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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>20/0088/FUL</b>
<b>Location:</b>	<b>82 St Marys Walk Middlesbrough</b>
<b>Proposal:</b>	<b>Single storey extensions at rear and side, first floor only extension at rear, and raising of roof of existing house</b>
<b>Applicant:</b>	<b>Mr S Ditta</b>
<b>Agent:</b>	<b>Mr Garry Phillipson</b>
<b>Company Name:</b>	<b>GPDESIGNS ARCHITECTURAL SERVICES</b>
<b>Ward:</b>	<b>Acklam</b>
<b>Recommendation:</b>	<b>Approve with Conditions</b>

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**SUMMARY**

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Planning permission is sought for a number of extensions to a domestic property, the raising of the roof, a 2 storey rear extension, first floor rear extension and a side extension.

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 be of an excessive scale, would have been too dominant on the area and would have had a notable impact on the privacy associated with an adjacent property. Two sets of revisions have been submitted by the applicant to address officers concerns and have had the affect of removing a dormer roof window, reducing the projection of a first floor extension and reduced the footprint of a side extension. The revised scheme is considered to be in keeping with the host property and, notwithstanding objections being raised by nearby residents, 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 and 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.

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## **SITE AND SURROUNDINGS AND PROPOSED WORKS**

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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 the erection of several extensions to the dwelling. In its current form, the property has a 2 storey main section with a long outshoot to the rear (part 2 storey part single storey) and also a conservatory which projects to the side of a former extension.
3. The initial proposal submitted was to;
  - Extend to the rear of the property by 6.2m ground floor and 3.9m at first floor.
  - Extend above the existing single storey outshoot section (5.5m x 4.2m)
  - Replace the conservatory to the side with a single storey extension measuring approx. 7.7m x 4m.
  - Raise the roof, putting rooflights in the front slope and a dormer in the rear.
4. The proposals have since been reduced following officers concerns being raised and the application now proposes;
  - Extend to the rear of the property by 6.2m at ground floor and 3.9m at first floor.
  - Extend above the existing single storey outshoot section (4m x 4.2m) - (reduction of 1.5m from initial proposal)
  - Replace the conservatory to the side with a single storey extension measuring approx. 5.8m x 2.7m (50% reduction in floorspace initially proposed)
  - Raise the roof, putting rooflights in the front, side and rear roof slope (removal of dormer window initially proposed).

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## **PLANNING HISTORY**

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None relevant

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## **PLANNING POLICY**

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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

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>

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## CONSULTATION AND PUBLICITY RESPONSES

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### **Middlesbrough Council Highways Authority**

No. 82 are proposing a new driveway to be served from St Marys Walk, given its proximity to the junction of Coniston Grove we would have highway safety concerns over this proposal. The existing driveway is not looked at in the drawings. Please note, a trial road closure at the junction of St Marys Walk and Church Lane will be commencing in the near future, due to highway safety concerns in the area.

### **Neighbour Comments**

Three letters of objection have been received from the occupiers of 118, 120 and 125 Coniston Grove. The objections are summarised as follows;

- Proposals will increase the number of occupants, increasing the potential number of cars and causing danger on St Mary's Walk and Coniston Grove and could affect access and egress from an existing driveway.
- Could be visually detrimental due to the size of the property.
- The design is out of keeping, overdevelopment of the site and are not in proportion with the other properties within the estate
- The amount of occupants will result in unacceptable levels of noise.
- 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.
- The tree lined path to the side of no. 84 St Mary's Walk is part of the historic walkway and possible site of a moat, and has some of the tallest trees in this location. This area needs to be protected and any detriment to visual impact needs to be minimised.
- Acklam Conservation Area borders the site on the opposite side of Saint Mary's Walk and enlarging of the properties will cause a detrimental impact on the character of the area adjoining the conservation area.
- The proposals will cause loss of privacy and overlooking onto my property.
- 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. 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.

- Increase to the size of properties and potential number of residents also raises significant concerns due to the potential increase in cars parked at both houses due to any increased number of residents
- 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.
- Further to this, proposed plans by Middlesbrough Council to block Saint Mary's Road and Church Lane by Saint Mary's Church (shown below) will cause additional traffic through this area as the only vehicular access to the Hospital behind the Church will have to travel down Saint Mary's Walk past the properties concerned.
- Additionally, the blocking of the road by Saint Mary's Church will cause additional traffic on Coniston Grove, an area where parked cars and narrow road are already hazardous. As this road is one of the only roads on the estate allowing access to Saint Mary's Walk, due to the blocking of other roads to reduce previous attempts of through traffic, the increase of traffic on Coniston Grove can only be expected to increase in light of the current traffic plans, as drivers seek to find an alternative route to bypass the proposed blockade.

## Public Responses

Number of original neighbour consultations	6
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	0

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## PLANNING CONSIDERATION AND ASSESSMENT

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### Principle of Development

5. 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 alterations are in keeping with the host property and surrounding area and whether the impacts of the proposed developments on the privacy and amenity of surrounding properties and on highway safety is acceptable. These and other material planning considerations are considered as follows;

### Background

6. The proposal as initially submitted was for ground floor and first floor extensions to the rear and side of the property as well as the lifting of the roof. Officers initially considered the combination of these to be significant, to a degree which would result in an overly dominant property and one which would unduly affect the privacy associated with the property to the rear. The applicant has since revised the scheme on 2 occasions to achieve the proposals now being considered. The result of the

changes is to reduce the extent of extensions at all levels and retain greater spacing between the host properties extensions and the side elevation of the property to the rear which itself has side windows within it facing the host properties rear elevation.

7. 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**

8. 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. A single storey is proposed to the rear which infills between the existing rear outshoot and the boundary with the attached semi, as well as a single storey side extension which would replace an existing conservatory. First floor extensions are proposed above the existing single storey outshoot and above two thirds of the proposed rear extension.
9. The main block of the property would be increased in footprint and in view of the property having a particularly long rear outshoot, it would serve to re-provide the property with more typical proportions and massing. The plot that the host property sits within is relatively large, being on a corner, it has a front garden, side garden and long rear garden with a garage and driveway in the rear, adjacent to the neighbouring properties boundary.
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 proposed dwellings 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 which in itself, in the sites context, is considered to not be significant.
11. The proposed side extension will in part replace the existing conservatory. It will however be constructed using traditional brick and block / roof tile construction which will allow it to be in keeping with the materials of the host property. The proposal indicates a hip roof sloping away from the plot boundary with Coniston Grove thereby limiting the mass of the roof structure. Since the initial submission and consultation exercise, which resulted in objections to the scale of the development, the footprint of this part of the proposals has been reduced by half from that as initially proposed and this will result in a much reduced impact on the street scene of Coniston Grove. It is considered that the reductions result in an extension which will be more in keeping with the host property than the existing conservatory and is of a scale which will not dominate the host property.

### **Impacts on amenity and privacy**

12. Both the ground floor and first floor extensions are proposed to be closer to the house to the rear than the existing situation, which has its side elevation facing the application 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.

13. In this instance, the initial proposal has been reduced and altered to reduce the impacts between the proposed extension and the neighbouring property to the rear. The dormer window which gained a specific objection from a neighbouring property, has been replaced with rooflights, which themselves will be over 21m from the neighbouring property. The first floor extension has been reduced in scale, being set back 1.5m from that of the initial proposal and now being approximately 19m away from the side elevation of the property to the rear. Windows at ground floor are closer, however, impacts from these are reduced by the existing garden boundaries in place. These distances are considered to be sufficient to prevent undue impacts on the privacy and amenity associated with the property to the rear.
14. The proposed side extension (ground floor) and the additional bedroom window (first floor) and roof light within the side elevation are set in from the plot boundary. There are no side windows within the proposed side extension and in view of the distance between the host property and the property on the opposing side of Coniston Grove, it is considered that there would be no undue impacts as a result of the proposals on privacy or amenity associated with that property.
15. The additional roof height and extensions will have some impact on sunlight towards the property to the rear (125 Coniston), 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**

16. The proposed scheme will result in the existing 4 bedroom house becoming a 7 bedroom house which would include a bedroom at ground floor which is understood as being for a child with a disability. Concern has been raised by objectors 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.
17. The Tees Valley Design Guide would suggest that for properties with 7 bedrooms, a property should have 3 parking spaces. This property currently has a single driveway and a garage at the rear which is generally in line with guidance given the existing number of bedrooms present but is insufficient for the proposed scheme. The proposals show a new driveway to the front of the site which would provide parking sufficient for 4 vehicles which would meet the expectations of the design guide. However, the Councils Highways Officer has advised that this new driveway would lead directly onto St Mary's Walk at a position in close proximity to its junction with Coniston Grove and advised that this raises a highway safety concern. There is an opportunity to increase the existing parking arrangements and provide this to the rear of the site, adjacent to the existing driveway and garage.

18. Permitted Development Rights exist for the property which would allow its owners to provide a drive either at the front or rear of the site. Whilst the Local Planning Authority cannot prevent additional parking spaces being created, it is considered appropriate, through this permission to ensure they are provided in the most appropriate place in order prevent undue impact on highway safety and a condition is therefore recommended which requires 3 additional parking spaces to the garage to be provided to the rear of the rear of the site. This takes into account the existing garage being relatively limited in scale to act as a parking space for a modern sized car.

### **Other considerations**

19. Objection has been raised based on the additional scale and occupancy potential for the property to result in additional noise from the property. 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.

20. An 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 is set on the opposing side of St Mary's Walk to the Conservation Area, it is considered that there will be no significant detriment.

### **Conclusion**

21. 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 or 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, CS5 and the guidance within the Urban Design Guide.

22. In view of the property being a semi-detached dwelling and it proposing a raising of the roof height, it is considered appropriate to prevent an unbalance to the pair of semi's occurring, that a condition be included which only allows the increase in roof height in the instance that both properties undertake the same. A condition is recommended accordingly.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **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 04 as received on the 11<sup>th</sup> February 2020.

Plan 05 Rev C as received on the 18<sup>th</sup> August 2020.

Plan 06 Rev C as received on the 18<sup>th</sup> August 2020.

Plan 07 Rev A as received on the 18<sup>th</sup> August 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. **Parking Provision**

The development hereby approved shall not be brought into use until 4 parking spaces have been provided at the site (including the existing garage, or resultant space) to the rear of the property, all accessed off Coniston Grove. The 4 parking spaces shall be retained for use in perpetuity.

Reason: To adequately provide parking at the site relevant to the scale of development and to prevent the need for parking to the front of the site in close proximity to the junction of St. Mary's Walk and Coniston Grove.

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: 2<sup>nd</sup> October 2020

