

Allerdale Borough Council

Planning Application HOU/2022/0118

Development Panel Report

Reference Number: HOU/2022/0118
Valid Date: 15/06/2022
Location: 7 Everest Mount, Workington,
Applicant: Mr R Gibka
Proposal: Re-submission of application HOU/2021/0212 for a 1.5 storey rear extension and porch to front

RECOMMENDATION

Refuse

1. Summary

<u>Issue</u>	<u>Conclusion</u>
Residential Amenity	The proposed rear extension, by reason of its scale and proximity to the shared boundary with 5 Everest Mount, would have overbearing and unneighbourly impact on the occupiers of this property, detrimentally increasing a sense of enclosure, and materially harming their residential amenity.

2. Introduction

- 2.1. This application has been called in for determination by the Development Panel by Councillor Stoddart.
- 2.2. The application is a revised scheme following the refusal of planning permission for a similar scheme under delegated powers in November 2021. Householder application reference HOU/2021/0212 for a two storey rear extension, single storey rear extension and front porch was refused for the following reason:

“The proposed extension, by virtue of its scale and size, would have overbearing and unneighbourly impact, detrimentally increasing a sense of enclosure, resulting in an unacceptable effect on the residential amenity of the occupiers of 5 Everest Mount, contrary to Chapter 7 of the National Planning Policy Framework and Policies S1, S2, S4, S32 and DM15 and DM14 of the Allerdale Local Plan (Part 1) July 2014.”

3. Proposal

- 3.1. Planning permission is sought for a front porch and an extension to the rear of the property constructed of materials that match those of the dwelling.
- 3.2. The front porch has a pitched roof, a floor area measuring 2.2 metres by 1.3 metres, an eaves height of 2.5 metres and a ridge height of 3.3 metres.
- 3.3. The rear extension consists of a kitchen/dining/family room and a leisure room at ground floor level, with an additional bedroom above. The first-floor element of the scheme projects 3.3 metres from the rear of the dwelling and is 4.8 metres in width. It has an eaves height of 4.3 metres and ridge height of 6 metres. There is a window in the rear gable and two Velux rooflights in the south facing roofslope.
- 3.4. The single storey element projects beyond the first floor by a further 5.9 metres, the whole extension measuring 9.2 metres in length in total. The structure is not of uniform width, the leisure room being only 3.6 metres wide. The single storey section has a flat roof measuring 2.8 metres in height and contains three roof lanterns. There are patio doors in the eastern elevation and glazing in the southern elevation.

The extension is set back from the shared boundary with the attached property to the north, 5 Everest Mount, by 0.8 metres along its entire length. It is set back from the shared boundary with the adjoining property to the south, 9 Everest Mount by 2.65 metres, decreasing to 0.8 metres before increasing to 2 metres which reflects the staggered boundary and the changing width of the extension.

- 3.5. The reconfiguration of internal accommodation associated with the proposals results in the installation of an additional first floor window in the southern gable of the dwelling to serve a bedroom. As the plans do not indicate that the window is to be obscure-glazed and non-opening below 1.7 metres measured from the internal floor level, then planning permission is required for its installation.
- 3.6. The plans for consideration are: -
 - 04001 02 Proposed Ground Floor Plan
 - 04002 02 Proposed First Floor Plan
 - 01002 04 Location Plan
 - 05002 02 Proposed Elevations 2 of 3
 - 05003 02 Proposed Elevations 3 of 3
 - 05011 03 Proposed Elevations
 - 04011 03 Proposed Floorplans
 - 01003 04 Block plan
 - 06001 01 Sections A-A
 - 05001 02 Proposed Elevations 1-3

The particulars can be viewed at:-

<https://allerdalebc.force.com/pr/s/planning-application/a3X3X00000B9G3kUAF/hou20220118>

4. Site description

- 4.1. The proposals relate to an end-of-terrace dwelling on the planned mid-20th century Westfield housing estate in Workington.
- 4.2. The dwelling is located on Everest Mount where the terraced blocks of housing are laid out in a well-defined distinctive pattern, the central blocks being set back further from the highway than the blocks at the ends of the street. The two-storey tiled and rendered properties have front gardens, many of which are being used for carparking, and rear gardens that vary in size. The terraced blocks have a mixture of pitched and hipped roofs.
- 4.3. 7 Everest Mount lies at the southern end of a row of four in the most northerly block on the eastern side of the street. A side path leads to a long rear garden which is approximately 27 metres in length. There is a domestic outbuilding at the bottom of the garden. The front garden has been hard-surfaced to provide off-street carparking.
- 4.4. The attached mid-terraced property to the north is 5 Everest Mount. Its rear garden is approximately 15 metres in length and accessed via a shared internal walkway. There is a 1.7 metre high fence between the rear gardens of the two properties, and the occupiers of 5 Everest Mount have planted a laurel hedge alongside the fence.
- 4.5. The property adjoining the application site to the south, 9 Everest Mount, is an end-of-terrace dwelling at the northern end of one of the central terraced blocks. This terrace is set further back from the highway than the application property. As a result, the northern gable of 9 Everest Mount faces part of the rear garden of 7 Everest Mount, and the southern gable of 7 Everest Mount faces the front garden of No. 9. Neither gable have windows serving habitable rooms. There is a 1.7 metre high wall along the shared boundary between the two properties. The gable of No. 7 is clearly visible in the streetscene when travelling along Everest Mount in a northerly direction.

5. Relevant Planning History

HOU/2021/0212 - Two storey rear extension, single storey rear extension and front porch – Refused 30.11.2021

HOU/2020/0096 - Proposed garden shed - Retrospective - Approved with conditions – 03.08.2020

2/2007/0855 - Kitchen / diner extension - Approved 17.08.2007 – Not constructed

6. Representations

Workington Town Council

6.1. No response to date.

Other representations

6.2. The proposal has been publicised by neighbour letter. One letter of objection has been received from the occupier of the attached property to the north raising the following issues in respect of the rear extension:

- The height and length will significantly reduce light and daylight; the row of houses after 7 Everest Mount are set back and the sunlight comes between them. The bathroom, kitchen and living room would not get enough light especially in the winter months, and the garden would be affected.
- The design would be overbearing and dominant, leaving the occupiers feeling overlooked and hemmed in.
- Out of character with the neighbourhood and surrounding estate.
- No objection to a single storey extension but at a reduced length as it would reduce the daylight and make the occupiers feel hemmed in.
- The length of the extension is unacceptable, running along a large part the boundary with our garden.
- No objection to the front porch.

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.

9. Development Plan Policies

Allerdale Local Plan (Part 1) 2014

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

Policy DM14 Standards of Good Design
Policy DM15 Extensions and alterations to existing buildings and properties
Policy S1 Presumption in favour of sustainable development

Policy S2 Sustainable Development
Policy S4 Design Principles
Policy S32 Safeguarding Amenity

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. The key issue to assess is whether changes made to the scheme overcome the previous reason for refusal. The revisions made in comparison with the refused scheme are:
 - The rear extension has been moved a further 0.4 metres from the shared boundary with 5 Everest Mount (0.8 metres in total);
 - The single storey element of the rear extension has been reduced in length by 0.8 metres, the rear extension now measuring 9.2 metres in length in total.

- 12.2. 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.
- 12.3. 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. Despite concerns about the appearance and size of the rear extension, in these terms the design and scale of the proposals have already been accepted. The front porch is entirely appropriate, and whilst the southern elevation of the rear extension will be visible from the street, public vantage points are limited to the gap between the host dwelling and 9 Everest Mount. The extension does not reflect the simplicity of the dwelling, but it is set back from the southern gable wall and the ridge and eaves height are lower than that of the dwelling. As such, the design of the proposal would not exert a harmful effect on the character of the surrounding area. This is a significant extension in relation to the footprint of the host dwelling, with a projection that exceeds a typical domestic extension. Notwithstanding reservations about its scale and unsatisfactory visual relationship with the adjoining dwelling, the previous application was refused solely because of its impact on the amenities of the occupiers of 5 Everest Mount.
- 12.4. Criteria (d) seeks to ensure that extensions do not result in overdevelopment of the curtilage of the property. At approximately 27 metres in length the rear garden is longer than other gardens in the vicinity, and sufficient to accommodate the existing rear outbuilding and proposed extension whilst retaining a rear garden area.
- 12.5. Criteria (f) seeks to ensure that the operational car parking needs of a property would continue to be met. The parking area at the front of the property is unaffected by the porch and rear extension.

Main Issue - Residential Amenity

- 12.6. The main concern 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.
- 12.7. The property chiefly affected by the rear extension element of the scheme is the adjoining mid-terraced dwelling to the north, 5 Everest Mount. The proposals would be harmful to the living conditions currently enjoyed by occupants of that property because of the scale of the rear extension and the first-floor element in particular, its proximity to the shared boundary, and the relative orientation of the two properties. The extension would appear overbearing and visually intrusive when viewed from this property, and would create a sense of enclosure and diminish enjoyment of the garden area adjacent to the house. There is also the potential for overshadowing and a loss of direct sunlight at times of the year because of the position of the extension directly to the south of 5 Everest Mount.

- 12.8. The applicant's agent has sought to address the impact on the adjoining neighbour by reducing the length of the extension by 0.8 metres and moving it from the shared boundary by a further 0.4 metres. However, officers consider that these amendments are insufficient to overcome concerns that the scheme would be harmful and oppressive for the occupiers of the neighbouring property. The proposal is considered to materially harm the amenity of this neighbour, failing to meet the requirements of policy S2, S32, DM14 and DM15 (e) of the ALP Part 1 and advice contained within the NPPF.
- 12.9. The revised scheme involves re-siting the extension 0.4 metres closer to the shared boundary with 9 Everest Mount, the end of terrace property that lies to the south of 7 Everest Mount. The scheme would not exert such an adverse impact on this property as the extension will not project beyond its rear elevation and its side gable contains no habitable windows.
- 12.10. As a result of the reconfiguration of internal accommodation associated with the extension, the scheme also involves the installation of a first-floor window in the southern side gable of the application property to serve a bedroom. The close proximity of this first-floor window to the front elevation of 9 Everest Mount has the potential to harm the amenities of the occupiers of that property by reason of overlooking and loss of privacy. This issue was addressed in the previous application whereby it was considered that the amenity of the adjoining neighbour could be safeguarded by the installation of obscure glazing. Should Members be minded to approve the scheme consideration would need to be given to a suitably worded condition.
- 12.11. Whilst the front porch is entirely acceptable officers remain of the view that the rear extension by virtue of its scale and size would be unneighbourly, having a significant harmful effect on the living conditions of the occupiers of 5 Everest Mount by reason of being overbearing and creating a sense of enclosure, 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.
- 12.12. The proposal therefore fails to overcome the previous reason for refusal.

Public Benefits

- 12.13. 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, the proposals would have a significant harmful effect on the living conditions of the neighbours at 5 Everest Mount by reason of being overbearing and creating a sense of enclosure. 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 proposed extension, by virtue of its scale and size, would have overbearing and unneighbourly impact, detrimentally increasing a sense of enclosure, resulting in an unacceptable effect on the residential amenity of the occupiers of 5 Everest Mount, contrary to Chapter 7 of the National Planning Policy Framework and Policies S1, S2, S4, S32 and DM15 and DM14 of the Allerdale Local Plan (Part 1) July 2014 and advice contained within the NPPF, which together seek to achieve high standards of design that safeguard the amenity of existing and future residents.”

