
APPLICATION DETAILS

Application No:	24/0040/FUL
Location:	2, Helmsley Close, Middlesbrough, TS5 7LP
Proposal:	Two storey extension to side, part rear two storey extension and part single storey extension to rear (Demolition of existing garage)
Applicant:	Star Asaad
Agent:	Lee Wardman
Company Name:	Wardman Brown
Ward:	Acklam
Recommendation:	Approve Conditionally

SUMMARY

The application seeks planning approval for a two storey extension to the side of a semi detached dwelling along with a part single and part two storey extension to the rear. Works include the demolition of the existing garage.

Following objections from neighbours revised plans were submitted to break up the mass of the extension along the side and reposition the two storey element at the rear to move it away from the immediate shared boundary.

Three objections have been raised from residents with regards to the extensions scale, design and impacts on privacy and amenity.

The revised extensions are of an appropriate size and scale relative to the existing house and plot size and will be sufficiently in keeping with the host property and without any significant impact the amenities associated with neighbouring properties. The two-storey rear extension is slightly unusual being central to the rear elevation but on balance the development is considered to be in accordance with Local Plan Policies DC1 and CS5 and the requirements of the Urban Design SPD.

SITE AND SURROUNDINGS AND PROPOSED WORKS

The application site is a two-storey detached property that is situated to the north side of the close, approximately 30m west of the junction with Fountains Drive in Acklam. The site is situated in an area which is used predominately for residential purposes.

Similar two storey houses line the street to the north and the south that are characterised by their red brick construction and upper floor cladding, gable roofs, attached flat roof garages

at side that twin up with the neighbour, small porches to front and open plan frontages. There is also a row of three bungalow's that sit at the head (eastern side) of the close.

The application seeks planning approval for a two-storey extension to side and part two storey part single storey extension to rear. The proposal will create additional living space on the ground floor and an additional two bedrooms and a bathroom on the first floor. The extensions at the rear will project 3m beyond the rear building line, the single storey elements will have monopitched roofs with an eave's height of 2.7m and overall height of 3.5m. The two-storey element will have a gable roof to match the style of the main house which will have an eaves height of 5m and ridge height of 6.5m.

PLANNING HISTORY

No relevant planning history

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).
- Stainton and Thornton Neighbourhood Plan (2022)

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

Public Responses

Number of original neighbour consultations	12
Total numbers of comments received	3
Total number of objections	3
Total number of support	0
Total number of representations	3

V Whatmore - 24 Fountains Drive

I would suggest that you reject the updated planning applications for both plan A and B as I have the following issues. The two-storey rear extension significantly protrudes the boundary line of the existing property and is not within keeping of the surrounding properties. It would also go a considerable distance across the rear boundary line of my property/garden. This would cause the same issues as I stated in my previous objection earlier this year for the following reasons. I have lived here for 50 years, and I have established gardens that I enjoy tending to all year round which is also a main part of my

socialising and relaxation activities. This proposed extension would have a big impact on my property outlook and both my physical and mental health wellbeing. I also have a recently installed patio where I socialise/relax with family and friends. There will be an increased level of noise in the immediate area this is in, due to the proposed location of the new extension/walkway. This will also have a big impact on me as well. I also have another issue as none of the proposed plans have any dimensions. How are people supposed to accurately benchmark the size of the structure without measurements?

B Crutchley - 26 Fountains Drive

We currently have a shared garage with a party wall, cast floor & roof.

Whilst I have no objection to the proposed construction, I do need assurances that the alterations to our garage will not impinge on its build integrity & being fit for purpose

P Connelly- 4 Helmsley Close

In relation to the updated planning application made on the 26th March I would ask that you reject the application in its current form for the following reasons. The size of the extension is completely out of keeping with the surrounding properties. The 2 storey extension into the garden would block significant amounts of sunlight into the garden and the French doors at the rear of my living room. The existing fir tree already blocks significant amounts of sunlight into the garden throughout the day. The extension would also result in a loss of privacy for my family. The upstairs of the proposed extension would overlook into my garden.

PLANNING CONSIDERATION AND ASSESSMENT

Policy

1. The main consideration with this application is whether the extension will complement the existing site and its surroundings and whether there are impacts on the adjacent properties. Policy CS5 and Policy DC1 are the relevant policies which will be considered in this case.
2. CS5 aims to secure a high standard of design for all development, ensuring that it is well integrated with the immediate and wider context.
3. 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.
4. The Middlesbrough Urban Design SPD (UDSPD), adopted Jan. 2013, provides design guidance for development, including for householder / domestic extensions (Section 5) and is considered to be in accordance with the NPPF in general terms and is therefore a material planning consideration and decisions should reflect the guidance within the SPD unless other material planning considerations suggest it is appropriate to do otherwise.
5. The UDSPD recommends some basic principles are applied to development which is aimed at achieving good quality development, these being, to achieve consistent design (window style and proportions, roof pitch etc.), consistent materials and fenestration detailing, subservience (to prevent overbearing or dominance), no dominance over neighbouring windows (to limit effects on daylight), avoiding flat

roofs or large expanses of brickwork, preservation of building lines where appropriate and achieving adequate levels of privacy.

6. Para. 5.8 of the adopted Urban Design Guide advises that a two storey or first floor only side extension gives rise to potential issues of having an overbearing impact on the streetscene, suggesting;
 - at 5.8c that the extension should be no more than half the width of the original dwelling to prevent the property from being out of proportion,
 - at 5.8a & b that there is a need to prevent terracing between pairs of semi-detached houses, by setting the first-floor section back by 1m with an associated reduction in the roof height or introducing a side path of 1m.
7. Para. 5.6 of the SPD deals with single storey rear extensions and highlights;
 - the potential impacts to adjacent properties principal windows where along a shared boundary advising that the solution is often to limit the extent of the extension to 3m, or where greater than 3m projection, set it in from the boundary by a sufficient distance.
 - Windows in the side elevation of the extension facing onto neighbouring properties should be discouraged to prevent loss of privacy and where essential high-level windows should be used.
8. Para. 5.7 of the SPD highlights that due to the greater bulk of a two-storey extension to that of a single storey extension, that greater care should be taken over their design with particular consideration being given to the neighbouring property.
9. At 5.7a the SPD advises that two storey extensions along a common boundary on a semi-detached dwelling should be discouraged due to their impact on primary room windows although notes that the impact can be reduced by the existence of existing ground floor extensions on the neighbouring property.
10. At 5.7c the SPD advises that if excessive in length a two-storey extension can have a wider impact and should be restricted to be no more than 3m in length set in off the boundary by 2.5m. This aim serves to give greater spacing and less overbearing for the attached neighbouring property and associated amenities.
11. Overall, the design guide advises that all extensions should be of a scale that is appropriate to the existing building and not of an overbearing nature. Development, which would dominate the street scene, is likely to be resisted. Extensions should not look out of place in the site or in the street and should enhance, not detract, from the character of the area.

Scale, layout and appearance

12. The property currently has an existing attached single storey flat roof garage at the side, that twins up with garage of the detached neighbour, No.26 Fountains Drive. The existing garage is to be demolished to make way for a two-storey side extension, 2.45m in width, aligning with the existing property at the front and rear, with a 1.2m set back at first floor level. The extension will have a gable roof to match the existing house, with reduced height ridge ensuring there is a clear distinction between the original house and the extension as suggested within the SPD design Guide. The

extension also been designed so that there will be an access path retained down the side of the property that is approx. 1m in width.

13. The extension is suitably scaled and will appear as a secondary addition to the host property. In addition, given that the host property is an end property and located to the side of the property, there will be no potential terracing or loss of significant open space between properties and therefore the proposal wouldn't be harmful or disrupt the rhythm and spacing between the semi-detached properties in this part of the street, thereby fulfilling the requirements of Para 5.8 (a) of the Design Guide.
14. The proposed side extension will not occupy a conspicuous position and will not appear overly prominent within the streetscene given it aligns with the existing building lines.
15. Extensions are also proposed along the rear spanning the full width of the property. A two-storey element is proposed which will project beyond the rear elevation of the original house, single storey extensions will infill the space either side.
16. The single storey elements to rear are compliant with Para 5.6(b) of the Design Guide in that they have a relatively minimal projection (3m) with a suitable roof height and style. Whilst the extension does include a two-storey element in part along the rear also, this element is compliant with Para 5.7 (c) of the Design Guide in that it has been restricted to 3 in length (to align with the single storey elements) and has been set in off the common boundary in excess of 2.5m.
17. The greater part of the proposed extensions have been designed so that they are of an appropriate size, scale relative to the existing house and plot size and will mostly harmonise well with the existing property well and will appear as suitable subservient additions. The two-storey rear extension is slightly unusual being central to the rear elevation but on balance the overall proposals are considered to be in accordance with Policy DC1 (test b).
18. The extensions will not be detrimental to the character and appearance of the area and will fit in well with their surroundings in accordance with Policy CS5 (test c and h).

Impacts on Privacy and Amenity

19. Whilst the rear extensions will span the full width of the property and sit adjacent to the shared boundary with the attached neighbour, the extension at its closest point to the neighbour will not be excessive in height (3.6m at its highest point) or projection (3m). It is also noted that a single storey extension of such dimensions could be built in isolation under permitted developments rights. Permission is required in this case as the extension steps up to two storeys. However, given the revised plans show this being positioned 3m from the shared boundary with the attached neighbour, it is considered this is sufficient spacing to prevent undue impact on the amenity associated with the windows in the attached neighbouring property.
20. As the extension will align with the front elevation, separation distances between those properties directly opposite (south) will remain unaltered. To the rear, the extensions will be situated 12m from the rear boundary which is considered sufficient spacing given the limited 2 storey element being proposed.
21. Whilst the extensions will sit 1m from the side (western) boundary with the rear gardens of 24 and 26 Fountains Drive, the extensions will be situated approx. 11m

from the rear of those properties. As the proposed extension has no openings along its side elevation there will be no overlooking or loss of privacy, adequate levels of daylight and sunlight will also still be achieved. New openings along the rear will look down the garden in the same manner it does currently.

22. Whilst the extension will be visible from some of the nearby properties, given the separation distances between neighbours the extension will not appear oppressive or significantly impact any primary room windows.
23. Given the extensions position, it is considered that its size and siting would not have an overbearing impact upon neighbouring properties, any impact in terms of loss of light, visual impact, outlook and any loss of amenity would not be so significant to warrant refusal of the application in this case. In view of the above, the application is considered to be in accordance with Policy DC1 (test c).

Attached garage

24. Concerns have been regarding the attached garage which is to be demolished as part of the works. Whilst planning approval isn't required in respect of the demolition it is understood that the applicant has a duty to serve notice under the Party Wall Act and would be responsible for making sure that the neighbour's property is made good/weathertight following the demolition work. However, this is a matter that falls outside of the planning remit and would ultimately be a civil matter that would need to be agreed between the parties involved.

Highway related matters

25. The extension will create two additional bedrooms at the property. The Tees Valley Design Guide advises that three car parking spaces are required for a five bedroomed property of this type. The property currently has a driveway at the front that can accommodate two car parking spaces comfortably. As the garage space will be lost as part of the works the hardstanding to the front of the site is to be extended to allow for an additional space allowing parking for three vehicles in a side-by-side arrangement. As such adequate car parking provisions will be achieved on site, therefore the development will not have a detrimental impact on the highway in accordance with DC1 (test d).

Conclusion

26. In view of the above the proposal is therefore deemed a satisfactory form of development fully in accordance with relevant policy guidance there are no material considerations that indicate that the application should be refused. Officer recommendation is to approve subject to standard conditions.

RECOMMENDATIONS AND 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 plans and specifications below and shall relate to no other plans.

- a. Location plan Dwg No. L023-144-007 received, 31st January 2024
- b. Proposed site plan Dwg No. L023144-008 Rev C, received 26th March 2024
- c. Proposed elevations Dwg No. L023144-006 Rev C received, 26th March 2024
- d. Proposed ground floor plan Dwg No. L023144-004Rev C, received 26th March 2024
- e. Proposed first floor plan Dwg No. L023144-005 Rev C, received 26th March 2024

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

3. **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.

4. **Hardstanding**

The hardstanding hereby approved shall be constructed using permeable materials or a suitable drainage system to ensure that surface water does not flow onto the public highway. Thereafter the permeable materials or drainage system shall be retained on site in perpetuity.

Reason: To reduce flood risk and in the interests of highway safety having regard for policies DC1 and CS4 of the Local Plan and sections 12 and 14 of the NPPF.

REASON FOR APPROVAL

This application is satisfactory in that the design of the proposed extensions to side and rear accord 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 extensions accord with the local policy requirements (Policies CS5 & DC1 of the Council's Local Development Framework). In particular the extensions are designed so that their appearance is complementary to the existing dwellinghouse and plot and so that they will not have a detrimental impact on the amenity of any adjoining or nearby residents. The works will not prejudice the appearance of immediate vicinity or the wider 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.

- **Rights of Access/Encroachment**

This planning approval does not permit any person to access another person's land/property to enable the works to be completed, without their consent. Any encroachment into another person's land/property above or below ground is a civil matter to be resolved between the relevant parties.

- **Deliveries to site**

It should be ensured that, during construction, deliveries to the site do not obstruct the highway. If deliveries are to be made which may cause an obstruction then early discussion should be had with the Highway Authority on the timing of these deliveries and measures that may be required so as to mitigate the effect of the obstruction to the general public

- **Building materials on highway**

The applicant is reminded that building materials shall not be deposited on the highway without the specific consent of the Highway Authority.

- **Dropped Kerb**

This application includes the extension of the existing dropped vehicular access, as a result permission from the Highway Authority is also required to carry out works in the highway. The applicant is strongly advised to contact the Highway Authority (Tel: 01642 728648/728648) prior to any work commencing on site to discuss their requirements.

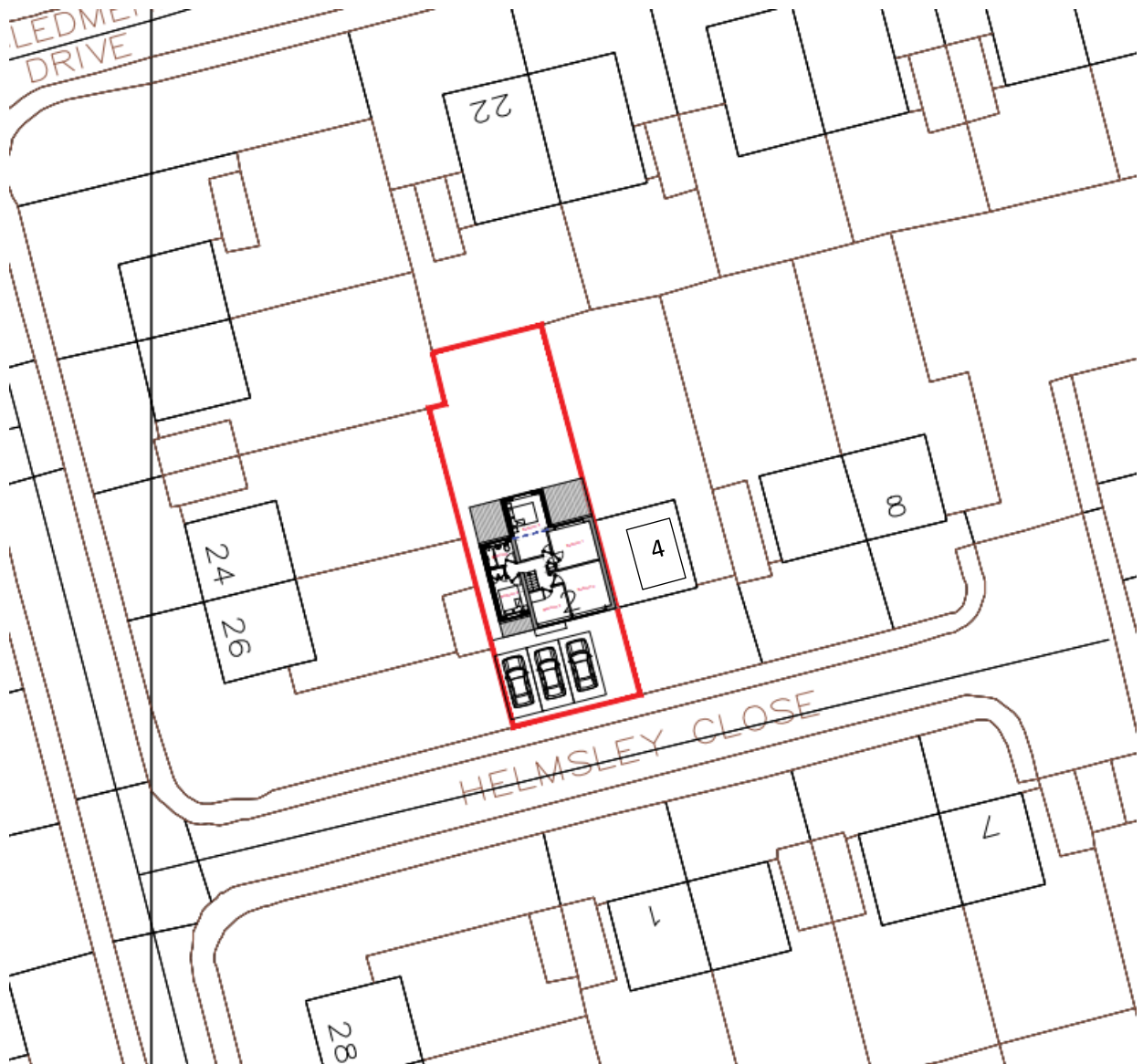
**PLANNING PERMISSION FOR THIS APPLICATION DOES NOT
AUTOMATICALLY INCLUDE HIGHWAY AUTHORITY PERMISSION**

Case Officer: Joanne Lloyd

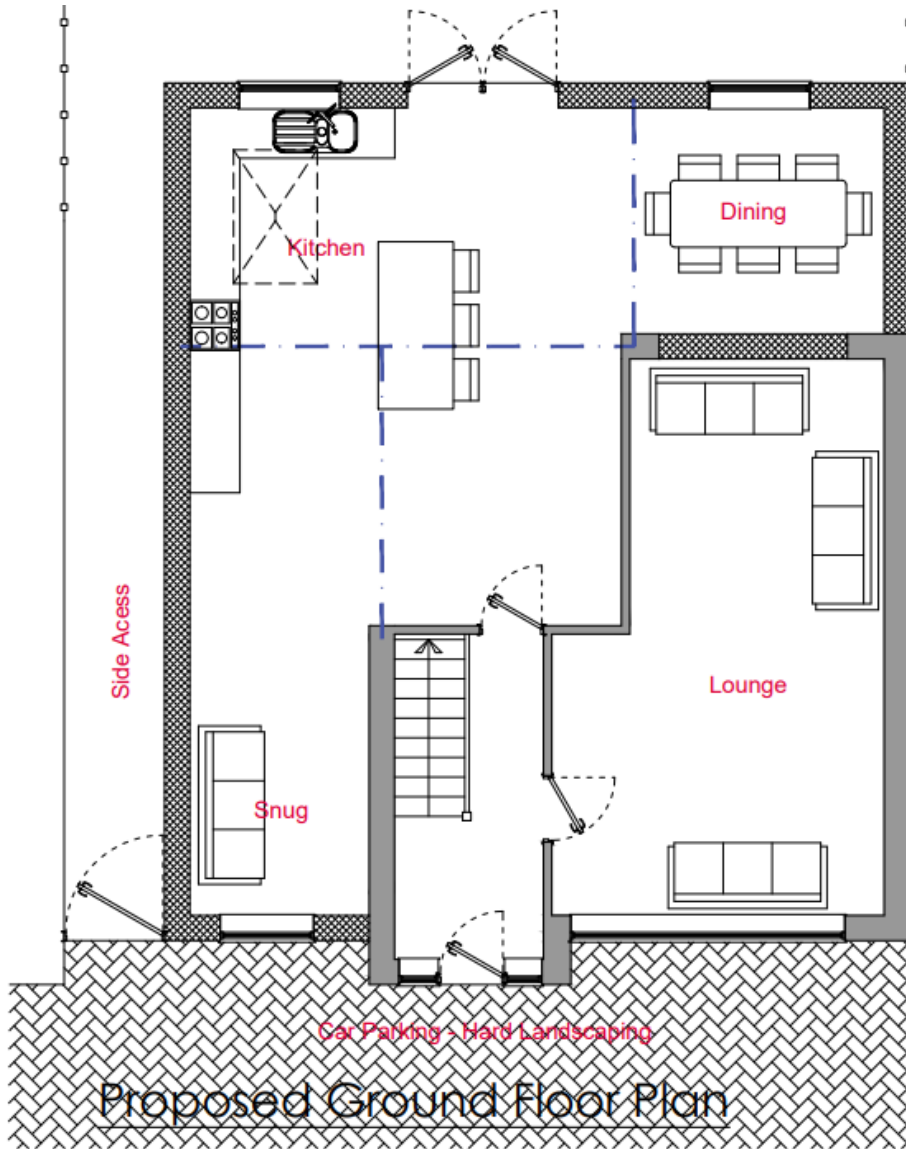
Committee Date: 6th June 2024

Appendices

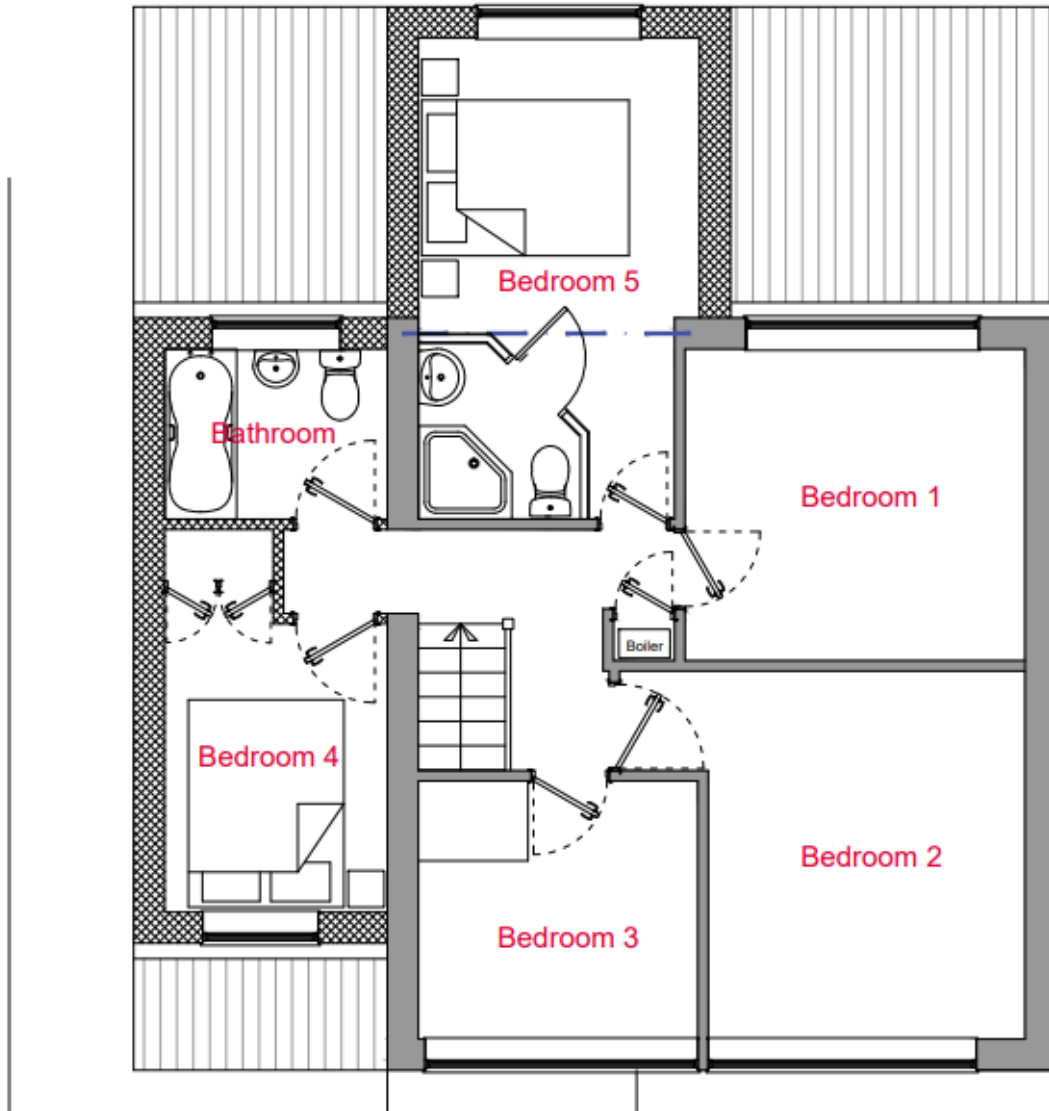
Proposed site plan



Proposed ground floor plan



Proposed first floor plan



Proposed elevations

