
APPLICATION DETAILS

Application No:	20/0017/FUL
Location:	15 Connaught Road, Nunthorpe Middlesbrough TS7 0BP
Proposal:	Single storey extension to rear and part conversion of detached garage to residential annexe including installation of 7no roof lights
Applicant:	Mr & Mrs Rhodes
Agent:	Mr Fahim Farooqui
Ward:	Nunthorpe
Recommendation:	Approve with Conditions

SUMMARY

The application seeks approval for the installation of 7 roof lights to an existing outbuilding at the rear of 15 Connaught Road to support its conversion to a residential annexe. The use of the garage as a residential annexe doesn't however require planning permission. Approval is also sought for a single storey extension to the rear of the main dwelling to create a larger kitchen space.

Following the consultation exercise objections were received from four of the adjacent residential properties. Concerns have been raised with regards to loss of privacy and overlooking to main habitable rooms, noise, parking provisions, the outbuilding being turned into a separate private residence and the impacts on wildlife / conservation. The scheme has been amended during the application process to reduce the impact of the rooflights. Taking into account all material considerations, it is considered that the proposed rear extension is in keeping with and would have no significant detrimental impact on the adjacent properties. With regards to the proposed rooflights, it is considered that there has been some reduction in the potential impact of their presence to the amenity and privacy associated with adjacent properties and whilst there will still be some adverse impact on privacy and amenity on the occupiers of adjacent properties, it will not be so significant that would warrant refusal of this application, being able to accord with relevant Local Plan Policies CS5 and DC1.

SITE AND SURROUNDINGS AND PROPOSED WORKS

1. The application site is a modest, two storey, semi-detached dwelling which is located on Connaught Road in Nunthorpe, part of a number of properties within this locality which have relatively large rear gardens.
2. The application seeks planning approval for a single storey extension to the rear of the dwelling and to undertake works to the existing detached outbuilding / garage to support its use as a residential annexe, involving the installation of 7 rooflights.

PLANNING HISTORY

M/FP/1239/07/P – Erection of doubled detached garage at rear.
Approved with Conditions -14th August 2007

PLANNING POLICY

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities must determine applications for planning permission in accordance with the Development Plan for the area, unless material considerations indicate otherwise. Section 143 of the Localism Act requires the Local Planning Authority to take local finance considerations into account. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires Local Planning Authorities, in dealing with an application for planning permission, to have regard to:

- The provisions of the Development Plan, so far as material to the application
- Any local finance considerations, so far as material to the application, and
- Any other material considerations.

Middlesbrough Local Plan

The following documents comprise the *Middlesbrough Local Plan*, which is the Development Plan for Middlesbrough:

- Housing Local Plan (2014)
- Core Strategy DPD (2008, policies which have not been superseded/deleted only)
- Regeneration DPD (2009, policies which have not been superseded/deleted only)
- Tees Valley Joint Minerals and Waste Core Strategy DPD (2011)
- Tees Valley Joint Minerals and Waste Policies & Sites DPD (2011)
- Middlesbrough Local Plan (1999, Saved Policies only) and
- Marton West Neighbourhood Plan (2016, applicable in Marton West Ward only).

National Planning Policy Framework

National planning guidance, which is a material planning consideration, is largely detailed within the *National Planning Policy Framework* (NPPF). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF defines the role of planning in achieving economically, socially and environmentally sustainable development although recognises that they are not criteria against which every application can or should be judged and highlights the need for local circumstances to be taken into account to reflect the character, needs and opportunities of each area.

For decision making, the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way, working pro-actively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and that at every level should seek to approve applications for sustainable development (paragraph 38). The NPPF gives further overarching guidance in relation to:

- The delivery of housing,
- Supporting economic growth,
- Ensuring the vitality of town centres,
- Promoting healthy and safe communities,
- Promoting sustainable transport,
- Supporting the expansion of electronic communications networks,
- Making effective use of land,
- Achieving well designed buildings and places,
- Protecting the essential characteristics of Green Belt land
- Dealing with climate change and flooding, and supporting the transition to a low carbon future,
- Conserving and enhancing the natural and historic environment, and
- Facilitating the sustainable use of minerals.

The planning policies and key areas of guidance that are relevant to the consideration of the application are:

CS5 - Design
 DC1 - General Development
 UDSPD - Urban Design SPD
 NDS - Nunthorpe Design SPD

The detailed policy context and guidance for each policy is viewable within the relevant Local Plan documents, which can be accessed at the following web address.
<https://www.middlesbrough.gov.uk/planning-and-housing/planning/planning-policy>

CONSULTATION AND PUBLICITY RESPONSES

Neighbouring properties were consulted on the proposal, five objections have been received from four of the adjacent neighbouring properties. Comments received are summarised below and appended in full to this report.

Ms G Fox - 13 Connaught Road

The extent of the roof lights provided uninterrupted overlooking views from all areas of the proposed roof into my property and garden thus resulting in total loss of privacy. It could be questioned as to why in such a small floor area that 8 roof lights are included, even a single roof light would protrude the same intrusion. On viewing the submitted plans, the roof lights are positioned high in the roof space but not high enough to eliminate the possibility of anyone of reasonable height to view directly out of even a single Velux. It could be assumed that with the inclusion of a kitchen and bathroom that a later use of the garage area as a lounge would transform this proposal into a permanent one bed residence. I would therefore request that the planning committee takes note of my objections to this proposed conversion of the garage.

Mr Howlett - 17 Connaught Road

I live next door at 17 Connaught road (not 17a) and I have no objection to the rear extension on the main house and would support this. I do however object to the garage being converted into living accommodation and in particular to the four roof lights (even when closed or open) that look directly into our lounge, open plan kitchen/dining room and bedrooms. We have full length opening bi folding doors in both rooms, the sight line to these doors from roof lights is about ten degrees, plus the distance is only about 5.9 meters. Hence we would be on full

view in both rooms losing our privacy we currently enjoy, in addition to this we spend a significant amount of our time in these rooms. Lastly we are concerned about any noise that will be produced from the annex kitchen and from the roof lights which will be open during the summer months.

Dr R and Mrs K Craven - 2 Bedford Road

Following due consideration myself and my husband wish to object to the above mentioned request in particular the conversion of the detached garage to a residential annex based on the following pointers:

1. The garage that potentially could become converted into an annex (dwelling) lies virtually on the boundary line to ourselves and the two adjacent neighbours. Our concerns relate loss of privacy as the development will overlook our property bringing about considerable loss of privacy and also the closeness of the building to the boundary line will create an overbearing appearance.
2. Due again to the close proximity of the building to the boundaries this could also result or create a noise problem for adjoining properties, currently as a garage there is little or no noise at all.
3. We also have concerns regarding the layout and the density of what is to be included within the building (it was built as a garage). It would appear by looking at the plans that there will still be a garage with a kitchen to the ground floor with a rear door that would open almost up against our rear fence, there is a staircase leading to a living/bedroom area with bathroom, with 8 roof lights built into the roof.
4. To the rear of our garden where the above-mentioned boundaries lie there are a number of trees which create an established appearance to the area. I fear that in due course if planning was accepted that residents of this annex/dwelling could start to object because of their close proximity to the building and that could create problems in relation to local nature conservation.

I write this email with some concern as I feel that the appropriateness of such a dwelling highly inappropriate for where it is situated, and can't help but feel that this is somebody developing a property to their own ends possibly to make money in the future selling it on as a separate dwelling. I therefore hope that you will strongly consider my above reasons for objection.

Mrs T Golden - 4 Bedford Road

The part of the planning I wish to object to is the conversion of the garage to residential dwelling. I wish to object to this because of the following; Layout of the building, Overlooking/loss of privacy/overbearing, Noise, Effect on other buildings in the area Traffic /parking provisions, previous decisions made on planning submitted.

The garage at present stands very close to the border boundary and fence line of the property, this is a garage at present and if converted to a residential dwelling would create more noise. The proposed plans are to install 8 windows into the tiles roof, this being 4 at the front and 4 to the rear. The rear windows is where I object to as this would invade our privacy as we are a single storey bungalow. The windows would directly look into our garden, my dining room and bathroom. If this is converted to residential it would have extra drain on services such as sewerage and drainage, which is already a problem in the area. It would also possibly cause extra problems with parking issues, which are a huge problem in the area. Potentially more congestion if in the future it had a change of use to an extra private dwelling. (Back garden development). My biggest issue is the conversion of the garage and the windows to the rear of the property.

Mr S Golden -4 Bedford Road

After being informed of the planning application to convert the large garage to a dwelling at the rear of my garden. I would like to enter strong rejection of this development. I wish to object to this because of the following;

Layout of the building. At present the garage is an overpowering monstrosity which unfortunately had been built prior to us moving into our house. To convert it into a dwelling and add windows to the roof space is an intrusion of my privacy on the grounds of noise and being overlooked. At present I have an owl nesting box in the tree in my garden near the garage (Garage and my tree on the adjoining fence lines.) A Tawny owl is a regular visitor to this owl box and human disturbance will have a detrimental effect on its life.

Generally I complain about this conversion into a dwelling causing more urbanisation of our beautiful leafy suburb and back gardens wild life corridor to the countryside, as well as disturbance of my own space.

Summary:-

I object. At present we look out to a tiled roof. With planning there will be windows in the roof space.

I object to being overlooked/invasion of privacy,

I object to the potential for more residential noise.

I object to addition to more vehicles in the area.

I object to disturbance of wildlife habitat/wildlife corridor.

I object to the conversion as it is already too close to the building line of myself and adjoining property and property to the rear of 15 Connaught rd. (property in planning application).

I also object to the house planning on the same grounds.

Public Responses

Number of original neighbour consultations	4
Total numbers of comments received	5
Total number of objections	5
Total number of support	0
Total number of representations	0

PLANNING CONSIDERATION AND ASSESSMENT

Principle of development & Impact on Character and Appearance of area

3. The application site is a modest, two storey, semi-detached dwelling which is located on Connaught Road in Nunthorpe in a residential area characterised by a mix of property types set with relatively large gardens and with some mature landscaping / trees within the wider area. The general principle of an extension to the dwelling / outbuildings is therefore acceptable subject to detailed consideration of the specific scale, design, appearance and relative impacts of what has been proposed.
4. The application has been amended since its initial submission and is seeking permission for two elements, an extension to the main dwelling and for the installation of 7 roof lights into the roof of the existing outbuilding, three to the front roof plane and four to the rear.
5. Planning approval was granted in 2007 for a double detached garage which is situated along the rear site boundary. The garage is part of the overall dwelling, which is all within the residential use class. The proposed annexe is intended for members of the same family to use and is therefore not altering the use class of the

site and is not creating a separate planning unit, i.e. not creating a separate dwelling as it will be used solely as an annex to the main property and be occupied by persons who have a direct relationship to the occupiers of the main (host) property. In planning, the use of the garage in this manner, does not require planning permission, nor do the internal works to create the individual rooms. What requires permission is the installation of roof lights within the outbuilding and the proposed extension to the main dwelling.

6. The relevant local plan policies to be considered in determining this application are Policies CS5 and DC1. Policy CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context. Policy DC1 takes account of the visual appearance and layout of the development and its relationship with the surrounding area in terms of scale, design and materials. This is to ensure that they are of a high quality and to ensure that the impact on the surrounding environment and amenities of nearby properties is minimal.
7. With regards to the installation of roof lights the Councils Design SPD guidance advises that they should not protrude more than 150mm from the roof plane, should not be situated above the ridge line, should be of an appropriate scale and layout and should be positioned in the least intrusive location possible.
8. In development terms, the proposed roof lights are considered to be a fairly minor addition to the outbuilding and although seven roof lights are proposed in total they are relatively small in scale set below the ridge and away from the eaves and will project only marginally from the roof plane. The overall appearance of the outbuilding will not significantly change as a result and as no extension is proposed to the outbuilding, the existing scale of this structure will remain unaltered.

Impact on Privacy and Amenity - House extension

9. The application proposes a small single storey extension at the rear of the property, extending an existing single storey sun room. The extension will incorporate a flat roof, have an overall height of 3.2m and a set of doors centrally along the rear elevation. The extension will project 0.5m further than the existing sunroom and will have an eaves height which is 0.5m greater overall.
10. The proposed extension is considered to be subservient to the main dwelling, being relatively minor beyond the existing built form. Furthermore, being at the rear, it will have a very limited impact on the character and appearance of the area. The overall footprint of the property will not significantly change as a result of the work and the extent of outdoor amenity space the dwelling has will similarly not be significantly reduced.
11. The extension will sit close to the shared boundary with No.13 which has a set of double doors within its rear elevation, positioned close to the boundary. Due to the existing layout of development, the neighbouring properties window, will to a degree be set in between two extending elements which is arguably detrimental to light, however, as the projection and increase in height is minimal, the additional impact is considered would be limited. The neighbour's rear double doors will still receive a reasonable level of the light following the works.
12. The proposed extension will be screened entirely from No.17 by the existing two storey offshoot whilst there is an adequate separation from the proposed extension and those existing properties on Bedford Road, and will, in some instances, be screened by the existing garage at the rear of the application site.

13. In view of these matters it is considered that no residential properties would be significantly impacted by the proposed house extension in terms of detriment to light, privacy or amenity.

Impact on Privacy and Amenity – Works to outbuilding

14. Concerns have been raised from the occupiers of neighbouring properties with regards to proposed works to the outbuilding. These include loss of privacy and overlooking, impacts of additional noise, parking provisions and the outbuilding being turned into a separate private residence.
15. Planning permission is not required for the use of the outbuilding as accommodation provided it is used solely as an annex to the main property and occupied by persons who have a direct relationship to the occupiers of the main (host) property. Consideration can therefore only be given to the external alterations being proposed to the outbuilding. Whilst the use of the outbuilding can already occur, it is recognised that through the insertion and operation of the proposed roof lights that an additional impact is likely to occur as they will allow views out and able to be opened and thereby allow noise generated within the outbuilding to be heard external to it, in close proximity to adjacent gardens, to a greater degree than would otherwise be the case.
16. Importantly, using the outbuilding as a residential annexe within an established residential area would lead to more 'residential related noise' in this area. This would not introduce a new noise type (industrial / commercial noise) into the area and arguably may not result in greater noise than if someone were minded to construct a patio / decking or summerhouse in the same position, all of which may be able to be constructed without the need for planning permission. The outbuilding and the associated roof lights being proposed are within close proximity to the sites boundaries and being at the end of the garden this is different to the general relationship of properties within the streets, however, properties and their windows and relatively close to one another's boundaries along the street as is typically the case in a residential area and it is not uncommon for noise generated at a neighbouring property to be heard within the garden of an adjacent property. For these reasons, it is considered that the proposed rooflights should not, where reasonably used, amount to a significant detrimental impact on the residential amenity of adjacent occupiers.
17. With regards to privacy and overlooking, where close to boundaries / windows associated with other properties, ideally roof lights should be set above the head height of the internal room which they serve in order to avoid overlooking. However due to the existing fixed height of the existing garage and position of the upper floor level within it, providing roof lights above head height in the roof space is not achievable.
18. Considering this in detail, it is noted that the roof space within the outbuilding is particularly restricted due to the sloping roof and this may limit the extent of use the space is likely to result in. Within the outbuildings front roof slope (facing the host property) there were initially four roof lights proposed and a further four in the rear. This was considered to be excessive and a request was made to limit the impacts of roof lights on neighbouring properties. A revised scheme has been submitted with seven roof lights shown, three to the front and four to the rear. Of the three roof lights in the front roof slope, two would serve a study / office and one would serve an en-suite. The changes made have also indicated the en-suite roof light would be fixed (non-openable) as well as being obscurely glazed. In the rear roof slope, there

are four roof lights proposed, one serving an en-suite (obscure but not fixed), two serving the office / study and one serving a stairwell.

19. Importantly, roof lights operate and provide a different aspect than more traditional windows within a vertical elevation. The roof lights proposed are of a limited width and provide a much reduced angle of viewing from within a room than a more typical window arrangement and arguably therefore, have a reduced impact on privacy in general terms. Building occupiers are still able to stand at a roof light and get a view out however and thereby still impact privacy so this still needs to be considered.
20. With regards to the front roof slope, there are three roof lights proposed, two serving the office / study and one serving an en-suite. The en-suite is indicated as being fixed and glazed and should have no adverse impact on privacy and amenity and only a minimal impact on the perception of privacy. The two roof lights in the front elevation serving the Office / Study are set at distance to adjacent dwelling houses. No.17 Connaught Road (dwelling) sits closest to the outbuilding due to an existing extension which also offers relatively direct views towards the outbuilding at short distance. The outbuilding is clearly visible from No.17's open plan kitchen/diner and living room which has large open bi-folding doors along the rear elevation. The applicant was required by the case officer to reduce / limit the impact of privacy that the views from the roof lights would have resulted in and an amended proposal was submitted which removed the closest openable / translucent roof light and whilst two clear glazed roof lights will remain along the front roof slope they will be positioned 13m from the rear of No.17 Connaught and 19m from the rear of the attached neighbour (No.13 Connaught). The views to no.17 would be oblique and thereby significantly restricted from large parts of the internal room. Taking these matters into account, it is considered that the revised proposal for three roof light within the front roof slope, although having an impact on privacy and amenity for the adjacent properties, would not be so significant as to warrant refusal.
21. With regards to the rear roof slope, the proposal seeks permission for three clear glazed roof-lights serving a stairwell and office / study, and one obscure glazed roof-light serving an en-suite. The garage is positioned 23m from the rear elevation of No.4 Bedford Road and 28m from the rear elevation of No.2. This is notably beyond the design guides distance between opposing habitable rooms of 21m and raises no concerns in terms of inter relationship between opposing windows.
22. The greater impact of views from the windows would be into the gardens associated with these properties. Due to the limited scale of the windows, such views would not be achieved from large areas internal to the rooms within the outbuilding. Notwithstanding this, what views are achievable are at particularly close quarters to the adjacent gardens and there are two key aspects to consider, which are, the impact on privacy and the perception of privacy. Typically, gardens get afforded less control over maintaining high levels of privacy than would be expected within rooms of a house as rooms are expected to be the more private areas and get the highest usage. Furthermore, most properties in residential areas already have properties, adjacent, already overlooking one another's garden. It is a common place occurrence. Whilst the roof lights will be visible within the roof plane of the outbuilding, given their angle, size and position, it is considered that the actual impact would be relatively limited although accepted that the perception of being overlooked could be greater should windows be open and voices, music and general domestic noise generated within the property, be audible within the adjacent rear gardens. Whilst this may not be significantly different to existing properties adjacent, the proposed windows will arguably more noticeable, being in direct sight. Whilst this is considered to be a detrimental impact for the privacy and perception of privacy associated with adjacent properties, on balance, it is considered that this would not be so significant as to warrant refusal of the application.

Other Matters

23. With regards to objections that the outbuilding may be used as a separate private residence, such a change would require planning permission which would need to be considered separately by a further application were this to be proposed.
24. Concerns have been raised regarding conservation and particularly, the impact on birds / owls from the works and the operation of the proposed roof lights to the birds that nest in the trees and specifically in relation to an owl nesting box in the adjacent tree, positioned close to the edge of the garage. The use of the garage cannot be controlled provided it is ancillary to the main house and therefore can be used as an ancillary annexe without approval, furthermore, the proposed outbuilding is not extending. The insertion of roof lights into the roof however will cause noise and disturbance during construction and will result in some disturbance through their operation. Construction works are likely to be relatively limited in duration and both construction works and operation of the proposed rooflights is unlikely to notably affect the adjacent nesting box. However, in order to minimise the impact on nesting, it is considered appropriate to restrict the construction phase of works to be outside of the owl nesting season. A suitably worded condition is recommended.
25. In terms of parking provision a parking space will still be provided within the outbuilding and the existing parking provisions at the front of the site will still be retained. As a result, adequate in-curtilage parking provision will still be achieved ensuring there will be no implications on the highway.

Conclusion

26. In view of the above, whilst the proposal will have a detrimental impact on privacy and amenity of neighbouring properties, when taking into account the use of the outbuilding as an annexe as permitted development, it is considered that the impacts would not be so significant as to amount to a notable harm which would necessitate the refusal of the application. Officer recommendation is to approve subject to the following conditions;

RECOMMENDATIONS AND CONDITIONS

Approve with Conditions

1. Time Limit
The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. Approved Plans
The development hereby approved shall be carried out in complete accordance with the full plans drawing (Ref: 001A) and specifications received 2nd March 2020 and shall relate to no other plans.

Reason: To ensure a satisfactory form of development and for the avoidance of doubt.

3. **Materials**
The materials to be used in the construction of the external surfaces of the development hereby permitted shall be similar in appearance to the host property.

Reason: To ensure the use of satisfactory materials.

4. **Use of annexe**
The outbuilding shall be used solely as an annex to the main property and occupied by persons who have a direct relationship to the occupiers of the main (host) property. At no time can the accommodation be rented or sold as a separate dwelling without a new planning application being submitted for a change of use.

Reason: To ensure a satisfactory form of development.

5. **Avoid Bird Breeding Season**
The rooflights hereby approved shall not be installed between or during the months of March to September.

Reason: In order to prevent disturbance to nesting birds in accordance with national planning policy guidance.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed single storey extension at rear and installation of roof lights to the existing outbuilding at rear, accords with the principles of the National Planning Policy Framework (NPPF) and, where appropriate, the Council has worked with the applicant in a positive and proactive way in line with paragraphs 186-187 of the NPPF. In addition the proposed single storey extension at rear and proposed roof lights to the outbuilding accord with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework).

In particular the extension and roof lights are designed so that their appearance is complementary to the existing dwellinghouse and so that it will not have a detrimental impact on the amenity of any adjoining or nearby resident. The extension will not prejudice the character and appearance of the area and will not significantly affect any landscaping nor prevent adequate and safe access to the dwelling.

The application is therefore considered to be an acceptable form of development, fully in accordance with the relevant policy guidance and there are no material considerations which would indicate that the development should be refused.

Case Officer: Joanne Lloyd

Committee Date: 3rd April 2020

