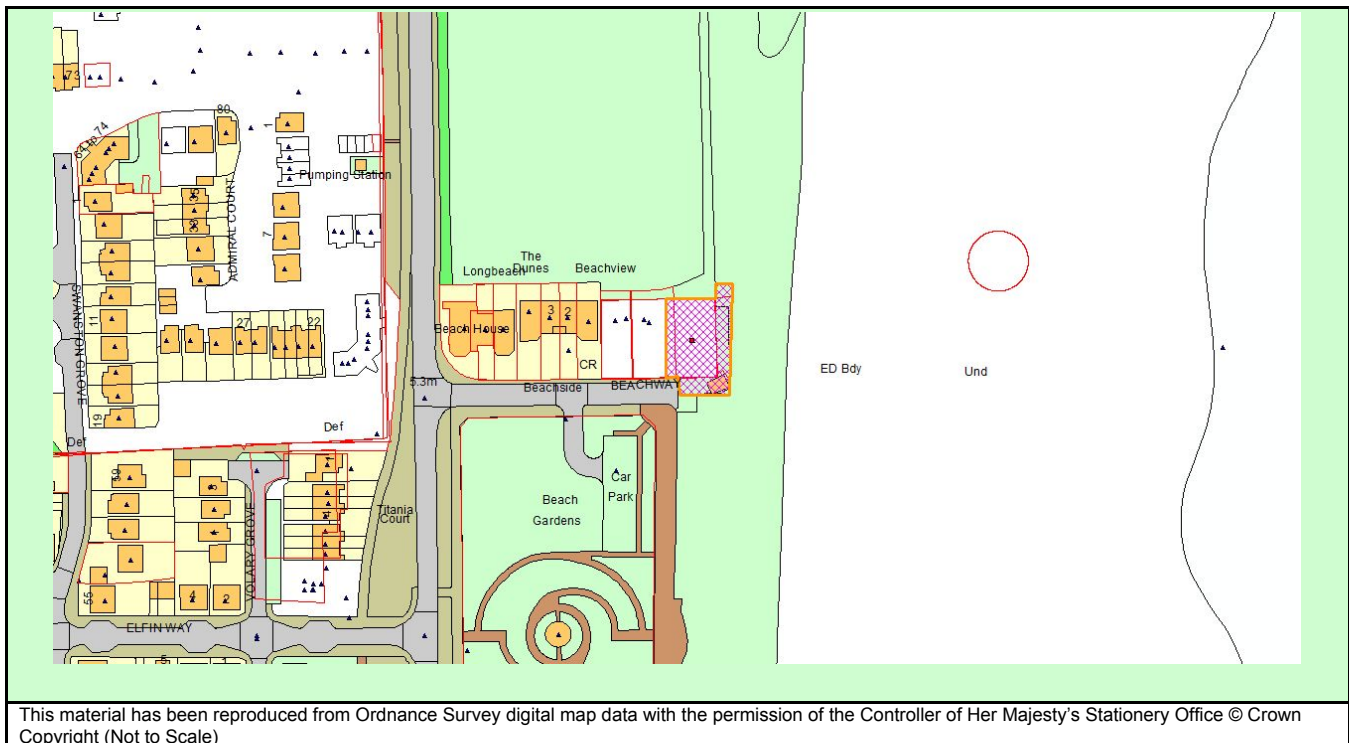


# Northumberland County Council

## Ashington/Blyth Local Area Council 11 July 2018

<b>Application No:</b>	<u>17/02476/FUL</u>		
<b>Proposal:</b>	3 Storey Side/Rear Extension with Basement		
<b>Site Address</b>	Bayview , Beachway, Blyth, NE24 3PG		
<b>Applicant:</b>	Mr Barry Elliott Bayview, Beachway, Blyth, NE24 3PG	<b>Agent:</b>	Mr Paul Draper Old Station Masters House, East Cowton, Northallerton, DL7 0DS
<b>Ward</b>	Wensleydale	<b>Parish</b>	Blyth
<b>Valid Date:</b>	13 July 2017	<b>Expiry Date:</b>	7 September 2017
<b>Case Officer Details:</b>	Name: Mr Geoff Horsman Job Title: Senior Planning Officer Tel No: 01670 625553 Email: geoff.horsman@northumberland.gov.uk		



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### 1. Introduction

- 1.1 This application is being referred to the Ashington Blyth Local Area Council because it is the subject of an objection from Blyth Town Council. The proposal was considered by the Chair of the Local Area Council and Head of Planning Services who resolved that the application should be decided by the Local Area Council.

## **2. Description of the Application Site & Proposal**

- 2.1 The application site comprises a 3 storey detached dwelling and its associated curtilage areas. The property lies on Beachway, a cul-de-sac of dwellings off Links Road (B1329) in the South Shore area of Blyth.
- 2.2 The property is surrounded by a range of uses. To the north lies land used for storage by the Port of Blyth. To the east is Blyth beach, to the south the Beach Gardens area of public open space and to the west neighbouring dwellings on Beachway.
- 2.3 A concrete sea wall lies on the boundary between the dwelling and Blyth beach with the beach around 3 metres below external ground levels within the curtilage of the dwelling.
- 2.4 Blyth beach to the immediate east lies within the Northumberland Shore Site of Special Scientific Interest (SSSI).
- 2.5 Full planning permission is sought for the erection of a 3 storey side extension with basement. The extension would be sited between the existing dwelling and its boundary with the sea wall/beach. The extension would project to the side by 6.6 metres and have an overall depth of 16 metres, projecting beyond the adjacent part of the existing front elevation by 1.2 metre and the existing rear elevation by 5.2 metres. The height of the extension would be the same as the existing dwelling (9.5 metres) with the 3<sup>rd</sup> floor accommodation located within the roof space. An existing glazed balcony at first floor level would be extended around the front and side elevation of the extension. Facing and roofing materials would match those to the existing dwelling.
- 2.6 The application is accompanied by a Vulnerability Assessment report which seeks to demonstrate that the proposals are acceptable in terms of coastal erosion matters.
- 2.7 Improvement works to the sea wall which provides the boundary between the property and Blyth beach are proposed in connection with a planning permission (ref: 16/02735/FUL) that was granted in February 2017 for retention of 3 dwellings on Beachway including the application property. A discharge of condition planning application (ref:17/02838/DISCON) will be approved under delegated powers prior to the Local Area Council, following the recent agreement of technical details for the sea wall improvement works between the applicant and the Council's LLFA and Structural Engineering teams.
- 2.8 The Local Area Council, at their meeting on the 14 February, granted approval (application ref: 17/04659/VARYCO) for additional time until the end of September this year in order for the sea wall improvement works to be undertaken. The applicant is currently liaising with the Council's legal team to complete a Section 106 Agreement to secure the timescales for these improvement works and longer term maintenance of the sea wall thereafter.

## **3. Planning History**

**Reference Number:** 11/02072/FUL

**Description:** Erection of 5no. three bedroom, three storey detached townhouses.

**Status:** Refused

**Reference Number:** 12/01990/FUL

**Description:** Resubmission: Demolition of existing dwelling and outbuildings to build 3no. new detached dwellings

**Status:** Approved

**Reference Number:** 12/03705/VARYCO

**Description:** Variation of condition 2 relating to planning permission 12/1990/FUL (Resubmission: Demolition of existing dwelling and outbuildings to build 3no. new detached dwellings)

**Status:** Approved

**Reference Number:** 13/02096/DISCON

**Description:** Discharge of conditions 4, 5, 6, 8, 9 10, 11, 12, 14, 16, 17, 18, 19, 20, 21, 25 and 26 relating to planning permission 12/03705/VARYCO

**Status:** Pending decision

**Reference Number:** 13/02447/VARYCO

**Description:** Variation of condition 2 relating to 12/03705/VARYCO (Variation of condition 2 relating to planning permission 12/1990/FUL -Resubmission: Demolition of existing dwelling and outbuildings to build 3no. new detached dwellings)

**Status:** Refused

**Reference Number:** 13/02956/DISCON

**Description:** Discharge of conditions 27 and 28 of 12/03705/VARYCO (Variation of condition 2 relating to planning permission 12/1990/FUL (Resubmission: Demolition of existing dwelling and outbuildings to build 3no. new detached dwellings)

**Status:** Refused

**Reference Number:** 16/02735/FUL

**Description:** Retention of 3No. Self-Contained Dwellings

**Status:** Approved

**Reference Number:** 17/02838/DISCON

**Description:** Discharge of conditions 4 (ecology), 6 (works to sea wall), 7 (structural calculations of the sea wall and gabion baskets) relating to 16/02735/FUL.

**Status:** Pending consideration

**Reference Number:** 17/04659/VARYCO

**Description:** Variation of condition 1 pursuant to planning permission 16/02735/FUL in order to extend timeframe for seawall works

**Status:** Pending consideration

## Appeals

**Reference Number:** 16/00063/NONDET

**Description:** Retention of 3No. Self-Contained Dwellings

**Status:** Appeal withdrawn

## 4. Consultee Responses

Blyth Town Council	Object to this application as it is an over-development of the site, and they think that no property should have a basement due to flooding risk. They would like the applicant to supply a vulnerability assessment and also include a condition that this will remain a single dwelling. They support the comments made on this application by the Port of Blyth who refer to the existence of a restrictive covenant preventing the erection of buildings on the land to be occupied by the extension.
County Archaeologist	No objections.
Lead Local Flood Authority (LLFA) & NCC Structural Engineer	No objections subject to improvements to sea wall being undertaken in accordance with the agreed specification.
Highways	No objections.
County Ecologist	No objection subject to a condition regarding bat nesting features.
Environment Agency	No comments.
Natural England	No objections.

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	2
Number of Objections	5
Number of Support	0
Number of General Comments	0

### Notices

No Site Notice Required.

No Press Notice Required.

### Summary of Responses:

- Overdevelopment
- Concerns that property may be sub-divided into more than 1 dwelling
- Loss of outlook
- Concerns re impact of proposals on the sea wall

- Coastal erosion risk
- Loss of light
- Increased traffic
- There is a restrictive covenant on the land occupied by the extension which prevents buildings from being erected on that land.

The above is a summary of the comments. The full written text is available on our website at:

<https://publicaccess.northumberland.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OSYU9WQSI4S00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

Blyth Valley Core Strategy (BVCS)

SS1 – Integrated regeneration and spatial strategy

SS3 – Sustainability criteria

ENV1 – Natural environment and resources

ENV2 – Historic and built environment

Blyth Valley Development Control Policies Development Plan Document (BVDPD)

DC1 – General Development

DC14 – Sites of National Importance for nature conservation

DC16 – Biodiversity

DC19 – Drainage and flood risk

DC27 – Design of new developments

DC28 – Extensions and alterations of residential properties

### 6.2 National Planning Policy

National Planning Policy Framework

National Planning Policy Guidance

## **7. Appraisal**

7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that:

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Therefore the starting point from a planning perspective in considering the acceptability or otherwise of the proposals is the development plan. This principle is also acknowledged in paragraphs 2, 11-12, 196 and 210 of the NPPF.

- 7.2 The development plan in respect of the application site comprises the saved Policies of the Castle Morpeth District Local Plan.
- 7.3. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF.
- 7.4 Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); Approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.
- 7.5 NPPF Paragraph 6 advises that the policies set out in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view on what sustainable development in England means in practice for the planning system. Paragraph 7 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development, an economic element, a social element and an environmental element. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be considered in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 7.6 The main issues for consideration in respect of this application comprise:
- Principle of development
  - Design and visual amenity
  - Residential amenity
  - Flood risk and coastal erosion
  - Ecology
  - Transportation matters
  - Other matters

#### Principle of Development

- 7.7 The application site lies within the settlement boundary of Blyth as defined on the Blyth Valley District Local Plan Proposals Map. As such the principle of development is considered to be acceptable as BVCS Policy SS1 seeks to direct new development primarily to existing main towns such as Blyth.

#### Design and visual amenity

- 7.8 BVCS Policy ENV2 states that high quality design will be expected in all new developments and developments which in visual terms would cause

significant harm to the character and quality of the surrounding environment will be refused.

- 7.9 BVDPD Policy DC1 states that development proposals will be expected to be of a high standard of design and landscaping which takes account of existing natural and built features, the surrounding area and adjacent land uses.
- 7.10 Policy DC27 further re-inforces the expectation of high design standards.
- 7.11 Finally Policy DC28 states that proposals to extend or otherwise alter existing dwellings will be permitted if they meet certain criteria. Those criteria of relevance to this particular proposal are that:
- a) The extension is well related to the existing building in terms of its design, siting, massing and the use of materials;
  - b) The extension does not adversely affect the privacy or amenity of adjoining properties;
  - c) Dormer windows will only be permitted where they are necessary to achieve lighting and ventilation of the roof space and where they are of a size and design compatible with and proportionate to the design of the existing fenestration and roof; and
  - d) The extension remains subsidiary to the original dwelling.
- 7.12 The proposed extension is a substantial addition to this existing detached dwelling. The proposals as originally submitted were not considered to be acceptable on design grounds due to their bulk and incongruous roof design. However, the applicant has submitted amended plans which address such matters.
- 7.13 The extension as amended is now considered to be well related to the existing dwelling in terms of its design, siting, massing and the use of materials. In this regard the design and massing match the existing dwelling through the use of pitched roofs, dormer windows for the upper floor, balcony features at 1<sup>st</sup> floor level and overall eaves and ridge heights that match those of the existing dwelling. Matching facing and roofing materials are also provided for and all elevations contain satisfactory levels of detailing.
- 7.14 The proposed dormer windows are of similar proportion to those on the existing dwelling and sit well within the roof scape of the dwelling as extended.
- 7.15 The extension is subsidiary to the original dwelling in terms of its projection to the side being less than the width of the existing dwelling and overall the footprint of the extension is less than that of the existing property. The extension is not set back from the existing dwelling nor is its roof ridge set down below the existing ridge, but this is not considered to be problematical as this is a large detached dwelling and therefore issues of imbalance do not arise as would be the case if the property were part of a pair of semi-detached properties. Other properties in Beachway are of varying sizes and configurations and therefore it is not considered that the proposed extension would result in a dwelling on the application site which is out of character with its surroundings.

- 7.16 The matter of residential amenity is considered separately below.
- 7.17 Overall the proposed extension is considered acceptable in terms of its design and visual amenity.

#### Residential amenity

- 7.18 As stated above, BVDPD Policy DC28 states that extensions should not adversely affect the privacy or amenity of adjoining occupiers.
- 7.19 The majority of the proposed extension is not directly visible from within neighbouring dwellings to the west as it lies to east of the existing dwelling.
- 7.20 Whilst the rear projecting element of the extension does extend beyond the existing rear wall of the dwelling by 5.2 metres this element of the extension is set in around 11 metres from the boundary of the immediately adjoining neighbour to the west.
- 7.21 Given the above, it is not considered that the proposals would result in significant loss of daylight/sunlight or visual intrusion to the occupiers of neighbouring dwellings.
- 7.22 In the rear projecting element of the extension there is a 1<sup>st</sup> floor kitchen window and low level roof slope roof windows to a bedroom facing west towards the adjacent neighbour's rear garden. It is considered that these should be obscure glazed to prevent further overlooking of the rear garden and rear elevation of the neighbouring dwelling.
- 7.23 Overall the proposal is considered acceptable in respect of residential amenity.

#### Flood risk and coastal erosion

- 7.24 BVCS Policy ENV1 and BVDPD Policy DC19 seek to ensure that development is acceptable in respect of flood risk and the related matter of coastal erosion.
- 7.25 In this regard a Vulnerability Assessment provided as part of the application documentation for application reference 16/02735/FUL, which granted approval for retention of the application property and 2 others adjacent, has been updated to reflect the addition of the proposed side extension. This assessment notes that since the previous Coastal Vulnerability Assessment (August 2016), additional information has been provided in relation to the make-up of the sea wall/ground (including the existing sea wall foundations); and planned works to improve both the sea wall and the tie-in arrangements at either end
- 7.26 A review of this additional information indicates that the sea wall should provide suitable protection against coastal erosion over the lifetime of the development as long as the wall has been designed to withstand suitable wave and water level loadings upon the seaward face and designed to a suitable foundation depth to withstand fluctuations in beach level; adequate



pro-active maintenance and, when necessary reactive repair, of the wall and gabions is provided; and when necessary, adaptation of the tie-in arrangements is made to prevent outflanking as a consequence of ongoing erosion, particularly to the the gabions fronting the narrow dunes to the north of the development site.

- 7.27 This revised vulnerability assessment has been considered by the Council as Lead Local Flood Authority and also the Council's Structural Engineer alongside detailed proposals and structural calculations under application reference 17/02838/DISCON referred to above. They have confirmed that they are in agreement with the conclusions of the updated Vulnerability Assessment and proposals for improvement works to the sea wall under application reference 17/02838/DISCON are acceptable subject to certain design details being agreed by the applicant. The applicant has now confirmed in writing his agreement to these details.
- 7.28 As stated above the Local Area Council have previously agreed an extension of time until the end of September 2018 for the improvement works to the sea wall to be undertaken. The applicant is currently liaising
- 7.29 Overall therefore, it is considered that the proposal is acceptable in terms of flood risk and coastal erosion subject to a condition that development shall not commence in respect of the proposed extension unless and until the agreed improvement works to the sea wall in respect of application reference 17/02838/DISCON have been undertaken and arrangements in respect of long term maintenance of the sea wall under application reference 17/04659/VARYCO have been secured.

### Ecology

- 7.30 BVCS Policy ENV1 states that the natural environment and biodiversity of the borough will be protected and enhanced. Particular reference is made in the Policy to the need to ensure the protection and enhancement of nationally designated sites such as the Northumberland Shore SSSI which lies immediately adjacent to the application site.
- 7.31 BVDPD Policies DC14 and DC16 further re-iterate such objectives.
- 7.32 Both the Council's ecologist and Natural England advise that they have no objections to the proposal in terms of impact on the adjacent SSSI.
- 7.33 A condition regarding bat nesting features is suggested by the Council's ecologist similar to the condition placed on the previous approval for retention of the application dwelling and its 2 neighbours. The amended plans submitted by the applicant do show bat boxes to the east side and north rear elevations but these are shown close to the roof ridge rather than at eaves level and are not integral to the extension as suggested by the Council's ecologist. A condition is therefore suggested to agree the details of these features in due course and secure their provision.
- 7.34 Subject to the above-mentioned condition, the proposals are considered acceptable in ecology terms.

### Transportation matters

- 7.35 The proposed extension would result in an existing hard surfaced area to the side of the property being built upon. However, the extension incorporates a garage at ground floor which is capable of accommodating 4 cars and extensive hard surfaced curtilage area would remain to the front of the property. It is not considered that the level of traffic visiting the property as extended would increase from the present position to such an extent that would be problematical in highway safety or capacity terms. Bearing in mind all of the above the Council's Highways team raise no objections on transportation grounds.

### Other matters

- 7.36 The Council's archaeologist raises no objections so the proposals are acceptable in this regard.
- 7.37 Concerns have been raised that the extension will result in the property being sub-divided into more than one dwelling. However, this is not what is shown on the submitted floor plans which clearly indicate that all floors within the extension are connected with the existing dwelling internally. Planning Permission would be required for sub-division of the property into more than one dwelling and therefore this would need to be the subject of a separate planning application in due course if the applicant wished to pursue such a proposal.
- 7.38 Reference has been made to a restrictive covenant which allegedly prevents the erection of buildings on the application site. This is not a material consideration in deciding whether or not planning permission should be granted but is rather a separate civil law matter between interested parties over which the Council as Local Planning Authority has no jurisdiction.

### Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

### Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

### Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and

prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate. Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **8. Conclusion**

- 8.1 The proposed extension is considered acceptable in principle given the location of the application site within the main town of Blyth. The proposals are also considered acceptable in terms of design and visual amenity, residential amenity, flood risk and coastal erosion, ecology and transportation matters subject to conditions and overall the proposals accord with relevant development plan policies and the NPPF.

## **9. Recommendation**

That this application be GRANTED permission subject to the following:

### Conditions/Reason

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved amended plans received by the Local Planning Authority. The approved plans for this development are:-

217049/EO1 Rev.P2 – Existing plans/elevations;  
217049/PO1 Rev.P5 – Proposed site plan, floorplans & roof plan;  
217049/PO2 Rev.P5 – Proposed elevations and section.

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

03. The facing bricks and roofing tiles to be used in the construction of the hereby approved extension(s) and / or alteration(s) shall match the corresponding materials of the existing building in respect of colour, size, shape and texture.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of Policy DC28 of the Blyth Valley Development Control Policies DPD 2007.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no additional window or other opening shall be made in the west side elevation of the extension hereby permitted unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with Policy DC28 of the Blyth Valley Development Control Policies DPD 2007.

05. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), the 1<sup>st</sup> floor window and roof windows in the west side/rear elevation of the extension hereby permitted shall be permanently glazed with obscured glass before the extension is first brought into use and thereafter shall not altered without the prior grant of planning permission from the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties and in accordance with Policy DC28 of the Blyth Valley Development Control Policies DPD 2007.

06. Development shall not be undertaken above damp proof course level in respect of the extension hereby permitted unless and until improvement works to the adjacent sea wall have been undertaken in full accordance with the details approved by the local planning authority under planning application reference 17/02838/DISCON and arrangements in respect of the long term maintenance of that improved sea wall have been secured in accordance with the requirements of planning application reference 17/04659/VARYCO.

Reason: To ensure that the extension is safeguarded against flood risk and associated coastal erosion in accordance with Policy ENV1 of the Blyth Valley Core Strategy, Policy DC19 of the Blyth Valley Development Control Policies DPD and the NPPF.

07. The construction of the extension hereby permitted shall incorporate an in-built bat brick or bat slate or alternative bat nesting feature at or near eaves level on its east elevation, with the type and location of that feature to be submitted to and agreed in writing by the local planning authority before development commences.

Reason: To maintain the favourable conservation status of protected species in accordance with Policy ENV1 of the Blyth Valley Core Strategy, Policy DC16 of the Blyth Valley Development Control Policies DPD and the NPPF.

**Background Papers:** Planning application file(s) 17/02476/FUL