

Planning Services

COMMITTEE REPORT

AGENDA ITEM NUMBER: 3A

APPLICATION DETAILS

APPLICATION NO:	7/2010/0231/DM
FULL APPLICATION DESCRIPTION:	ERECTION OF TWO STOREY REAR EXTENSION
NAME OF APPLICANT:	RICHARD STANLEY
ADDRESS:	31 WEST END SEDGEFIELD
ELECTORAL DIVISION:	SEDFIELD
CASE OFFICER:	David Gibson Tel. 01388 816166 Email. David.gibson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site consists of a mid terraced property located within Sedgefield Village. The application site stands within the Sedgefield Conservation Area. This two storey property currently benefits from a two storey flat roof rear extension and a single storey off shoot to the rear of this.
 2. No. 33 West Ends lies to the west of the site while No. 27 – 29 West End lies to the east of the application site. This property benefits from a long rear garden which abuts other gardens to the north.
 3. The proposed development will involve the demolition of the existing single storey rear extension and the construction of a two storey extension.
 4. The completed two storey extension will project 4.0 metres from the existing rear elevation of the property. It will have a proposed width of 3.9 metres and a total height of approximately 6.2 metres at ridge level. It should be noted that the scheme has been revised so that the projection of the extension has been reduced so as to accord with the Sedgefield Borough Residential Extension Design Guide; details of the proposed modifications and the design guide are outlined in further detail in the following sections of this report.
 5. This application has been reported to Committee at the request of local members.
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PLANNING HISTORY

6. This Council's planning records show no recent planning history for the site.
7. However, a site visit has confirmed that a two storey extension and a single storey rear offshoot have been constructed at the rear of this property some time in the past.

PLANNING POLICY

8. National Policy

Planning Policy Statement 1 (*Delivering Sustainable Development*) sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

9. Local Plan Policy: Sedgefield Borough Local Plan

Policy D1 (*General principles for the layout and design of new developments*) – Principles for the Layout and Design of New Developments requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.

Sedgefield Borough Council Residential Extensions Supplementary Planning Document (RESPD) gives more detailed advice regarding the design of residential extensions including two storey extensions of this nature.

Policy E18 (*Preservation and Enhancement of Conservation Areas*) states that all developments in Conservation Areas must be of a high standard of design and shall not have a detrimental impact on the Conservation Area.

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 www.durham.gov.uk

CONSULTATION AND PUBLICITY RESPONSES

10. EXTERNAL/STATUTORY RESPONSE

Sedgefield Town Council – No comment received.

11. INTERNAL CONSULTEES

Ecology – No objections to the development subject to a condition relating to mitigation works in order to ensure protection of the bats.

PUBLIC RESPONSES

12. This planning application has been advertised via a press notice and via direct neighbour notification. As a result, objections have been received from the householders at the two adjacent properties, 33 West End and 27 - 29 West End.
13. Three sets of amended plans have been made to the scheme since the original submission. For clarity the objections to each amendment have been set out below with a brief description of each amendment.

Comments on the original scheme (23/08/2010)

27 – 29 West End

- The proposed extension breaches the 45 degree rule from ground and first floor
- The height is above the eaves height of the original house
- The extension will be out of character in this terrace
- It has no means to maintain the gable wall
- The proposed extension would affect a bat roost on my property
- The development affects the Right to Light

33 West End

- First floor extension will significantly reduce the sunlight to the rear of the property
- The development would have a major impact on privacy
- It will be visible from the bedroom, bathroom and kitchen windows

14. As a result of concerns raised by Planning staff this proposal was amended so that the projection was reduced from 4.5m to 4.2m. A hipped roof was also incorporated into the scheme. Amended plans were received on the 12th October 2010.

Comments on the first revised scheme (12/10/2010)

27 – 29 West End

- 45 degree rule from kitchen window is still breached
- The development greatly reduces the evening light to the north facing living areas
- The property has been overdeveloped
- It is to be built partly on my property

33 West End

- Development will still have an impact on light and outlook
- The property is already overdeveloped
- Proposed extension does not match the existing property

15. Amended plans were requested by Planning staff because the roof plan submitted did not match the elevation drawings - the roof plan showed a gable but the elevations showed a hipped roof. These amendments were received on the 8th November 2010.

Comments on the second revised scheme (08/11/2010)

27 – 29 West End

- The property is in fact a back to back property with this extension a front extension and should be assessed as such.

16. After a meeting between the applicant and one of the objectors, Mr Raw, amended proposals were submitted. The projection of the extension was reduced from 4.2 m to 4.0m and the eaves level of the proposed extension has been reduced by 0.68m to approximately 4.2m. The revised plans also demonstrate that the extension will be relocated away from the common boundary with No. 27/ 29 West End.

17. Bearing in mind the amendments listed above the agent has decided to re-instate the gable roof feature so that this is more in keeping with the style of other extensions in the area.

18. It has also been confirmed that the proposal to incorporate a pitched roof over the existing two storey extension across the rear of the application site is to be excluded from this proposal. This has been omitted so as to alleviate concerns regarding works to the Party Wall. These amended plans were received on the 10th December 2010.

Comments on the third revised scheme (10/12/2010)

27 – 29 West End

- The extension is a forward extension to my property
- The hip roof has been replaced by a gable
- The development will breach the building line of the original cottage
- The bat survey does not take into account the bat roost between the two properties
- The aesthetics of the property will be detrimentally affected
- The guttering will overhang my property

33 West End

- The height reduction does not change the fact that it would have a detrimental impact on light and outlook
- The property is overdeveloped
- The development will add to the mismatch of styles

APPLICANT'S STATEMENT

19. No supporting statement has been submitted as part of the application but the Design and Access Statement outlines issues which are summarised below.
20. The proposal is to remove the existing ground floor flat roof extension and replace this with a two storey extension to match the other rear extensions in the street.
21. The increase in internal floor space that the extension will provide will provide valuable floor space creating a new bedroom and ensuite.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. In assessing the proposals against the requirements of the aforementioned planning policies, and having regard to all material planning considerations, including representations received, the main planning considerations in this case concern the impacts on the neighbouring properties, the impacts on the Conservation Area and the impact of the development on the surrounding environment.

Impact on Conservation Area

23. **Policy E18 of the Sedgefield Borough Council Local Plan** states that the Council will seek to preserve and enhance the character of conservation areas and will not normally allow developments which would detract from the appearance of the Conservation Area.
24. The proposal will be constructed in materials to match the existing property and the window style is similar to other windows at the rear of the terrace. A planning condition is to be applied to ensure that the windows are in keeping with the character and appearance of Sedgefield Conservation Area. The extension will be constructed in facing bricks to match the existing property.
25. As stated above, the extension will be located to the rear of the property and will not be visible from the public realm. The Residential Extensions Supplementary Planning Document (RESPD) states that roof design is an important issue to consider and states that roofing designs should match those of the existing property. A flat roof at ground floor level will be replaced by a double storey pitched roof extension thereby improving the external appearance of the property.
26. It is therefore considered that the proposed development will not have a detrimental impact on the Conservation Area due to the siting and design of the proposed extension.

27. **Policy H15 of the Sedgefield Borough Council Local Plan** states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the property and there is no adverse effect on the amenity and privacy of surrounding properties and there is no adverse effect on the general character of the area.

(A) Impact on amenity and privacy

28. The proposed first floor element of the rear extension contains one window which will serve a bedroom. This will replicate the views from the existing property. Bearing in mind the substantial long rear garden it is considered that privacy of the rear gardens of the neighbouring properties would not be significantly affected by the new window at first floor level. The window serving the kitchen at ground floor level will not impact on the privacy of the neighbours due to the height of the existing boundary treatment.

29. The rear extension will not impact significantly on the light entering into the rear gardens of the adjacent properties due to the limited size of the proposed development when compared to the length of the adjacent gardens overall.

30. The Residential Extensions Supplementary Planning Document (RESPD) states that for extensions greater than 3 metres or two storey extensions of this nature then the 45 degree rule is used to assess the impact of a planning application.

31. The code is applied by drawing a line at 45 degrees from the mid point of the nearest window to a habitable room on any adjoining owner's property. If this line cuts through any part of the development proposed then the extension is considered to be too large.

32. Originally the proposed development breached this 45 degree line when drawn from the mid point of the nearest habitable room window of 27 – 29 West End, in this case the kitchen window. The proposed extension has since been reduced and no longer breaches the 45 degree rule. Nor does this proposal breach the 45 degree rule when measured from the centre of the nearest habitable room window of 33 West End.

33. It is considered that the proposal would lead to some reduction in light to the kitchen and the first floor bedroom at No. 27 - 29 West End in the late afternoon / evening. However, the extension has been designed to minimise the impact on the neighbouring property with its reduced height and reduced projection. The overall height has been kept to approx. 6.2 metres which is well below the eaves height of the original property and the eaves height has been kept to 4.2 metres with the projection of the development reduced to 4 metres. When considering the impact of the proposed extension upon light levels it should also be noted that the proposal satisfies the 45 degree rule and the existing boundary wall between the application site and Nos. 27-29 already measures approximately 2.5m in height.

34. Due to the fact that the development has been amended so that this does not breach the 45 degree rule and the substantially lowered eaves and ridge line, it is considered that the development will not have such a significant impact on the light entering the neighbouring properties, so as to justify refusal of this planning application.

(B) Impacts on character of the area

35. This Council's RESPD states that domestic extensions should remain subservient to the host dwelling and should not be so big as to dominate the building. General guidance in Policy H15 states that extensions to dwellings will normally be approved provided that the proposals are of a scale and design compatible with the host property. The development will be located to the rear, not visible from the public realm. Due to the

style of its roof and relatively minor nature it is considered to be subservient to the host property. The development will be sited to the rear of the property so will not have a detrimental impact on the streetscene or the Conservation Area.

36. This development will be created from materials that match the existing property and will therefore assimilate well into the existing property.

(C) Highway safety

37. This development will not have an impact on parking provision.

38. It is therefore considered that the development will not have an adverse impact on the character and appearance of the area and fully complies with the relevant elements of Policies H15, E18 of the Sedgefield Borough Council Adopted Local Plan and the RESPD

Neighbour objections

39. Letters of objection have been received from 33 West End and 27 – 29 West End. These letters of objection are available on the planning file and have been summarised above.

40. The loss of light into a habitable room is something that can be controlled through planning legislation but as discussed above, it is considered that the development will not have a significant adverse impact on the neighbouring properties to such an extent as to warrant refusal of the planning application. The 45 degree rule has not been breached from the nearest habitable room windows and the overall height of the extension has been kept as low as possible. This will ensure that any impact on the neighbouring properties is kept to a minimum and is to an acceptable standard.

41. Concerns have also been raised with regards to overdevelopment of the property. It is considered that the scale of the existing/proposed extension is no more than many other properties of this age which have evolved over time to meet the needs of the occupants. This extension is relatively small in comparison to the size of the plot and with the lowered ridge line and restricted projection, it will not be overly dominant or overbearing.

42. With regards to outlook, the loss of view is not a material planning consideration and is not something that can be taken into account when the Local Planning Authority determines a planning application.

43. Additional comments from the neighbouring properties relate to ownership issues. As a result of these concerns the proposed extension has been revised away from the common boundary with No. 27-29 West End. Similarly, the amended plans (Revision C) show that the proposed pitched roof that was to replace the flat roof to the rear has been omitted from the scheme.

44. Additional concerns have also been received from Mr Raw of 27-29 West End that this development constitutes an extension to the front, as the properties were originally back to back houses. Whilst no evidence has been submitted to back up this claim it is apparent that if this was the case in the past, it is clearly not the case now. The proposed development is clearly situated to the rear of this terrace and should be assessed as such.

45. Concerns were also raised that a gable roof is to be constructed rather than a hipped roof. In terms of impact on the neighbouring properties, the difference with the hip and the gables is minimal and does not warrant refusal of the planning application.

46. Concerns have also been raised with regards to the applicant not fulfilling his duty under the Party Wall Act and building onto a neighbouring wall. This is a civil issue between the neighbour and the applicant and is outside the remit of the Planning Department. An informative can be placed on any approval stating that all works should be carried out in accordance with the Party Wall Act at all times.
47. Because of the nature of this application, which involves the redevelopment of a roof, a bat report has been submitted in support of this application. The concerns of the neighbouring householder regarding the implications of this proposal on an adjacent bat roost have been discussed with the Ecology Officer who is satisfied that this proposal is unlikely to have an adverse impact upon species protected by law. As such, no objection has been raised subject to a planning condition being attached to any subsequent approval that the development be carried out in accordance with the mitigation report prepared on behalf of the applicant.

CONCLUSION

48. In conclusion, it is considered that the development accords with Policy H15 and Policy E18 of the Sedgefield Borough Council Adopted Local Plan and the policies contained within the RESPD in that the development will not have an adverse impact on the character of the host property or the Conservation Area and would not detrimentally affect residential amenity to such a degree so as to justify refusal of this planning application.

RECOMMENDATION

That the application be APPROVED subject to the following conditions:

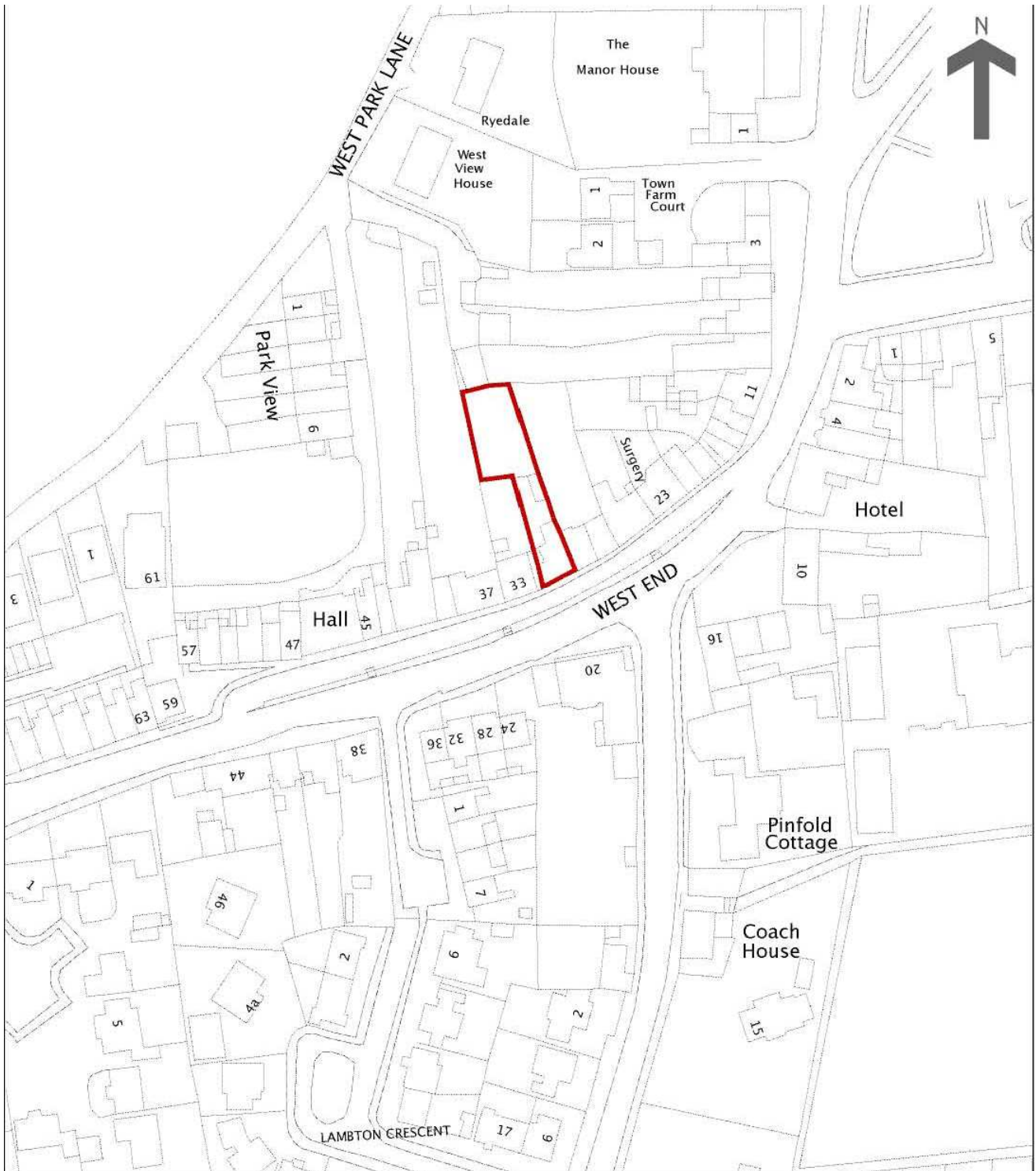
1. The development hereby approved shall be begun not later than the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
201 Revision C
100 Revision D
3. Notwithstanding the details shown on the submitted application, the external building materials to be used shall match the existing building in terms of colour, texture and size.
4. Notwithstanding the submitted information, the proposed windows in the new development shall be constructed from timber. The exact details and specifications shall be submitted to and approved in writing prior to any development commencing on site.
5. No development shall take place unless in accordance with the mitigation detailed within the protected species report including, but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods; provision of a bat loft.

REASONS FOR THE RECOMMENDATION

In the opinion of the Local Planning Authority the proposed development is considered to accord with Policies H15 and E18 of the Sedgefield Borough Local Plan and the policies contained within the RESPD in that the development will not have so significant an impact on residential amenity so as to justify refusal of this planning application nor would this adversely affect the character of the Conservation Area

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Design and Access Statement
 - Planning Policy Statement PPS1 and Sedgefield Borough Local Plan 1996
 - Consultation responses
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