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**APPLICATION DETAILS**

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<b>Application No:</b>	<b>19/0616/FUL</b>
<b>Location:</b>	<b>75 The Oval Middlesbrough TS5 8EZ</b>
<b>Proposal:</b>	<b>First floor extension and dormer to rear and installation of window to side.</b>
<b>Applicant:</b>	<b>Ms Karen Shepherd</b>
<b>Agent:</b>	<b>Mr Chris Boyd</b>
<b>Company Name:</b>	<b>P.D.S. Architectural Plans</b>
<b>Ward:</b>	<b>Kader</b>
<b>Recommendation:</b>	<b>Refuse</b>

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**SUMMARY**

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The application seeks planning permission for a first floor extension above the existing offshoot to the rear and a dormer extension, also to the rear. Both are to be clad in timber. The dormer extension would be permitted development if it used matching materials to the main house, however, as it is proposed to utilise non-matching materials, it requires planning permission.

A timber framed and timber clad first floor extension has already been partially constructed at the site. For clarity this application does not relate to the partially completed development which will need to be removed from the site and will be subject of separate procedures subject to the outcome of this application

The key considerations for this proposal are the scale, design and materials used in the construction of the extension and dormer, their impact on the character of the area and the amenity of nearby properties.

The report concludes that due to its scale, design, use of materials and relationship to nearby dwellings, the proposed development will have an unacceptable impact on the character of the area and on the amenity of nearby residents.

Members are recommended to refuse the application.

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

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The application property is located on the west side of the Oval in a residential area in Acklam, Middlesbrough. Nearby properties are a mix of single storey and two storey dwellings with small enclosed gardens to front and rear.

The application property is one of a pair semi-detached, two storey dwellings, it has a driveway to the side and single storey offshoot, conservatory and detached garage to the rear. Land falls from front to rear with bungalows located at a lower level to the rear.

A two storey, timber framed extension above the existing offshoot to the rear was partially constructed before the application currently being considered was submitted. Works have now ceased and the 2nd floor of the extension removed.

The proposal subject of this application is to

- Construct a first floor only extension with hipped roof above the existing offshoot.
- Construct a flat roof dormer window within the existing roof.
- Insert a first floor, side facing bedroom window in the side elevation of the existing house.

The extension and dormer are to be clad in wood panelling in a colour to match existing brick work. The proposed dormer falls within the criteria of permitted development in terms of dimensions but requires planning permission because the materials used in its construction do not match those used in the existing dwelling.

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## **PLANNING HISTORY**

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There is no relevant planning history associated with this site,

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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:

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>

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **Public comment**

Nearby Neighbours were notified of the proposal, comments from the following neighbours were received:

Mr Taylor 73 The Oval

Mr J Atherton and Miss G Thompson 77 The Oval  
Mrs D Wright 34 Aylton Drive  
Mr T Hurd 36 Aylton Drive

Comments can summarised as follows:

- Loss of privacy
- Overbearing appearance
- Loss of value
- Lack of access for maintenance
- Heave to various nearby properties
- Impact on character of the area
- Loss of light
- In correct address shown on plans
- Dormer window omitted from description on application
- Materials do not match existing property
- Construction started before application submitted

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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### **Relevant National and Local Policy**

1. Guidance set out in the National Planning Policy Framework advises that planning decision should ensure that development is visually attractive as a result of good architecture and layout. It goes on to state that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
2. In terms of Local Policy, the proposal should be assessed against policies set out in the Middlesbrough Development Plan. Policies DC1 and CS5 in essence seek to ensure high quality sustainable development; ensure the amenity of nearby residents; character of the area and highway safety are not adversely affected by the development.
3. Supplementary Planning Document the Middlesbrough Urban Design Guide which sets out the principles by which high quality development can be achieved is also relevant.

### **Appearance**

4. In respect of design, the Middlesbrough Urban Design Guide states that extensions should be consistent with the design of the original dwelling, should be subservient to it and development should enhance not detract from the character of the area.
5. In respect of first floor extension above existing offshoots the design guide advises that they should be no longer than existing offshoots which are usually 3m in length. The proposed first floor extension subject of this application is 3.5m in length, although this exceeds the guidance by 500mm it is the same length as the original offshoot. The pitch roof design is also in keeping with that of the host property. As such the scale and design of the extension is considered to be appropriate. It is considered however that the proposed wooden cladding to be used for the external construction of the proposed first floor extension will be out of keeping with the appearance of the main dwelling and will create an obtrusive feature on the property. The proposed extension is at a raised height, above surrounding fence lines whilst the site is subject to raised land levels from some surrounding properties. In view of these matters, the contrasting materials will be made more prominent than would otherwise be the case and it is considered that this combination results in the

extension being detrimental to the character of the area. The proportion and design of the rear facing window is also considered to be out of keeping with that of the first floor window in the existing dwelling, further exacerbating the issue of prominence / out of keeping development.

6. Although the proposed dormer falls within the criteria of permitted development in terms of dimensions and only requires permission by virtue of the materials to be used, it does none the less require permission and so the relevant policy and guidance should be applied. With regard to dormer extensions the Urban Design Guide advises that 'the general rule is to attempt to minimise the visual impact of the dormer by reducing its scale to that of a roof window, with a pitched roof and the cheeks of the dormer set in from the edge of the roof. Full width flat roof extensions should be avoided'. The standard criteria for the design of dormer extensions are:
  - matching materials should be used;
  - they should be set below the ridge line;
  - the dormer should not dominate or overtake the roof scape of the property and
  - they should be set in from the eaves by an appropriate dimension to achieve a subordinate appearance.
7. The proposed dormer has a flat roof design set just below the ridge of the main roof. When viewed from the rear it occupies just under half of the area of the roof and so is not considered to be subordinate. Although the wooden cladding proposed is to be a similar colour as bricks used in the main dwelling, it is considered that the vertical alignment of the cladding along with the different texture will notably contrast with the host property, and emphasise its bulk and be out of keeping with the appearance of the main dwelling. Given its height on the building and the variance in levels the dormer will be highly visible from surrounding properties and the wider area. It is considered that due to its elevated position, its bulk and design and the use of non-matching materials it will present a dominant feature in the surroundings to the detriment of the character of the area.
8. In view of the above, both individually and combined, it is considered that, the proposed development will have an unacceptable impact on the character of the area contrary to Policy CS5 (test c) and Policy DC1 (test b) as well as the guidance contained within the Urban Design Guide and the National Planning Policy Framework.

### **Impact**

#### **77 The Oval**

9. The proposed extension will block the existing rear facing first floor bedroom window and so it is proposed to provide a new window to the side facing elevation. The Urban Design Guide advises that windows at first floor level should not be on side elevations unless they are opaque glazed. No.77 The Oval is adjacent to the application site and has side facing kitchen and dining room windows at ground floor level and a landing window at first floor level that will be overlooked by the proposed window to the side of the application property. Although opaque glazing could overcome the issue of overlooking to a certain extent, it is not ideal to have opaque glazing to a bedroom due to the loss of outlook for the occupant. The window will also need to be an escape window so will need to be openable and as such will have the potential to overlook the windows at No.77 The Oval.
10. It is considered that due to its close proximity and materials used in its construction, the proposed first floor extension will, when viewed from the side facing windows at No. 77 have an overbearing appearance.

11. Windows at the side of No.77 will also be overshadowed to a certain degree by the proposed extension which will have a southern orientation. There is however an intervening distance of approximately 4.8m between the houses and these side windows are not the primary windows of the main habitable room within this neighbouring property. In view of these matters, it is considered that any impact in terms of overshadowing or loss of light will not be so significant as to justify refusal of planning permission in its own right.

### **No. 73 The Oval**

12. This dwelling is attached to the application property. Rear facing windows will have an aspect towards the side of the extension but this will be at an acute angle with an intervening distance of over 5m and so it is considered that there will be minimal impact on loss of amenity in terms of overshadowing or overbearing appearance. There are no windows proposed in the side of the extension and so there is little prospect of loss of privacy.
13. Concerns were raised regarding impact on the garden area in terms of appearance and loss of privacy. The proposed extension and dormer will have dominant appearance from the garden area at No.73 but planning / appeal decisions guide towards lesser weight being given to impacts on the garden area. Windows to the proposed extension and dormer face towards the rear and have an aspect along rear gardens, this is to be expected in typical housing layouts and is not considered to result in significant loss of privacy.

### **32, 34 and 36 Aylton Drive**

14. These properties are all bungalows located to the rear of the application site. They sit at a slightly lower level, windows to the rear will have an aspect towards the proposed first floor extension and dormer. It is considered that due to its elevated position and the non-matching materials both the first floor extension and dormer will present an overbearing feature to the detriment of the amenity of the occupiers of these properties.
15. The rear facing window to the proposed extension will have a view towards these properties but they are at least 21m away which meets the privacy distance set out in the Urban Design Guide, as a result it is considered that any impact in loss of privacy will not be significant.
16. In light of the above, it is considered that due to its relationship to nearby properties, its elevated position and use of non-matching materials the proposal will have an unacceptable impact on the amenity of nearby neighbours in terms of loss of privacy and overbearing appearance contrary to local plan Policy DC1 (test c).

### **Highways**

17. With the extension in place there is provision within the site for three parking spaces which accords with standards set out in the Highway Design Guide. The proposal will not therefore result a demand for additional on street parking and so will not have any impact on safe operation of the highway. As such the proposal is considered to be in accordance with local plan Policy DC1 (test d).

### **Other Matters**

18. Loss of property value, lack of maintenance space and structural stability (heave) have been raised as objections to the scheme, however, these are not material considerations in the assessment of a planning application.

19. The plans submitted with the application have the incorrect address within the titleblock. The applicant was invited to submit plans showing the correct address but at the time of compilation of this report they had not been received. The site location plan and plans / elevations detail the proposed extension to the host property and so the address in the title block, whilst incorrect is not determinative in this instance.

### **Summary**

20. The proposal has been assessed against national and local policy and guidance and it is considered that that the proposed extension and dormer, will, due to their scale, elevated position and non-matching materials to be used in their construction, have an unacceptable impact on the character of the area. It is also considered that due to their scale and relationship to nearby dwellings the extension and dormer will have an unacceptable impact on the amenity of nearby residents in terms of loss of privacy and overbearing appearance all being contrary to national and local policy and guidance.

### **Conclusion**

22. In view of the above, the proposal is considered to be an unacceptable form of development contrary to National and Local policy and is therefore recommended for refusal.

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## **RECOMMENDATIONS AND CONDITIONS**

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### **Refuse for the following reasons**

1. In the opinion of the Local Planning Authority, the scale and design of the proposed development would be out of keeping with the character and appearance of both the street scene and the area to the rear of the properties within this vicinity, having a detrimental effect on the immediate and wider character, contrary to Local Plan Policies DC1 & CS5, the Middlesbrough Urban Design Guide SPD (para's 5.4a, 5.4c, 5.4h, 5.5, 5.11, 5.13) and the general guidance contained within the National Planning Policy Framework (para's 127 & 130).
2. In the opinion of the Local Authority the proposed extension and dormer will be, by virtue of their scale, design and relationship to nearby properties have an unacceptable impact on the amenity of nearby residents in term of overbearing appearance and loss of privacy, contrary to Local Plan Policy DC1 (test c) and the Urban Design Guide (para's 5.4k, 5.7e)

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## **INFORMATIVES**

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**None**

Case Officer: Maria Froggatt

Committee Date: 6th December 2019

