

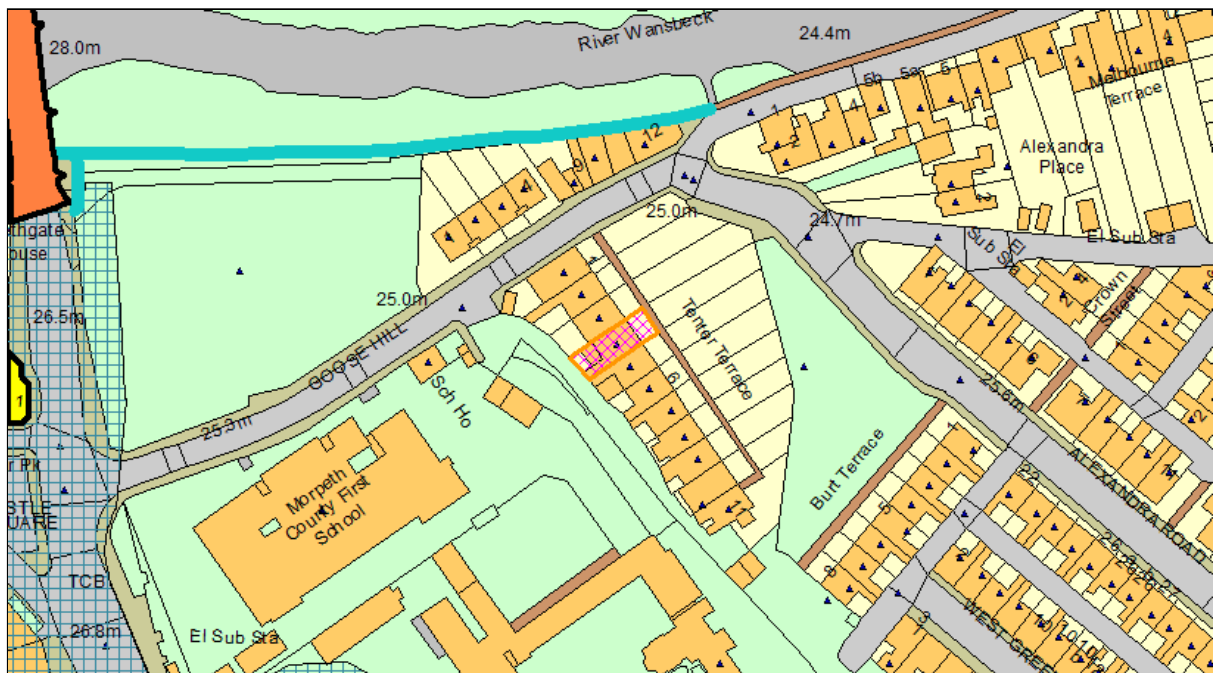


# Northumberland County Council

## Castle Morpeth Local Area Council Planning Committee 8th July 2019

<b>Application No:</b>	18/04437/FUL		
<b>Proposal:</b>	Installation of Front and rear dormer windows plus rear extension to include pitched roof over bathroom (amended description 24.04.2019)		
<b>Site Address</b>	4 Tenter Terrace, Morpeth, NE61 1TN		
<b>Applicant/ Agent</b>	Mr & Mrs Rafferty, 4 Tenter Terrace, Morpeth, NE61 1TN		
<b>Ward</b>	Morpeth Stobhill	<b>Parish</b>	Morpeth
<b>Valid Date</b>	21 December 2018	<b>Expiry Date</b>	15 February 2019
<b>Case Officer Details</b>	Name: Amelia Robson Job Title: Planning Officer Tel No: 01670625551 Email: amelia.robson@northumberland.gov.uk		

**Recommendation:** That this application be GRANTED permission



This material has been reproduced from Ordnance Survey digital map data with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright (Not to Scale)

## 1. Introduction

- 1.1 This application is being referred to the Local Area Council for a decision following an objection from Morpeth Town Council. Morpeth has a made Neighbourhood Plan therefore in line with the delegation protocol, the application must be referred to the Local Area Council when the recommended is contrary to the views of the Town Council.

## 2. Description of the Proposals

- 2.1 Planning permission is sought for works to a residential property as described above and as set out in the plans submitted to the local planning authority.
- 2.2 The submitted details indicate front and rear dormers and a first floor rear extension.
- 2.3 The proposal includes 2no pitched roof dormers to the front elevation which both measure 1.1m in width, 1.8m in height and project 2.8m. The rear dormer includes a flat roof and extends the width of the rear roof slope and measures 5.4m in width, projects 2.5m and is 1.6m in height. The rear extension is proposed at first floor as an extension of the existing bathroom. The proposal includes a part mono-pitched roof sloping to the south west and a part pitched roof to the rear offshoot.
- 2.4 The proposed materials would be finished with matching brickwork to the rear extension, powder coated dark grey metal cladding to the dormer walls, natural slate to match existing for the new pitched roof and front dormer roof, single ply UPVC membrane to the rear flat roof dormer, white UPVC to the main windows and dark grey UPVC to the dormer windows and dark grey powder coated aluminium to the doors.

## 3. Planning History

N/A

## 4. Consultee Responses

Morpeth Town Council	<p>Initial consultation:</p> <ul style="list-style-type: none"><li>• The dormer windows to the front are not in keeping with the street scene.</li><li>• The dormer window to the rear of the property would also be a concern if Goosehill First School were to be demolished in the future.</li></ul> <p>Further consultation:</p> <ul style="list-style-type: none"><li>• Concern regarding the extension increasing to two storeys and possibly overshadowing the adjacent house and garden.</li><li>• Excessive for the original scale of the property and terrace.</li></ul>
----------------------	--

## 5. Public Responses

### Neighbour Notification

Number of Neighbours Notified	5
-------------------------------	---

Number of Objections	1
Number of Support	2
Number of General Comments	1

## Notices

No Site Notice Required.

No Press Notice Required.

## Summary of Responses:

### **Support:**

- The houses on Tenter Terrace are unique in their own way. Each have different materials and styles. Personally likes the look of the dormer windows. It adds great character to the terrace just at the new build on the old Davidson's site has dormer windows which add great character.
- The proposed planning will modernize and improve the terrace and improve the quality of life for the occupants. The Victorian terraced houses which overlook Lady Walk never originally had dormer windows, most of them now do which are in more open sight and do not impact the perceived street scene.

### **General:**

- Concern regarding the external and internal structure of the house as it is the direct neighbour. Requests assurance from a qualified structural engineer that the works would not affect their own property. Although the concerns are noted they are not material planning matters.
- Prefer that the dormer windows to the front of the property were not erected as it would spoil the uniformity of the terrace.

### **Objection:**

- The objection is only in part. Object to the dormer windows to the front of the terrace as it is one of the oldest terraced properties in Morpeth, the front dormers would spoil the unique appeal.
- Concern regarding building works and foundations. This is not a material planning matter.
- Concern regarding TV reception. This is not a material planning matter.

## **6. Planning Policy**

### 6.1 Development Plan Policy

Morpeth Neighbourhood Plan Made Version (2017)

Policy Sus 1 - Sustainable development principles

Policy Des 1 - Design Principles

Policy Set 1 – Settlement Boundaries

Castle Morpeth District Local Plan (2003, saved policies 2007)

C1- Settlement boundaries

H14 - Improvements to existing housing

## 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2019)

NPPG - National Planning Practice Guidance (2018)

## 6.3 Other documents/strategies

Northumberland Local Plan Publication Draft Plan (Regulation 19) (Submitted 29th May 2019)

Policy STP 2 - Presumption in favour of sustainable development

Policy STP 3 - Sustainable development

Policy HOU 9 - Residential development management

Policy QOP 1 - Design principles

Policy QOP 2 - Good design and amenity

## **7. Appraisal**

7.1 The main issues for consideration in the determination of this application are:

- Principle of the development
- Design and visual impact
- Impact on residential amenity

In accordance with paragraph 48 of the NPPF, local planning authorities (LPA's) may also give weight to relevant policies within emerging plans depending on the stage of preparation, extent of unresolved objections and the degree of consistency with the NPPF. Policies contained within the Northumberland Local Plan Publication Draft Plan (regulation 19) (submitted) can therefore be given some weight in the assessment of this application.

### **Principle of the development**

7.2 The submitted details indicate works that are domestic in nature within residential curtilage. The application site is situated within a recognised settlement boundary and therefore the principle of development is acceptable and in accordance with Policies C1 and H14 of the Castle Morpeth District Local Plan and the NPPF.

### **Design and visual impact**

7.3 Policy Des 1 of the MNP details that development will be supported where it demonstrates a positive contribution to its surroundings. These provisions are mirrored within policy H14 of the CMDLP which seeks to ensure there is no adverse impact upon the appearance of the property or street scene. The NPPF also outlines its approach for good design within paragraph 124, recognising it as a key aspect of sustainable development.

7.4 Policy QOP 1 of the NLPPD can also be given consideration in the assessment of this proposal. This policy stipulates proposals must contribute

or enhance positive aspects of local character whilst incorporating high quality aesthetics, materials and detailing.

- 7.5 No. 4 Tenter Terrace is a mid terrace dwelling. The front of the terrace is uniform with a footpath as access to the terrace with gardens opposite. There are 2no front dormers proposed which include pitched roofs. It is considered they are an acceptable size and are appropriate design for the terrace. Although no front dormers are identified at neighbouring properties, it is considered that the proposed front dormers would not detract from the existing character of Tenter Terrace. It is acknowledged that both letters of support and objection received give regard to the design of the front dormers. Although these are noted, it is considered that as Tenter Terrace is accessed from a footpath, views of the front roofscape from the public domain would be limited and relatively unimposing. It is therefore considered that the front dormers are acceptable in terms of design.
- 7.6 The rear of Tenter Terrace is not uniform with a variety of different offshoots at ground and first floor. The proposed first floor rear extension is considered an acceptable addition to the existing rear offshoot. The proposed first floor extension does not project beyond the existing rear elevation. The first floor extension indicates minor alterations which include a pitched roof. It is considered that the extension would contribute to an improved appearance to the rear of Tenter Terrace.
- 7.7 The proposal includes a flat roof dormer to the rear which is set below ridge height. It is considered that the flat roof dormer is not a favourable design. However, the dormer is located to the rear. As stated, the rear of Tenter Terrace is not uniform and the proposed rear dormer would not detract from the character of the roofscape. The proposed rear dormer could be constructed under permitted development, this constitutes the fall back position of what could be constructed without planning permission. It would therefore be unreasonable to refuse the application on design grounds for the rear flat roof dormer.
- 7.8 The proposal is considered to be an acceptable addition to the site with the size and massing relating well to the existing property. The proposed rear extension would not project beyond the existing rear offshoot and the dormer windows are set below the ridge line to the front and rear to ensure all works are viewed as subservient to the original dwelling. On balance, the proposed works as indicated within the submitted details are considered acceptable as they would be sympathetic to the style of the host property. The materials proposed are sensitive to the existing dwelling to ensure the extensions are in keeping with the street scene. As such, the proposal is considered to accord with the provisions of relevant neighbourhood plan policies, local plan policies, the NPPF and the NLPPD.

#### **Impact on residential amenity**

- 7.9 A site visit was carried out by the officer to assess the proposal and any potential impact upon the amenity of neighbouring residents. It was considered that the proposed front and rear dormers would not create an adverse impact on neighbouring amenity due to their location. The proposed

rear extension would not impact on any windows for the neighbouring property to the south, nor would it adjoin the neighbouring property to the north. It is noted that none of the comments of objections received cited impact on neighbouring amenity. Taking this into consideration, it is considered that there would not be an adverse impact on residential amenity caused by the proposal and it therefore accords with provisions of relevant neighbourhood plan policies, local plan policies, the NPPF and the NLPPD in terms of residential amenity.

### **Equality Duty**

- 7.10 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**

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

### **Human Rights Act Implications**

- 7.12 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.
- 7.13 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.
- 7.14 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.

## **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 91 of the Town and Country Planning Act 1990 (as amended)

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

1. Proposed Floor Plans & Elevations, drawing no. 02, Rev: A, October 2018.
2. Existing & Proposed Site Plans, drawing no. 03, Rev: A, December 2018.

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

03. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of policy H14 of the Castle Morpeth District Local Plan.

## **Informatives**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: <https://www.gov.uk/government/organisations/the-coal-authority>

**Date of Report:** 29<sup>th</sup> May 2019

**Background Papers:** Planning application file(s) 18/04437/FUL