
APPLICATION DETAILS

Application No:	20/0087/FUL
Location:	84 St Marys Walk Middlesbrough
Proposal:	Single storey and two-storey extensions at rear, raising of roof of existing house, and new detached garage.
Applicant:	Mr S Ditta
Agent:	Mr Garry Phillipson
Company Name:	GPDESIGNS ARCHITECTURAL SERVICES
Ward:	Acklam
Recommendation:	Approve with Conditions

SUMMARY

Planning permission is for a 2 storey rear extension, raising the roof of the dwelling and the erection of a new detached garage.

The application is one of two applications submitted to extend a pair of semi-detached houses.

The proposed extensions as initially submitted were considered by officers to have an undue impact on privacy associated with the property to the rear and have been revised to remove a dormer window in the rear roof slope and reposition a window from the rear elevation to the side elevation, thereby limiting the proximity and number of windows facing the side elevation of the property to the rear.

The design and appearance of the revised scheme is considered to be in keeping with the host property and, notwithstanding objections being raised, it is considered that privacy and amenity of nearby properties would be reasonably maintained. Adequate parking can be achieved on site to serve the extended property.

In view of all material matters, it is considered that the proposed developments are in accordance with relevant local plan Policies DC1, CS5 and the guidance contained with the Middlesbrough Urban Design Guide which require development to be in keeping with the host property and the character of the area and to not have undue impacts on either surrounding properties / their use or highway related matters.

SITE AND SURROUNDINGS AND PROPOSED WORKS

1. The application relates to a semi-detached 2 storey house on St Marys Walk, an area predominantly made up of other 2 storey semi's laid out along the western side of the road, with the opposing side being occupied by the Mill Hill Recreation Ground, an open grassed area located to the rear of Acklam Hall. The street is largely defined by properties building lines and the openness on the eastern side of the road as well as the trees lining the street.
2. Planning permission is sought for a two storey rear extension, an increase in roof height (including rooflights) and replacement of the existing single garage with a double garage.
3. The 2 storey rear extension extends off the existing rear elevation which is currently staggered. The proposed extension would have a max. depth at ground floor of 6.28m (min. 0.3m) and a max. depth at first floor of 3.9m (min depth 2.3m). The rear extension runs for the full width of the existing property, albeit being staggered.
4. The proposed changes to the roof would not alter the existing eaves level but increase the ridge of the roof by approximately 1m.
5. The proposed detached garage measures 11.57m in length and 3.75m in width.

PLANNING HISTORY

None Relevant

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:

DC1 - General Development
CS5 - Design
UDSPD - Urban 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

Middlesbrough Council Highways Authority

With the existing driveway and proposed garage there will be sufficient parking at the site and therefore suggest that a condition is imposed so that the garage space cannot be converted without the need for planning permission in order to prevent a shortfall in parking in the future.

Neighbour Comments

One letter of objection has been received from the occupier of the property to the rear of the site. Objections and concerns raised were made prior to the amendment of the scheme and are as summarised as follows;

- The proposal would demonstrably harm the amenities enjoyed by local residents, in particular loss of privacy, road safety and the right to enjoy a quiet and safe residential environment.
- Both proposals allow for the additional bedrooms and therefore potential for an increase in the number of residents able to reside within the properties.
- The properties concerned are bordered by a wooded walkway, busy road and my property at their rear. I believe the plans are out of keeping with the residential area in which they are situated, and the additions proposed are out of proportion and not in keeping with the design of neighbouring properties and I believe the additions can be considered to cause an overcrowding of the site.
- Behind my property lies a line of trees, which also borders one of the properties (with planning for a garage extension), which are part of the historic walkway and possible site of a moat, and are some of the tallest trees behind Acklam Hall. This area needs to be protected and any detriment to visual impact needs to be minimised and any additions kept in keeping with this area. In addition, construction work on a garage extension to the property could impact upon the large trees besides the property, in particular their roots which can cause damage to the trees which are extremely large and overhang my property boundary.
- Acklam Conservation Area borders the site on the opposite side of Saint Mary's Walk and the enlargement of the properties will cause a detrimental impact on the conservation area character.
- My main concern and point of objection is the loss of privacy and overlooking onto my property that the proposed developments will facilitate. In particular, as previously described all properties around these properties are two-storey high, and if attic windows are present, are of velux 'roof light' construction.
- The proposals allow for adding height to the existing roof line and addition of vertical windows to the second floor, which would enable both properties to significantly overlook onto my property from an unfair advantage, into my rooms and garden. The views from my property are shown below. Consequently I believe that addition of a third floor should not be permitted as proposed in the plans, and if development of the roof space/raising of the roof line is to be considered, then only velux/roof lights should be permitted, or windows with obscured glass, or the windows repositioned to other aspects of the property so not to impact upon the privacy of my property anymore than the current overlooking from the first floor windows.
- Whilst I understand that rights to light cannot be a given, I do feel that any additional increase of roof line will cause additional loss of light to my property and garden. I feel that consideration should be taken due to the fact that extremely large and tall trees on Council land obscure sunlight during the middle of the day and morning sunlight is gained to my property over the properties concerned in the proposals.
- The road currently is dangerous as traffic management chicanes to slow down traffic are located just next to the properties, with the drive of the property with proposed increase in garage size, entering the roadway at the narrowest point of the chicane. Parked cars due to the current number of residents residing in the

properties are already problematic and are parked on the roadway, reducing visibility and causing obstruction around this area of traffic management.

- Proposed plans by Middlesbrough Council to block Saint Mary's Road and Church Lane by Saint Mary's Church will cause additional traffic through this area where parked cars and the existing chicane and narrow road are already hazardous.

PLANNING CONSIDERATION AND ASSESSMENT

Principle of Development

6. Planning permission is sought for the extension of a residential property within a residential area, within the defined limits of development as allocated within the Local Plan. As such, the proposal is acceptable in principle. The key planning considerations for this application are whether the proposed developments are in keeping with the host property and surrounding area, and whether or not the impacts of the proposed alterations on the privacy and amenity of surrounding properties and on highway safety are acceptable. These and other material planning considerations are considered as follows;

Background

7. The proposal as initially submitted was for a two storey rear extension, lifting of the roof and erection of a detached garage. The roof alterations included a dormer window in the rear roof slope. Taking into account objections received to the scheme, officers initially considered the combination of the proposed changes to notably increase the impacts on privacy associated with the windows in the side elevation of the property to the rear. The applicant has since revised the scheme by removing the rear dormer and replacing it with rooflights and has also moved a bedroom window from the rear elevation to the side elevation.
8. Importantly, the property is semi-detached and both semi's are within the same ownership. It is intended, by way of a separate application to undertake similar extensions to both properties, which in turn serves to maintain a degree of symmetry between the properties and prevent the extensions to one property unduly dominating the other or looking out of place within the street scene.

Impact on the character of the area

9. The proposed extensions would raise the roof of the dwelling, in order to allow use of the attic space. This change would not increase the external wall height, but would increase the ridge height and therefore bulk of the roof. The main block of the property would be increased in footprint and the proposed garage would replace (albeit being larger) the existing garage within the rear corner of the garden. The driveway would remain largely in its current position.
10. Objection has been received which suggests the resultant property would be out of keeping with the wider area, however, this pair of semi's are already of a different design to other properties within the area, albeit of a similar form, but of a more modern design. In view of the scale of the plot within which the property sits and the extensions increasing each element of the property in a proportional approach, it is considered that the resultant dwelling would not unduly dominate the surrounding area or adversely affect the character of the area. Important to this consideration is that the front elevation and front side elevation are not changing other than through the increased roof height and that the pair of semis sits away from other properties

as Coniston Grove borders one side and a tree lined walkway lies to the other. The use of matching materials will further assist in the alterations and additions fitting within the character of the existing street scene.

Impacts on amenity and privacy

11. Both the ground floor and first floor extensions are proposed to be closer to the property to the rear than the existing situation. The property to the rear has its side elevation facing the host property and within its side elevation has windows at both ground and first floor which serve habitable rooms. Individuals / properties do not have a right to a view as such, however, imposing buildings in locations very close to windows which serve habitable rooms, can have an adverse impact on the amenity associated with them, as well as the privacy, which are material planning considerations. For new dwellings, the councils Urban Design Guide suggests that the rear elevation of a property should be 14m away from the side elevation of another, and that opposing habitable room windows should have an intervening distance of 21m. Where properties are being extended it is expected that these distances can be compromised as it is often only elements of a property which draw closer.
12. In this instance, the existing rear elevation has a bedroom window within it and the revised proposals seek to also provide a bedroom window within the rear elevation and this will be no closer to the existing property than existing window. The initial design also proposed a large dormer window within the rear roof slope and another bedroom window within the rear elevation, however, the dormer has now been removed from the scheme, being replaced by roof lights and the other bedroom window has been moved to the side elevation. As such, the potential additional impact on privacy from upper floor windows has been significantly reduced, to be little greater than the existing situation and is considered to be in accordance with both Local and National Guidance in terms of limiting impacts on surrounding properties.
13. The additional roof height and extensions will have some impact on sunlight achieved at the property to the rear (125 Coniston Grove), however, in view of the orientation of the plots and the relative openness of them, as well as the limited additional height being proposed, it is considered that this would not be a significant impact and would in any case only affect sunlight during a relatively short part of the day given the host property is already in position and is located due east of 125 Coniston Grove.

Parking and highways related matters

14. The proposed scheme will result in the existing 3 bedroom house becoming a 6 bedroom house and concern has been raised by an objector that the additional bedrooms will result in additional occupancy and therefore additional cars, which in turn will lead to increased traffic and problematic parking within the area.
15. The Tees Valley Design Guide suggests that for properties with 6 bedrooms, 3 parking spaces should be provided. The proposed scheme will provide a double garage (in length) as well as having 2 reasonably usable spaces on the existing driveway. Adequate parking is therefore considered to be provided as part of the scheme. The Councils Highways Officer has recommended that a condition is imposed preventing the garage from being converted in order to retain adequate provision on site in perpetuity. Given the sites position relative to a road narrowing scheme and a crossing point for St Mary's Walk, this is considered to be an appropriate measure to minimise the need for vehicles to be parked on the highway outside the property. Condition 4 is recommended to address this.

16. Concerns raised by an objector over additional traffic in the area generally are noted, however, this would be minimal when taking into account the amount of properties served off St. Mary's Walk and therefore not something which would raise concerns over traffic movement or junction capacities.

Other considerations

17. Objection has been raised based on the additional scale and occupancy potential for the property to result in additional noise. Whilst this may occur, the property would remain to be a residential dwelling, in a residential area. Should undue noise be generated at the property, then this would be a matter to consider under Statutory Nuisance legislation rather than planning guidance taking into account the property being well spaced from surrounding properties and having sufficient outdoor amenity space for a property of the scale proposed.
18. Objection has been raised to the proposed works in relation to potential damage that they may cause to trees and their associated roots which lie within the adjacent public walkway. Whilst the trees are immediately adjacent and do in part overhang, the proposed garage will only lie partly within the root zone for the trees and as such should not have a significantly detrimental impact to the trees longevity as the larger part of their root zone would be untouched. The occupier of the property already has rights in relation to tree branches / limbs overhanging the boundary and this proposal does not change that situation.
19. The objector considers the proposed changes will adversely affect the character of the conservation area, however, as the frontage of the property is remaining the same apart from an increase in roof height, and in view of the dwelling being set on the opposing side of St Mary's Walk to the Conservation Area, and is part of the linear building line associated with St Mary's Walk, it is considered that there will be no significant detriment to the character of the conservation area.

Conclusion

20. In view of the above considerations, the proposed development is considered to be of a scale and design which is in keeping with the host property and the associated plot and will not unduly affect or dominate the character of the area and would maintain suitable levels of privacy and amenity for surrounding properties. It is further considered that adequate parking can be achieved at the site for the proposed development and subject to controlling conditions can meet the relevant requirements of Local Plan Policies DC1 and CS5 and the guidance within the Urban Design Guide.
21. In view of the property being a semi-detached dwelling and it proposing a raising of the roof height, in order to prevent a highly visible unbalance to the pair of semi's, a condition is recommended which only allows the increase in roof height to take place in the instance that both properties undertake the same. A condition is recommended accordingly.

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 plans and specifications as detailed below;

Plan 01 Rev A as received on the 18th August 2020

Plan 04 Rev F as received on the 21st September 2020.

Plan 05 Rev F as received on the 21st September 2020.

Plan 06 Rev F as received on the 21st September 2020.

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

3. Alterations to roof height

The alterations hereby approved to the existing and new roof relevant to the main body of the property shall only take place as a combined scheme with the roof height increase approved as part of the works under application 20/0087/FUL for 84 St. Mary's Walk.

Reason: In order to ensure a uniform roof structure and thereby prevent an undue impact on visual amenity in accordance with the requirements of Local Plan Policies DC1 and CS5.

4. Garage use to be retained in perpetuity

The garage hereby approved shall be laid out and used as a garage for vehicles in perpetuity.

Reason: In order to limit the likelihood of on street parking and preserve highway safety in the area, in accordance with the general requirements of Local Plan Policy CS5.

5. Matching Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: To ensure the use of satisfactory materials.

REASON FOR APPROVAL

The proposed extensions are considered to be of a design which is in keeping with the host property and the attached neighbouring property, of a scale and position which would not unduly affect the privacy or amenity associated with adjacent properties and is able to provide adequate parking for the future occupiers of the property, in accordance with relevant Local Plan Policies and planning guidance.

Case Officer: Andrew Glossop

Committee Date: 02.10.2020

