



# COMMITTEE REPORT

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## APPLICATION DETAILS

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<b>APPLICATION No:</b>	<b>DM/14/01010/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension (Resubmission).</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Collinson</b>
<b>ADDRESS:</b>	<b>57 Ocean View, Blackhall Rocks, Durham Blackhalls</b>
<b>ELECTORAL DIVISION:</b>	<b>Laura Martin <a href="mailto:Laura.martin@durham.gov.uk">Laura.martin@durham.gov.uk</a> 03000 261960</b>
<b>CASE OFFICER:</b>	

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## DESCRIPTION OF THE SITE AND PROPOSALS

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### Site

1. The application site relates to a semi-detached property situated on the estate road of a residential area. The front elevation of the property is east facing and is approximately 13 metres from the public highway. To the rear of the site is a large garden, which is surrounded by a 1.8 metre high timber boarded fence. The property currently benefits from a 3.8 metre long single storey rear extension, which would be removed as part of the application.
2. Full planning permission is sought for the erection of a rear two-storey and single storey extension and the erection of a porch to the frontage. The porch would measure 1.9m by 1.1m being constructed with a hipped roof.
3. To the rear of the site the two storey extension would measure 5.06 metres in length and 5.05 metres wide and would be constructed with a tiled hipped roof. This would be set at the height of the existing ridge at 7.1 metres. A single storey element is also proposed very close to the shared boundary with the adjoining property at a depth of 5.06 metres and measuring 2.09 metres in width. This would be constructed with a lean-to roof against the new two storey extension.
4. The application is brought before members of the planning committee at the request of Councillor Robert Crute due to the precedent of other extensions of similar scale within the street.

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## **PLANNING HISTORY**

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DM/14/00045/FPA Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension. Refused 17 March 2014 under delegated powers.

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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 overriding message is 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 dependent.
6. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
7. The following elements are considered relevant to this proposal:
8. Part 1 - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
9. Part 7 - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.

*The above represents a summary of those policies considered most relevant. The full text can be accessed at: <http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements>*

### **LOCAL PLAN POLICY:**

#### District of Easington Local Plan

10. Policy 1- Due regard will be had to the development plan when determining planning applications. Account will be taken as to whether the proposed development accords with sustainable development principles while benefiting the community and local economy. The location, design and layout will also need to accord with saved policies 3, 7, 14-18, 22 and 35-38.
11. Policy 35 - The design and layout of development should consider energy conservation and efficient use of energy, reflect the scale and character of adjacent buildings, provide adequate open space and have no serious adverse effect on the amenity of neighbouring residents or occupiers.
12. Policy 73 - Extensions or alterations to existing dwellings, requiring planning permission, will be approved provided that there are no serious adverse effects on neighbouring residents, the proposal is in keeping with the scale and character of the

building and the proposal does not prejudice road safety or result in the loss of off street parking.

#### **EMERGING POLICY:**

13. The emerging County Durham Plan was Submitted in April 2014 ahead of Examination in Public. In accordance with paragraph 216 of the NPPF, 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. Further, the Planning Practice Guidance explains that in limited circumstances permission can be justifiably refused on prematurity grounds: when considering substantial developments that may prejudice the plan-making process and when the plan is at an advanced stage of preparation (i.e. it has been Submitted). In this case the following policies are of relevance in the determination of the application:-

14. Policy 16- Sustainable Design in the built environment

*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 <http://content.durham.gov.uk/PDFRepository/EasingtonLocalPlan.pdf>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

15. Parish Council- no response

#### **INTERNAL CONSULTEE RESPONSES:**

16. Highways Section- raises no objections following the submission of an amended plan in relation to parking at the site.

#### **PUBLIC RESPONSES:**

17. The application was advertised by means of site notice and neighbour notification to 8 properties. No letters of representation have been received in respect of the above development.

#### **APPLICANTS STATEMENT:**

My partner and I are from the local area and have lived in this house for 10 years. We are currently a family of 4 living in a very cramped 2 bedroom house. Although the area is seen by most as a rundown council estate we see potential here and believe this is the place we would like to stay, raise and extend our family.

Over the past few years we have grown and expanded our business and now provide a valuable service to our local community.

Our proposal is to extend our house to a 4 bedroom dwelling that will enable our family to grow and live in the area. This is in light of a very similar planning approval only a few doors away (number 51) who's overall footprint is larger than we have requested.

We believe that by us building an extension and upgrading our house it will help bring the appeal up to other local families who are looking for family homes with gardens. It will also enable us to remain in an area surrounded by a wide family network and many friends.

## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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18. As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004 the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
19. The main considerations in regard to this application are impact upon residential amenity, impact upon visual amenity and precedent.

### **Impact upon residential amenity**

20. Appendix 7 of the Local Plan provides design guidance on extensions to existing dwellings, and states that two-storey rear extensions have to be considered upon their own merits. The rear extension would be set in from the shared boundary of the adjoining property, No. 58 Ocean View, by only 0.1 metres to the single storey element and by 2.3m to the two storey element. Due to the overall projection of the rear extension at 5.06 metres and its two storey height, it is considered that it would have an overbearing and visually obtrusive impact upon the adjoining property, No. 58 Ocean View, to the south. It would also have an albeit lesser adverse impact on No. 56 Ocean View to the north, as it would project some 5 metres beyond their original rear elevation and would be located only 1.5 metres from their shared boundary. In addition due to the projection of the rear two-storey element it is considered that overshadowing would occur to both adjacent properties. Although the two storey element is not immediately adjacent to the shared boundary with No. 58, it is considered to be close enough at 2.3 metres away to have an adverse impact. It is further considered that the adverse impacts are sufficient to justify refusal of planning permission.
21. Policies 35 and 73 of the Local Plan seek to ensure that new development has no serious adverse effects on the amenities of adjacent residents in terms of overshadowing, loss of light, overlooking or visual intrusion. Part 7 of the National Planning Policy Framework reflects these principles in encouraging good design and the integration of new development into the built environment. It is considered that the submitted proposals are contrary to these overall requirements and principles. Emerging policy in the County Durham Plan can only be given limited weight at present, but would similarly look to protect residential amenity.
22. In respect of the front porch, Appendix 7 of the Local Plan states that front extensions to existing dwellings should not project more than 1.5 metres forward from the existing building. The porch is considered to be acceptable in this context.

### **Impact upon visual amenity**

23. Durham County Council will seek to resist an extension contrary to the intentions of the Adopted Local Plan and which it considers to have an adverse and detrimental impact upon the amenities of the surrounding area.
24. Policies 35 and 73 of the Local Plan state that a proposal will only be approved if it is in keeping with the scale and character of the building itself and the area generally in terms of site coverage, height, roof style, detailed design and materials. In this respect the proposed development would increase the size of the host dwelling substantially and as such would not be classified as subordinate to the existing

property. Whilst it is noted that the property is located on a substantial plot the proposed size and massing of the development creates an over dominant and oppressive feature on the host dwelling and as such is considered to be out of scale and context with its surroundings.

25. Again, the porch element of the proposals is considered acceptable on its own.

26. By way of additional information, the Planning Authority has carried out several pre-application discussions with the applicant and has advised that an application of this size and design would be strongly resisted by the authority.

## **Precedent**

27. The issue of precedent has been raised in respect of the proposed development and the fact that No. 51 Ocean View, a nearby property in the same road, has an extension to the rear of the property of similar scale and proportions as is hereby proposed. That application had also been referred to planning committee for determination. The proposal was recommended for refusal by planning officers for similar reasons as is currently proposed, however members resolved to approve the application, on the basis that there was not such an adverse effect on the amenities of neighbours or the appearance of the street scene to justify refusal of planning permission. That was a matter of judgement, and members were entitled to come to that conclusion. Notwithstanding that decision and the circumstances behind it, officers have considered the current proposal on its own merits. It is considered that the proposal would have significant adverse impacts on neighbours, and the decision on No. 51 nearby is an isolated case and does not establish a precedent for other unacceptable proposals.

28. Members may also wish to note that a scheme with the first floor extension only marginally larger in width by 0.25m but with a lesser ridge height was refused under delegated powers in March of this year for the same reasons as outlined below.

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## **CONCLUSION**

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29. To conclude, it is considered that the extensions would result in an excessive development having adverse impacts on visual and residential amenity from its scale and massing, to such an extent that warrant refusal of this application. It is considered that the proposals would have a significant adverse effect on the amenities of adjacent residents in terms of overbearing appearance and overshadowing. Furthermore, the proposals would adversely impact on the appearance of the host property.

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## **RECOMMENDATION**

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30. That the application be REFUSED for the following reason:

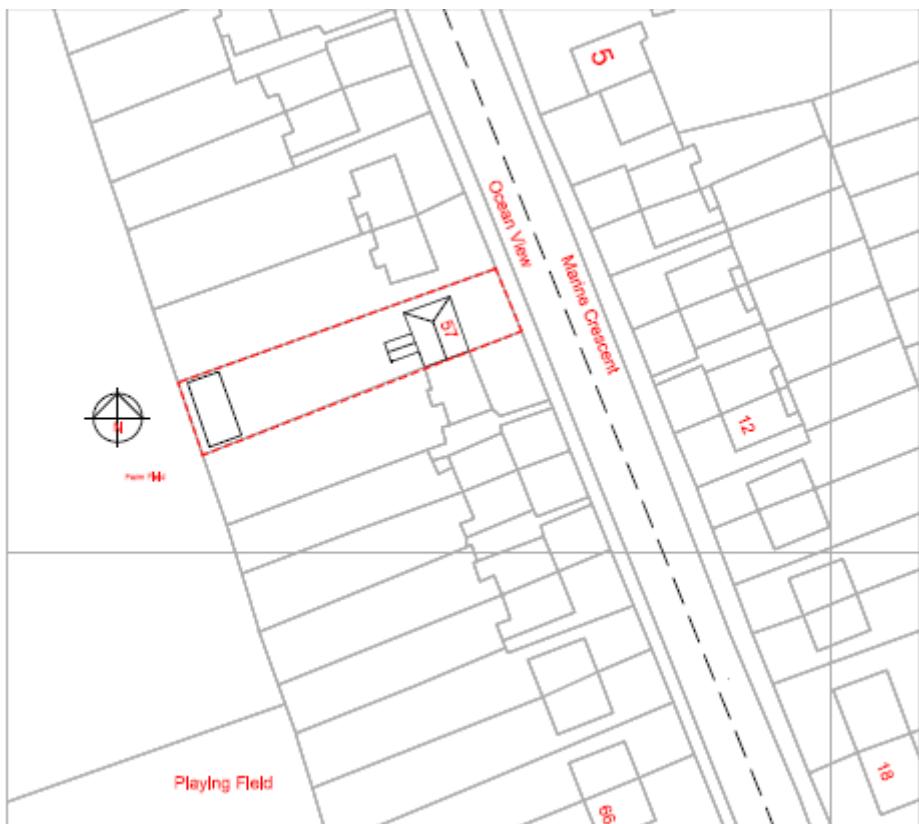
The proposed rear extension, by virtue of its design, scale, massing and location, represents an excessive form of development that would have a seriously detrimental impact on the amenities of adjacent residential properties in terms of overbearing appearance and overshadowing, and is not in keeping with the scale and character of the host dwelling, adversely affecting the character and appearance of the property and its immediate surroundings. As such, the proposal is contrary to Policies 1, 35 and 73 of the District of Easington Local Plan and Part 7 of the National Planning Policy Framework.

## STATEMENT OF PROACTIVE ENGAGEMENT

In dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising during the application process. Unfortunately on this occasion an amicable solution could not be found.

## BACKGROUND PAPERS

- Submitted Application Forms and Plans.
- Design and Access Statement
- Easington Local Plan 2001
- National Planning Policy Framework
- Consultation Responses



 <b>Planning Services</b>	Demolition of rear extension, erection of rear two storey and single storey extension and single storey front extension (Resubmission) at 57 Ocean View, Blackhall Rocks, Durham	
This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of Her majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceeding. Durham County Council Licence No. 100022202 2005	<b>Comments</b>	
	<b>Date.</b> 10 June 2014	<b>Scale</b> 1:1000