letter of representation was received in addition to the concerns raised by the Local Councillor and the Parish Council. The concerns raised are:
- Loss of light/sunlight to the neighbouring property
  - Dominance and overshadowing of neighbouring property
  - Economic impact on neighbouring property

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q5U4UDGDG4400>*

## **APPLICANTS STATEMENT**

19. Having recently married, the proposal to extend my home is to increase the existing kitchen area and construct an additional bedroom to the first floor for when, I hope, to start my own family in the future. The proposed extension is modest and fits in well with the existing house and is similar to many of the other side extensions to houses in the immediate area.
20. I understand that an objection has been submitted to the LPA in connection with this application, although no details have been published on the council's Public Access website. I assume that the objection has been made by my neighbour at 81 Brackenbeds Close as the planning officer has provided my agent with the reasons for the objection as:
1. Loss of light and overshadowing of a neighbouring property
  2. Economic impact on a neighbouring property.
21. My home is located to the south west of 81 Brackenbeds Close, which has been previously extended with a single storey side and rear extension close to the boundary of my home. As a result of the neighbours already constructed extension, my property already casts a shadow in their direction, but only later in the day as the sun is setting. It is acknowledged that my proposed two storey side extension will cast a shadow in the direction of number 81, however the "additional" shadow impact will be minimal and as stated above, will only occur very late in the day as the sun is setting. A greater amount of shadowing is likely to impact the neighbour's property from the existing 1.80m high garden fence. The "loss of light" to the neighbouring property side extension to the front elevation window already occurs as a result of them constructing this close to my existing garage. The proposed side extension to my home will have no additional impact on light here.
22. The second reason of objection, economic impact on a neighbouring property. No details or information has been provided to me or is noted on the council's Public Access website to substantiate such a statement. Nevertheless, it is my understanding that economic impact is not a material consideration in planning matters. I would appreciate it if the planning officer can confirm this.

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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23. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is

considered that the main planning issues in this instance relates to the impact of the development on the character of the surrounding area, neighbouring amenity and highways.

24. The application site is located within the Pelton area of Chester-le-Street and as such Policy HP11 of the Chester-Le-Street Local Plan is most relevant. However, this Policy is not fully consistent with the NPPF therefore any weight afforded to this policy is reduced and paragraph 11 is engaged.
25. Paragraph 11 of the NPPF advises that where the policies which are the most important for determining the application are out of date that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.
26. As specific policies in the Framework do not indicate that the development should be restricted the acceptability of the proposal rests on an assessment of whether any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

#### Impact on character and appearance

27. Policy HP11 states that extensions to existing residential properties are not acceptable where they would result in an adverse effect on the character of the existing building, any neighbouring property or the locality in general, where it would cause an unacceptable loss of light or privacy to adjacent properties, impact on the highway, result in the linking of buildings or diminish the private space around a property. In addition, the Residential Amenity Standards SPD state normally side extensions should remain subordinate to the original property through setting them back from the existing building line by approximately 1m and incorporating a lower ridgeline. Furthermore, a separation of 1m between the outside wall of the extension and the side boundary should also be maintained. However, exceptions can be made where the character and appearance of the area is such that the proposal would have little impact on the streetscene.
28. The neighbouring property 81 Brackenbeds Close has been previously extended to the ground floor with a wrap around extension from their original rear elevation and around the side of the property closest to the application site. The extension stops halfway along the side elevation of the property and tapers away from the property boundary as it extends back. The front elevation of this extension is in line with the rear elevation of the existing garage on the applicant's property. At this point the separation distance between the applicants' property and the neighbouring property is 0.3m. The separation distance between the existing garage and the side elevation of the neighbouring property is 2.5m.
29. The proposed extension above the applicants' garage would maintain the separation distance of 2.5m from the side elevation of 81 Brackenbeds Close. The two storey element of the proposed extension would be constructed up to the property building line, in line with the existing established building line of the garage. Therefore, due to the position of the existing extension 81 Brackenbeds Close the separation distance between the side elevation of the neighbouring property and the applicants proposed two-storey element of the extension would be 0.3m at its closest point which would increase to 0.86m as it extends backward by 3.9m along the property boundary toward the rear elevation of the applicants property.

30. The SPD advises a separation distance of 1m between the outside wall of the extension and the side boundary of the property this is to prevent a terracing effect in the streetscene along with the added benefit of external access to the rear of the property. However, in this instance the building line of the property has already been established by the existing garage which extends to the property boundary preventing rear access to the property currently. The proposed extension would not result in the appearance that the two properties are attached as the properties are located on a slight bend in the road and are therefore not inline with one another.
31. In this instance the application site is located in a relatively modern housing estate which over the years a number of properties have been extended to the side and rear. The proposed extension would not conform with the requirements of the SPD as it would extend to the existing building line to the front and side of the existing structure and would not provide a 1m separation from the boundary. However, the proposed extension above the garage has been designed to be in keeping with the character and appearance of the building and neighbouring properties and would appear to be a natural extension of the building. The building line has already been established by the existing garage. It is considered that the proposed extension to the first floor in line with the existing garage to the front and side elevations is in this instance acceptable and in keeping with both the building and the streetscene in accordance with the exceptions under the SPD. It is therefore considered that the proposal is in accordance the NPPF, Policy HP11 of the Chester-le-Street Local Plan.

#### Residential Amenity

32. The application has been called to Committee due to concerns regarding the potential impact on the neighbouring property 81 Brackenbeds Close given the proximity of the properties to one another.
33. The concerns relate to the potential impact of the development on the window to the front elevation of the extension to 81 Brackenbeds Close. The window is the only opening on the front elevation of this extension and the room is a habitable room therefore impact in terms of loss of light and overbearing and dominance must be assessed. The existing garage is forward of the neighbouring properties extension and breaks the 45 degree rule therefore the room will currently experience overshadowing and loss of light. The proposed extension above the garage would contribute a very minimal addition to any overshadowing or loss of light already experienced. In addition to the above there is a large bush to the front of the neighbouring property which further contributes to the loss of light to the window.
34. In terms of dominance and overbearing the existing garage extends 5.5m forward of the neighbouring window and the properties are angled such that the front elevations are closer together given their position on a slight bend in the building line. This results in a tunnel effect in front of the window therefore any experience of dominance and overbearing would already be apparent to the neighbouring property. It is therefore considered that the proposal would not result in a significantly greater impact on the amenity of the neighbouring property and therefore the proposal is in accordance with the NPPF and Policy HP11 of the Chester-le-Street Local Plan.

#### Highways

35. The applicants are not proposing to change the current parking arrangements for the property and the existing arrangements are considered to be sufficient for the change in bedrooms proposed. The Highways Development Officer has raised no concerns in this regard.

## Other matters

36. The concerns raised with regard to the proposal include the potential economic impact of the extension on the value of the neighbouring property and the future use of the room by the owner. However, property values and the use of the room and its potential economic implications for the owner are not material planning considerations that can be considered as part of the planning balance.

## The Planning Balance

37. In accordance with Paragraph 11 of the NPPF, a balancing exercise must be undertaken to decide whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal. The application benefits would provide additional living space to the applicant's property without resulting in a detrimental impact on the character and appearance of the streetscene or host building. In terms of negative impacts, the proposal may result in a small increase in the impacts of overbearing, dominance and loss of light/sunlight to one room to of the neighbouring property. However, given the existing detrimental impact in terms of overbearing, dominance and loss of light resulting from the existing garage on this room the potential minimal increased impact on this room is not considered to outweigh the benefits of the proposal. The proposal is therefore considered to be in accordance with the NPPF and Policy HP11 of the Chester-le-Street Local Plan.

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## **CONCLUSION**

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38. On balance it is considered that the impact of the proposed first floor extension to above the garage and two storey extension behind would not result in a significant increase in overbearing, dominance or loss of light/sunlight to the neighbouring property 81 Brackenbeds Close sufficient to warrant refusal given the current impact resulting from the existing building. The proposal has been designed to be in keeping with the existing building and streetscene. In the tilted planning balance test in Paragraph 11 of the NPPF this leads to a recommendation for approval of the proposal, subject to the identified conditions.

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## **RECOMMENDATION**

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That the application be **APPROVED** subject to the following conditions:

- 1) The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.

Reason: 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 approved shall be carried out in strict accordance with the approved plans listed in Part 3 - Approved Plans.

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy HP11 of the Chester-le-Street Local Plan;

- 3) Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policy HP11 of the Chester-le-Street Local Plan.

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.)

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## **BACKGROUND PAPERS**

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The National Planning Policy Framework (revised 2018)  
National Planning Practice Guidance Notes  
Chester-le-Street District Local Plan 2003 (saved policies)  
Statutory, internal and public consultation responses  
Submitted forms, plans and supporting documents



<p><b>Planning Services</b></p>	<p>Two storey extension to side of dwelling</p> <p>Application Number DM/20/00404/FPA</p>	
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