

Allerdale Borough Council

Planning Application HOU/2021/0235

Development Panel Report

Reference Number: HOU/2021/0235
Valid Date: 06/12/2021
Location: 11 Chapel Terrace, Greysouthen, Cockermouth,
CA13 0UE
Applicant: Debra Law
Proposal: Two storey extension to mid terrace cottage -
Resubmission

RECOMMENDATION

REFUSE

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Residential Amenity	The proposal, by virtue of its proximity to the boundary, scale and massing to the habitable room windows on the rear and side elevation of the adjoining property Swallow Croft (No. 9), would have a significant harmful effect on the living conditions of the occupiers of this neighbouring dwelling i.e unneighbourly development resulting in loss of outlook and oppressiveness.
Highways	The proposal will not impact upon the operation car parking requirement for the property.

2. Introduction

2.1. This application had been called in for determination by the Development Panel by Councillor Marion Fitzgerald.

3. Proposal

3.1. The proposal seeks permission for the demolition of an existing single storey extension to the rear elevation with a replacement two storey extension to the rear elevation of the dwelling. The plans indicate that the rear extension would

have a footprint of 4.2 in width and would project 5m from the rear elevation. Given the existing catslide roof design to the rear, the eaves of the two storey extension would be the significantly higher than the original host dwelling, with the ridge height of the proposed extension of a lower level than the host dwelling.

3.2. The plans for consideration are:-

- DL-PRE-003 Rev F Proposed Plans
- DL-PRE-001 Existing Plans
- DL-PRE-001 Rev E Location and Block Plans
- Light Survey – Additional Information Received 18/01/22
- Planning objection response – Additional Information Received 18/01/22

The particulars can be viewed at:-

<https://allerdalebc.force.com/pr/s/planningapplication/a3X3X00000B9DxcUAF/hou20210235?tabset-e3f5c=2>

3.3. As part of the submission, the applicant provides a supporting statement and light survey which considers specifically the impact of the proposal in terms of residential amenity.

4. Site description

4.1. The proposal relates to a mid-terraced dwelling situated within Greysouthen. The two storey dwelling is located upon Chapel Terrace. The dwellings upon this row do not benefit from a curtilage to the frontage and the curtilage is situated to the rear of these dwellings. There is an existing single storey extension to the rear of the dwelling, which has a monopitch roof which has a footprint of 3.2m in width and 2.8m in projection from the rear elevation and 2.6m in height, the proposed extension is of modern design and materials and is not part of the original dwellinghouse, the existing extension will be demolished as a consequence of the proposed two storey extension.

4.2. It was noted from the officer's site visit that the adjacent neighbouring properties within the immediate locality have similar two storey extensions, with projecting gables. The adjacent neighbouring property to the West; Swallow Croft (No. 9), has an existing two storey projecting gable, approved under planning reference 2/2000/655 as part of an application for a change of use from a barn to a residential unit.

4.3. The neighbouring property to the East (Midhowe, No.13) has a two storey gable extension of wider proportions than the proposal and additionally than that of the dwelling Swallow Croft (No. 9).

5. Relevant Planning History

HOU/2021/0182 – 11 Chapel Terrace - Double storey rear extension – withdrawn
2/2000/0655 – Swallow Croft (No. 9), - Conversion of barn to residential unit, as amended by letters and plans received on 14 September 2000 and 28 September 2000 – Approved with conditions

6. Representations

Greysouthen Parish Council

6.1. No reponse to date.

Other representations

6.2. The proposal has been publicised by neighbour letter. A letter of objection was received. The concerns were in relation to –

- The removal of a shared boundary wall
- Projection of extension
- Potential for wall and foundations to undermine the boundary wall and potential their property
- Creates gap insufficient maintenance (in relation to the other adjacent property) and a debris trap
- Concerns the proposal has a higher ridge/eaves level and would reduce light to first floor rooms, the dining area of which there is only 1 window, the kitchen/living room and the upstairs rooms
- Loss of privacy
- Increase in flooding
- Impact upon visual amenity
- Location of flue

6.3. No additional correspondence was received as a part of the consultaion process.

7. Environmental Impact Assessment

7.1. With reference to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 the development falls within neither Schedule 1 nor 2 and, as such, is not EIA development.

8. Duties

8.1. None relevant. The application sites is located outside the villages designated Conservation Area.

9. Development Plan Policies

Allerdale Local Plan (Part 1) 2014

9.1. The following policies are considered to be relevant:-

- Policy S1 Presumption in favour of sustainable development
- Policy S2 Sustainable Development
- Policy S4 Design Principles
- Policy S32 Safeguarding Amenity
- Policy DM14 Standards of Good Design
- Policy DM15 Extensions and alterations to existing buildings and properties

These policies can be viewed at:-

<https://www.allerdale.gov.uk/en/planning-building-control/planning-policy/local-plan-part-1/>

10. Other material considerations

National Planning Policy Framework (NPPF) (2021)

Council Strategy 2020-2030

11. Policy weighting

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. This means that the Allerdale Local Plan Parts 1 and 2 have primacy.
- 11.2. However, paragraph 218 of the National Planning Policy Framework (NPPF) 2021 advises that policies in that Framework are material consideration which should be taken into account in dealing with the applications from the day of its publication. In this context it is noted that paragraph 219 of the NPPF 2021 advises that due weight should be given to development plan policies according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 11.3. Paragraph 130 of the NPPF requires that new development ensures a high standard of amenity for existing and future occupiers.
- 11.4. The policies relevant to the determination of this application are considered to be consistent with the NPPF and as such, the policies are afforded full weight.

12. Assessment:

- 12.1. Householder developments are principally assessed against policy DM15 of the ALP Part 1. This policy sets out that extensions and alterations to existing buildings will be permitted provided that criteria (a) to (f) are met.
- 12.2. Criteria (a) and (b) seek to ensure that such proposals are of an appropriate design and scale in relation to the appearance of the host building and the character of the area, whilst criteria (c) seeks to ensure that alterations do not become the dominant feature. The design and scale of the proposal is considered to be in keeping with the existing house and would not be overly dominant. Nor would the design of the proposal look out of character with surrounding area.

Main Issue - Residential Amenity

- 12.3. Of significant concern to officers is the acceptability of the proposal in relation to criteria (e) of policy DM15. Criteria (e) requires that extensions should not materially harm the amenity of the occupants of neighbouring properties.
- 12.4. The proposal includes the demolition of the existing single storey extension to the rear (which has a footprint of 3.2m in width and 2.8m in projection from the rear elevation and 2.6m in height), with a replacement two storey rear extension (a footprint of 4.2m in width and would project 5m from the rear elevation at ground floor, with a height to eaves at 4.8m and a total ridge height of 6.5m). The proposed extension is to be sited 1m away from the boundary of the neighbouring property; Swallow Croft (No. 9), (at the furthest point). The proposed extension will project beyond the rear gable of No. 13, Midhowe but will not however project beyond the gable of the adjacent property; Swallow Croft (No. 9), (beyond their existing two storey extension).
- 12.5. It was noted from the officers' site visit, the relationship with the adjacent, adjoining property; Swallow Croft (No. 9), The neighbouring dwelling has a two storey extension in situ with a window and door to the ground floor, side elevation that would face directly on to the two storey extension, with the side window/door approx 2.6m away from the development. The window and door with this ground floor side elevation serves the kitchen of the neighbouring property (with two other small windows in situ to the other side elevation which however face onto a high level wall).
- 12.6. Furthermore the adjacent dwelling; No. 9, has a single window on the rear elevation, sited slightly further back the host dwelling of No. 11 Chapel Terrace. This window serves a dining room and is the only window sited within that room (the room gains some secondary lighting from the windows within the kitchen, as aforementioned in para 12.5 as it an open plan layout however it was noted the dining room is of a differing (higher) level to the kitchen, additionally the room gains some light from glazed doors from the entrance hall, which are South-Eastern facing, it was however noted from the time of the officer's site visit that this room has less natural light than the adjoining kitchen).

- 12.7. The existing outlook from the adjacent property No. 9 looks onto the rear curtilage of no 11 Chapel Terrace with some views of the existing single extension to No.11 Chapel Terrace, the existing extension has large panes of glazing and is not of a solid wall construction to the front and side elevations, it also recognised that the existing extension is further away from the boundary than that of the proposed two storey extension.
- 12.8. The proposed two storey extension, extending 5m beyond the rear elevation (and an additional 2.2m beyond the existing single storey extension), in officer's opinion, would dominate the outlook from the habitable room window within the rear elevation (and inclusive of the kitchen windows to the North-Eastern elevation) of No. 9 to a much greater extent than at present, given the scale and the massing of the proposal, to a point where this would be harmful and oppressive for the occupiers of the neighbouring property and form an overbearing unneighbourly development.
- 12.9. Furthermore given the orientation of the neighbouring property and the neighbouring fenestration to No.9, it would potentially impact to a greater degree on the availability of natural light also to both the dining room and the kitchen. The proposal is therefore considered to materially harm the amenity of this neighbour, and would fail to meet the requirements of policy S2, S32, DM14 and DM15 (e) of the ALP Part 1 and advice contained within the NPPF.
- 12.10. With this re-submitted application, the applicant has provided further information by way of a 'Light survey'. This documents sets out a comparison of the proposed two storey side extension, to the existing arrangement on the site.
- 12.11. Officers do not accept that the additional assessment concerning light (identifying the extent of shadow at different times) provided by the applicant overcomes the conflict with policy DM15 and S32, whereas the main concern for officers (as set out at paragraph 12.8), is the extent to which the proposal would dominate the outlook and be oppressive for the occupiers of this neighbouring property, which is a different consideration to overshadowing.
- 12.12. Whilst officers acknowledge that a single storey side extension could potentially be built closer to the boundary, up to 3m to eaves height, projecting up to 3m from the rear elevation, under permitted development rights (this extension however alternatively projects 5m from the rear elevation, an additional 2m beyond PD from the rear elevation). Officers consider the circumstances of this case given the neighbouring fenestration to No. 9, are such that even a building at this location erected to a size/height allowed under permitted development would be likely to be harmful to the outlook of the neighbouring residents at Swallow Croft (No. 9). Officers primary concern is in relation to the neighbouring dining room window which is sited on the rear elevation of the neighbouring property No.9 Chapel Terrace, which is only window which serving this habitable room and is already slightly set back the existing host dwelling of No.11 Chapel Terrace.

- 12.13. Officers irrespective of comparing the extension to what could be achieved under permitted development consider the proposal proximity to the boundary and its enlarged scale and massing would further exacerbate the harm to the neighbouring property. The proposed works would take up the field of view and would be oppressive and unneighbourly to the neighbouring property.
- 12.14. Members may recollect this concept was similarly raised on a recent householder application (HOU/2021/0201) for a two storey extension on the gable of a property in Cockermouth. The applicant's agent similarly compared what could be built under permitted development rights with a single storey extension as a fallback position. Members concurred with officers that the additional second storey exacerbated the visual and oppressive scale of the extension on the amenity of the neighbouring property, prompting the refusal of the application.
- 12.15. As such, having considered the additional assessment provided by the applicant, officers remain of the view that the proposal would be unneighbourly, having a significant harmful effect on the living conditions of the neighbours at Swallow Croft (No. 9), with regard to their outlook. This is contrary to Policies S2, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1), adopted July 2014, which together seek to achieve high standards of design that safeguard the amenity of existing and future residents. As a consequence, the proposal is also contrary to the associated policies of the National Planning Policy Framework.
- 12.16. In relation the concerns that were raised with regards to the impact that the proposal would have upon the roof lights within the habitable room to the first floor of Swallow Croft (No. 9), it was noted from the officers site visit that there were additional roof lights upon the South Western roof plane that additionally served this room and in addition a window situated within the North–Eastern elevation that serves this room. Officers concluded taking into consideration the additional windows, sited within this room, the proposed works would not create an unacceptable loss of natural of light to this room. Additionally officers do not have concerns in relation to the impact the development would have upon the velux sited within the rear roof plane of No.9, the velux serves a bathroom and given the step in the proposed roofline, officers concluded this would not create a detrimental impact upon the bathroom. Officers concerns were in relation to the impact the development would have upon the habitable rooms to the ground floor and the creation of a sense of enclosure to the neighbouring property No. 9.
- 12.17. Concerns were also raised in relation to overlooking as a result of the proposed works. The revision to the scheme as previously submitted under planning reference HOU/2021/0182 has removed the window to the South West side elevation (which was of obscure glazing). There are to be no side windows presented within the North-Eastern or South-Western side elevations. There are however roof lights within the proposed roof plane. The rooflight to the South-Western roof plane is to serve a bathroom and is such a height that it will not present any overlooking issues, and additionally the rooflight sited within the North Eastern roof plane is to serve a stairwell. Given the stairwell is not a habitable space and taking into consideration the height of the roof light officers would not have concerns in relation to overlooking. It was also noted from the officers site visit, there is an element of overlooking from the existing

conservatory upon the host dwelling and furthermore taking into consideration the current open aspect of the gardens upon this terrace, officers concluded the proposal will not present an unacceptable level of overlooking to the neighbouring properties and in this individual respect the proposal is acceptable.

- 12.18. In relation to concerns raised with regards to the impact upon the adjacent neighbouring property No.13, Midhowe, concerns were raised suggesting the proposed extension would create a 'debris trap' and raised concerns in relation to access for maintenance, these concerns are not classed as material planning considerations. Officers concluded that the proposed works in terms of planning merits, would not have a detrimental impact upon residential amenity upon the neighbouring property; No. 13, Midhowe and in this respect the proposal is acceptable. There have been no concerns raised by this property as a result of the consultation process.
- 12.19. Whilst it is noted that the applicant has made improvements from the original submitted planning application under planning reference HOU/2021/0182, stepping in a significant portion of the two extension 1m away from the boundary of Swallow Croft (No. 9), and also inclusive of the removal of a window to a side elevation, officers concluded that the proposed revisions were not sufficient to overcome officers concerns and warrant an approval. (it was noted however the proposal originally submitted projected 4.5m from the rear elevation, the revised proposal is to project 5m from the rear elevation),

Other Issues

- 12.20. Neighbouring concerns were presented with regards to the removal of a shared boundary wall, this is not a material planning consideration and a dispute over ownership over walls etc is classed as a civil matter. Additionally concerns were raised with regards to the potential for the proposed wall and foundations to undermine the boundary wall and potential for undermining the neighbouring property, this is additionally also classed as civil matter and not a material planning consideration, it is noted that the works would be subject to building regulations.
- 12.21. In relation to impact upon visual amenity, it was noted that there are similar extensions of scale and design within the immediate vicinity. Officers do not consider the proposed works would have a detrimental impact upon the character of the wider area, and in this respect the proposed works are considered acceptable and will not look out of character for the area. The site does not fall within the Conservation Area nor will the proposal impact upon any adjacent Heritage Assets.
- 12.22. Concerns were raised in relation increase in flooding to neighbouring properties, the site falls entirely in flood zone 1, and is not within a sensitive area for flood risk, therefore a flood risk assessment or percolation tests would not be necessary to be submitted as part of the application. Any works that are undertaken will however fall under the supervision of building control.

12.23. Additional issues were concerns relating to smells from soil pipes and the location of a flue on the proposed extension. Any pipes/flues will be required to be compliant with regulations and as aforementioned the works will be carried out under the supervision of building control to ensure all regulations are adhered to and complied with.

12.24. The proposed works will not impact upon the operational car parking requirements for the property and will satisfy the Highway requirements.

Public Benefits

12.25. There are no public benefits arising from the proposal that would outweigh the identified harm and resulting conflict with policy.

Balance and Conclusions

13.0 In conclusion, albeit an improvement to the earlier withdrawn proposal, the revised scheme would continue to have a significant adverse harmful effect on the living conditions of the neighbours at Swallow Croft (No. 9), with regard to their outlook and the formation of an overbearing development, creating an oppressive sense of enclosure to the neighbouring property. This is contrary to Policies S2, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1), adopted July 2014, which together seek to achieve high standards of design that safeguard the amenity of existing and future residents. As a consequence, the proposal is also contrary to the associated policies of the National Planning Policy Framework.

Local Financial Considerations

14.0 Having regard to S70 (2) of the Town and Country Planning Act the proposal will have no local financial consideration.

RECOMMENDATION

REFUSE.

Annex 1

Reasons for refusal

The Local Planning Authority consider the proposed extension, by reason of its siting, proximity to the boundary, scale and massing, would result in an unneighbourly, oppressive and overbearing impact on the side and rear elevations windows of the neighbouring property (Swallow Croft (No. 9) to the detriment of the residential amenity of its occupiers. As such the proposal is contrary to Policies S2, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1), adopted July 2014, and advice contained within the NPPF, which together seek to achieve high standards of design that safeguard the amenity of both existing and future residents.

