

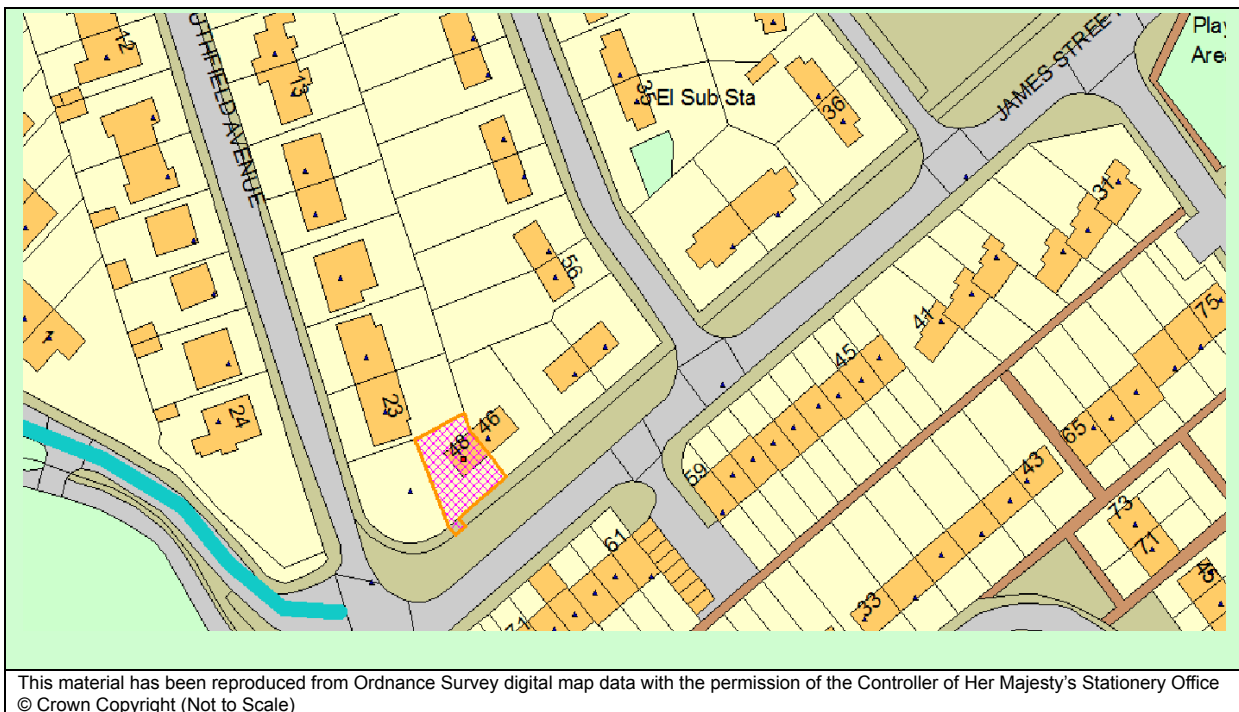


Northumberland County Council

North Northumberland Local Area Council Planning Committee 21st May 2019

Application No:	19/00106/FUL		
Proposal:	Front ground floor extension.(Retrospective)		
Site Address	48 James Street, Seahouses, NE68 7YE		
Applicant:	Mr Colin Rutter 80 Kings Street, Seahouses, NE68 7SX,	Agent:	Mr Michael Rathbone 5 Church Hill, Chatton, Alnwick NE66 5PY
Ward	Bamburgh	Parish	North Sunderland
Valid Date:	7 February 2019	Expiry Date:	4 April 2019
Case Officer Details:	Name: Mrs Esther Ross Job Title: Planning Technician Tel No: 01670 622688 Email: esther.ross@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

1.1 This application is to be determined at the North Northumberland Local Area Council in accordance with the Council's Scheme of Delegation.

1.2 An objection from a statutory consultee has been lodged which is contrary to officer recommendation. The Parish Council is a statutory consultee in areas

where there is an adopted Neighbourhood Plan. In this instance Seahouses falls within the designation of the North Northumberland Coast Neighbourhood Plan.

2. Description of the Proposals

2.1 Retrospective permission is sought for the creation of a single storey lean-to extension at 48 James Street, Seahouses. The extension projects 2.0m and has an eaves height of 2.5m, an overall height of 3.4m and a width of 7.8m. The materials match those used in the exterior of the existing dwellinghouse.

2.2 The application originally proposed a first floor extension over an existing single storey projection at the rear of the dwelling, however, this element of the proposal has been omitted following concerns raised regarding the creation of an overbearing form of development. Following submission of amended plans, development has commenced on site resulting in the application being retrospective.

2.3 48 James Street is an end terrace property neighbored by a new build property, 25 Southfield Avenue, built in a subdivided section of the garden space of 48 James Street.

2.4 The site lies within the Coastal Area of Outstanding Natural Beauty (AONB).

3. Planning History

Reference Number: 17/02551/FUL

Description: Proposed new single one and a half storey dwelling on land to the west of 48 James Street Seahouses (as amended 11/10/17)

Status: PER

Reference Number: 18/02405/DISCON

Description: Discharge of conditions 5 (scheme of intrusive site investigations) and 6 (Construction Method Statement) on approved planning application 17/02551/FUL

Status: CONWD

4. Consultee Responses

North Sunderland And Seahouses PC	<p>OBJECTION</p> <p>The plans show incorrect boundary lines.</p> <p>The plan for vehicle parking spaces is shown on the planning applications for the adjacent property on the corner of Southfield Avenue which is not now correct.</p> <p>Because there is no vehicle access to the property as:</p> <ol style="list-style-type: none">1. There is now no access via 25 Southfield Avenue, which shares the same land, as a fence has been erected at the back preventing vehicles from driving into the property and along the side of the property to reach 48 James Street. The property in Southfield Avenue has also landscaped the side of the house which will also hinder vehicle access.2. Vehicle access from James Street would require mounting the pavement, driving across the grass verge and the footpath which is the property of NCC Highways and will cause damage.
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Northumberland Coast AONB	The Northumberland Coast AONB Partnership does not wish to offer any comment in relation to the proposal outlined above.
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5. Public Responses

Neighbour Notification

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

Notices

No Site Notice Required.

No Press Notice Required.

Summary of Responses:

At the time of writing this report one neighbour letter has been received in support of the original proposal. The comments related solely to the rear first floor extension which no longer forms part of the proposal.

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

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PLBA9NQSLCD00>

6. Planning Policy

6.1 Development Plan Policy

Residential Extensions/Alterations Guidance Leaflet Berwick-Upon-Tweed Borough Council (1998)

4.4 Emerging Policy

North Northumberland Coastal Neighbourhood Plan (2017)
(NNCNP)

Policy 5 Design in New Development

6.2 National Planning Policy

National Planning Policy Framework (2019)

National Planning Practice Guidance (2019, as updated)

6.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) (updated February 2019)

7. Appraisal

7.1 The main issues for consideration in the determination of this application are:
Principle of the development;
Design and visual impact; and,
Impact on amenity.
Parish Council Objection

Principle of the development

7.2 The application relates to works that are domestic in nature within residential curtilage. The principle of development is acceptable and in accordance with Policies F1 and F2 of the Berwick-upon-Tweed Local Plan and the NPPF.

7.3 The emerging Northumberland Local Plan was published in draft for consultation on 30.01.19. Policies HOU8, QOP1, QOP2 and ENV5 from this document are considered to be of relevance to this application and the application would accord with such policies. However in accordance with Paragraph 48 of the NPPF; the policies contained within the document at this stage carry minimal weight in the appraisal of planning applications.

Design issues

7.4 The works do not have a significant adverse impact on the visual amenity of the dwellinghouse or street scene. The extension has a projection and height that allow the development to be read as a later addition to the property whilst the palette of materials allows the extension to harmonise with the original building and its neighbours. The size, scale and mass of the extension are subservient to the main dwelling.

7.5 The site lies within the Coastal AONB and as such the AONB partnership were consulted on the proposal. They returned comment that they did not wish to offer any comment. Officers are minded to conclude there is no impact on the special character of the AONB resulting from the proposed extension.

7.6 Therefore, the extension is considered acceptable in terms of design in accordance with Policy 5 of the NNCNP and F2 of the Berwick upon Tweed Borough Local Plan and the NPPF.

Impact on amenity

7.7 Given the proposed roof type, depth of the extension and orientation of 48 James Street to its adjoining neighbour it is considered that the extension does not cause any undue loss of light, loss of privacy or result in the creation of an overbearing form of development.

7.8 The extension is therefore considered acceptable in this respect, in accordance with the NPPF.

Parish Council Objection

7.9 The Parish Council submitted an objection on the grounds that the site boundaries shown are not correct and that the vehicular access to 48 James Street would require said vehicles to cross over a grass verge, thus causing damage.

7.10 Planning Officers note these concerns, however, the red line boundary submitted for the application is accurate as compared to the physical boundaries as observed on the site visit. It is acknowledged that the planning history for 25 Southfield (allowed under 17/02551/FUL, and subsequent variation 18/03295/VARYCO) does show an area of the land associated with 48 James Street as being part of the application for 25 Southfield. However, this relates to a condition attached to the consent for the construction of 25 Southfield that requires parking space for 48 James Street to be provided. As this condition relates to a separate application it does not form part of the considerations for this application.

7.11 With regards the issue of the crossing of the verge and or the creation of a new access to the front of 48 James Street these works can be undertaken as permitted development subject to the limitations and conditions as set out in Class F of Part 1 of the GDPO 2015 and Class B of Part 2 of GDPO 2015. Therefore it is considered this matter does not warrant further consideration in the determination of the proposal to create a front extension to the property.

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

The proposal is therefore considered to be acceptable and in accordance with Policy 5 of the NNCNP, Policy F2 of the Berwick upon Tweed Borough Local Plan 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 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

Proposed plans and elevations dwg no 31/17 as received 11.04.19
Location plan as received 15.01.19

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

Date of Report: 03.05.19

Background Papers: Planning application file(s) 19/00106/FUL

